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# Contents

Federal Register

Vol. 86, No. 17

Thursday, January 28, 2021

**Editorial Note:** The printed version of the Table of Contents of the **Federal Register** for January 22, 2021, included an entry for the following documents. They were not published in the Federal Register:

**Agriculture Marketing Service**

Opportunity for Designation:

Urbana, Illinois; Sandusky, Michigan; Davenport, Iowa; Enid, Oklahoma; Keokuk, Iowa; Marshall, Montana; Council Bluffs, Iowa; Fremont, Nebraska; Annapolis, Maryland; Amarillo, Texas; Cairo, Illinois; Baton Rouge, Louisiana; Raleigh, North Carolina; Belmond, Iowa; and Ogden, Utah Areas; Request for Comments on the Official Agencies Servicing this Area

**Animal and Plant Health Inspection Service**

—Classify Canada as Level I for Bovine Tuberculosis and Brucellosis

—Classify the State of Sonora, Mexico, as Level I for Brucellosis

**Rural Business-Cooperative Service**

Request for Application:

Rural Business Development Grant Programs for Fiscal Year 2021

**Bureau of Ocean Energy Management**

**Bureau of Safety and Environmental Enforcement**

Risk Management, Financial Assurance and Loss Prevention: Withdrawal

**Centers for Medicare & Medicaid Services**

Agency Information Collection Activities; Proposals, Submissions, and Approvals

**International Trade Administration**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews: Initiation of Administrative Reviews

**National Park Service**

—Commercial Visitor Services: Concession Contracts

—Visitor Experience Improvements Authority Contracts

**Agriculture Department**

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7353–7354

**Antitrust Division**

**NOTICES**

Changes under the National Cooperative Research and Production Act:

Border Security Technology Consortium, 7416

ODVA, Inc., 7416

Subcutaneous Drug Development and Delivery Consortium, Inc., 7415–7416

**Bureau of the Fiscal Service**

**NOTICES**

Contract Disputes Act:

Prompt Payment Interest Rate, 7457–7458

**Centers for Disease Control and Prevention**

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7386–7387, 7391–7401 Meetings:

Advisory Board on Radiation and Worker Health, National Institute for Occupational Safety and Health; Correction, 7391

Advisory Board on Radiation and Worker Health, Subcommittee on Dose Reconstruction Review, National Institute for Occupational Safety and Health; Correction, 7392

Requirement for Negative Pre-Departure COVID–19 Test Result or Documentation of Recovery from COVID–19 for All Airline or Other Aircraft Passengers Arriving into the United States from Any Foreign Country, 7387–7391

**Centers for Medicare & Medicaid Services**

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals; 7401–7402

**Civil Rights Commission**

**NOTICES**

Meetings:

New Jersey Advisory Committee, 7354

Washington Advisory Committee, 7354–7355

**Commerce Department**

See Foreign-Trade Zones Board

See International Trade Administration

See National Oceanic and Atmospheric Administration

**Commodity Futures Trading Commission**

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7366–7368

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Whistleblower Provision, 7368–7369

**Comptroller of the Currency**

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of 250 Billion Dollars or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act, 7456–7457

**Defense Department**

See Engineers Corps

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7369

**Delaware River Basin Commission**

**NOTICES**

Public Hearing, 7372

**Drug Enforcement Administration****NOTICES**

Importer of Controlled Substances Application:  
Indigenous Peyote Conservation Initiative, 7416–7417

**Education Department****NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Asian American and Native American Pacific Islander-  
Serving Institutions Program Application, 7372–7373

**Energy Department**

See Federal Energy Regulatory Commission

**Engineers Corps****NOTICES**

Sabine Neches Navigation District User Fee, 7369–7372

**Federal Aviation Administration****RULES**

IFR Altitudes; Miscellaneous Amendments, 7337–7344

**NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Entry Point Filing Form, International Registry, 7453–  
7454

Meetings:

Drone Advisory Committee, 7453

**Federal Bureau of Investigation****NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Crime Data Explorer Feedback Survey, 7417  
Hate Crime Incident Report, 7417–7418

**Federal Energy Regulatory Commission****NOTICES**

Application:  
Midwest Hydro, LLC, 7376  
Combined Filings, 7376–7379  
Environmental Assessments; Availability, etc.:  
Village of Gouverneur, NY, 7373  
Records Governing Off-the-Record Communications, 7375  
Request under Blanket Authorization:  
Gulf South Pipeline Co., LLC, 7373–7375  
Southern Star Central Gas Pipeline, Inc., 7377–7378  
Transcontinental Gas Pipe Line Co., LLC, 7379–7382

**Federal Reserve System****NOTICES**

Proposals to Engage in or to Acquire Companies Engaged in  
Permissible Nonbanking Activities, 7382

**Federal Trade Commission****NOTICES**

Proposed Consent Order:  
Flo Health, Inc., 7382–7386

**Financial Crimes Enforcement Network****RULES**

Inflation Adjustment of Civil Monetary Penalties, 7348–  
7349

**PROPOSED RULES**

Requirements for Certain Transactions Involving  
Convertible Virtual Currency or Digital Assets, 7352

**Fiscal Service****NOTICES**

Contract Disputes Act:  
Prompt Payment Interest Rate, 7457–7458

**Foreign Assets Control Office****NOTICES**

Blocking or Unblocking of Persons and Properties, 7458–  
7459

**Foreign-Trade Zones Board****NOTICES**

Approval of Subzone Status:  
JJS Transportation and Distribution Co Inc.; Valley  
Stream, NY, 7355

**Health and Human Services Department**

See Centers for Disease Control and Prevention  
See Centers for Medicare & Medicaid Services  
See Health Resources and Services Administration

**Health Resources and Services Administration****NOTICES**

Meetings:  
Advisory Committee on Childhood Vaccines, 7402–7403

**Indian Affairs Bureau****RULES**

Annual Adjustments:  
Civil Penalties Inflation Adjustments, 7344–7348

**Interior Department**

See Indian Affairs Bureau  
See National Park Service

**International Trade Administration****NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Special American Business Internship Training  
Participant Application, Participant Survey, Alumni  
Survey, 7362–7363  
Antidumping or Countervailing Duty Investigations, Orders,  
or Reviews:  
Certain Oil Country Tubular Goods from the Socialist  
Republic of Vietnam, 7358–7361  
Certain Steel Grating from the People's Republic of  
China, 7356–7357  
Certain Steel Nails from the Sultanate of Oman, 7355–  
7356  
Drawn Stainless Steel Sinks from the People's Republic  
of China, 7363–7365  
Glycine from the People's Republic of China, 7357–7358  
Polyethylene Terephthalate Resin from the Sultanate of  
Oman, 7361–7362

**International Trade Commission****NOTICES**

Complaint:  
Certain IP Camera Systems Including Video Doorbells  
and Components Thereof, 7412–7413  
Certain Portable Battery Jump Starters and Components  
Thereof, 7413–7414  
Investigations; Determinations, Modifications, and Rulings,  
etc.:  
Certain Motorized Self-Balancing Vehicles, 7414–7415  
Crepe Paper from China, 7411  
Non-Refillable Steel Cylinders from China, 7411–7412

**Justice Department***See* Antitrust Division*See* Drug Enforcement Administration*See* Federal Bureau of Investigation**NOTICES**

Proposed Consent Decree:

CERCLA, 7419

CERCLA; Clean Water Act; Oil Pollution Act, 7418–7419

Clean Air Act, 7419–7421

**Labor Department***See* Labor Statistics Bureau**Labor Statistics Bureau****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7421–7423

**Legal Services Corporation****RULES**

Income Level for Individuals Eligible for Assistance, 7350–7351

**Management and Budget Office****NOTICES**

Final Sequestration Report to the President and Congress for Fiscal Year 2021, 7423–7424

Memorandum for the Heads of Executive Departments and Agencies, 7424–7425

**National Oceanic and Atmospheric Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

A Coastal Management Needs Assessment and Market Analysis for Financing Resilience, 7365–7366

**National Park Service****NOTICES**

Repatriation of Cultural Items:

Geneva Historical Society, Geneva, NY, 7403

Tennessee Valley Authority, Knoxville, TN, 7408–7411

Inventory Completion:

Geneva Historical Society, Geneva, NY, 7407–7408

Indiana University, Bloomington, IN; Correction, 7409–7410

Museum of Ojibwa Culture and Marquette Mission Park—City of St. Ignace, St. Ignace, MI, 7404–7406

U.S. Department of Interior, Fish and Wildlife Service, Alaska Region, Anchorage, AK, 7406–7407

**Personnel Management Office****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Annuity Supplement Earnings Report, 7425

It's Time to Sign Up for Direct Deposit or Direct Express, 7425–7426

Meetings:

Federal Prevailing Rate Advisory Committee, 7426

**Presidential Documents****PROCLAMATIONS**

Health and Medical Care:

Coronavirus Disease 2019; Suspension of Entry as Immigrants and Nonimmigrants Certain Persons Who Pose a Risk of Transmitting (Proc. 10143), 7465–7470

**EXECUTIVE ORDERS**

Armed Forces, U.S.:

Servicemembers; Efforts To Enable All Qualified Americans To Serve Their Country in Uniform (EO 14004), 7471–7473

Labor:

America's Workers; Efforts To Ensure Future Is Made in All of America by All Workers (EO 14005), 7475–7479

**ADMINISTRATIVE ORDERS**

Health and Human Services:

COVID–19 Response; Extension of Federal Support for Governors' Use of National Guard and Increased Reimbursement and Other Assistance Provided to States (Memorandum of January 21, 2021), 7481–7482

**Securities and Exchange Commission****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7436–7437

Self-Regulatory Organizations; Proposed Rule Changes:

BOX Exchange LLC, 7437–7440

Cboe BZX Exchange, Inc., 7443–7446

Cboe C2 Exchange, Inc., 7426–7429

Cboe EDGX Exchange, Inc., 7433–7436, 7440–7443

Cboe Exchange, Inc., 7429–7433

NYSE Arca, Inc., 7446

**Social Security Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7446–7451

**State Department****NOTICES**

Culturally Significant Objects Imported for Exhibition:

Alice Neel: People Come First, 7451–7452

Calder—Picasso, 7452

Hockney-Van Gogh: The Joy of Nature, 7452

**Surface Transportation Board****NOTICES**

Continuance in Control Exemption:

Paul Didelius; RYAL, LLC, 7452–7453

**Transportation Department***See* Federal Aviation Administration**NOTICES**

Solicitation for Award:

Annual Combating Human Trafficking in Transportation Impact Award, 7454–7456

**Treasury Department***See* Bureau of the Fiscal Service*See* Comptroller of the Currency*See* Financial Crimes Enforcement Network*See* Fiscal Service*See* Foreign Assets Control Office**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7459–7461

**Veterans Affairs Department****RULES**

Prosthetic and Rehabilitative Items and Services; Delayed Effective Date, 7349–7350

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Application for Work Study Allowance; Student Work-Study Agreement (Advance Payment); Extended Student Work-Study Agreement; Student Work-Study Agreement, 7461  
Request for Change of Program or Place of Training, 7461–7462

Meetings:  
Health Services Research and Development Service Scientific Merit Review Board, 7463  
Research Advisory Committee on Gulf War Veterans' Illnesses, 7462

Requests for Nominations:  
Appointment to the Veterans' Rural Health Advisory Committee, 7463–7464  
Veterans' Advisory Committee on Rehabilitation, 7462–7463

---

**Separate Parts In This Issue****Part II**

Presidential Documents, 7465–7473, 7475–7479, 7481–7482

---

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**3 CFR****Proclamations:**

9984 (amended by Proc. 10143) .....	7467
9992 (amended by Proc. 10143) .....	7467
10143 .....	7467

**Executive Orders:**

10582 (superseded by EO 14005) .....	7475
13788 (revoked by EO 14005) .....	7475
13881 (superseded by EO 14005) .....	7475
13975 (revoked by EO 14005) .....	7475
14004 .....	7471
14005 .....	7475

**Administrative Orders:****Memorandums:**

Memorandum of March 23, 2018 (revoked by EO 14004) .....	7481
Memorandum of January 21, 2021 .....	7481

**14 CFR**

95 .....	7337
----------	------

**25 CFR**

140 .....	7344
141 .....	7344
211 .....	7344
213 .....	7344
225 .....	7344
226 .....	7344
227 .....	7344
243 .....	7344
249 .....	7344

**31 CFR**

1010 .....	7348
------------	------

**Proposed Rules:**

1010 .....	7352
1020 .....	7352
1022 .....	7352

**38 CFR**

17 .....	7349
----------	------

**45 CFR**

1611 .....	7350
------------	------

# Rules and Regulations

Federal Register

Vol. 86, No. 17

Thursday, January 28, 2021

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

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 95

[Docket No. 31354; Amdt. No. 557]

#### IFR Altitudes; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**DATES:** Effective 0901 UTC, February 25, 2021.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures

and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73125. Telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

#### The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

#### Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on January 22, 2021.

**Wade Terrell,**

*Aviation Safety, Manager, Flight Procedures & Airspace Group, Flight Technologies and Procedures Division.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, June 03, 2010.

■ 1. The authority citation for part 95 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

### REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS

[Amendment 557 effective date February 25, 2021]

FROM	TO	MEA	MAA
<b>§ 95.3000 Low Altitude RNAV Routes</b>			
<b>§ 95.3215 RNAV Route T215 is Amended by Adding</b>			
HOLSTON MOUNTAIN, TN VORTAC .....	HILTO, VA FIX .....	6700	17500
HILTO, VA FIX .....	FLENR, VA WP .....	6500	17500
FLENR, VA WP .....	RISTE, KY WP .....	6000	17500
* 4800—MCA RISTE, KY WP, SE BND			
RISTE, KY WP .....	HAZARD, KY DME .....	3800	17500
HAZARD, KY DME .....	HUGEN, KY WP .....	3200	17500

## REVISIONS TO IFR ALTITUDES &amp; CHANGEOVER POINTS—Continued

[Amendment 557 effective date February 25, 2021]

FROM	TO	MEA	MAA
HUGEN, KY WP .....	LEXINGTON, KY VOR/DME .....	3200	17500
<b>§ 95.3323 RNAV Route T323 is Amended by Adding</b>			
HIGGI, NC WP .....	KIDBE, TN WP .....	7700	17500
* 5900—MCA KIDBE, TN WP, S BND			
KIDBE, TN WP .....	ZADOT, TN WP .....	4100	17500
* 5000—MCA ZADOT, TN WP, N BND			
ZADOT, TN WP .....	WELLA, KY WP .....	5100	17500
* WELLA, KY WP .....	HAZARD, KY DME .....	3700	17500
* 3800—MCA WELLA, KY WP, S BND			
<b>§ 95.3338 RNAV Route T338 is Added to Read</b>			
DSIRE, NV WP .....	LNDIN, NV WP .....	7200	17500
LNDIN, NV WP .....	WYLND, NV WP .....	6600	17500
WYLND, NV WP .....	BOEGY, AZ WP .....	7700	17500
<b>§ 95.3354 RNAV Route T354 is Amended by Adding</b>			
BYZIN, MN WP .....	PARK RAPIDS, MN DME .....	3600	17500
<b>§ 95.3357 RNAV Route T357 is Added to Read</b>			
KONNG, NV WP .....	DICSA, NV FIX .....	7600	17500
DICSA, NV FIX .....	WANDR, NV WP .....	7600	17500
WANDR, NV WP .....	DSIRE, NV WP .....	6900	17500
<b>§ 95.3359 RNAV Route T359 is Added to Read</b>			
DANBY, CA FIX .....	WOPMA, CA FIX .....	10500	17500
WOPMA, CA FIX .....	DICSA, NV FIX .....	8300	17500
DICSA, NV FIX .....	RAATT, NV WP .....	7600	17500
RAATT, NV WP .....	DSIRE, NV WP .....	6300	17500
<b>§ 95.3361 RNAV Route T361 is Added to Read</b>			
BOEGY, AZ WP .....	PUTTT, AZ WP .....	7000	17500
PUTTT, AZ WP .....	DICSA, NV FIX .....	7600	17500
DICSA, NV FIX .....	WANDR, NV WP .....	7600	17500
WANDR, NV WP .....	LNDIN, NV WP .....	6300	17500
LNDIN, NV WP .....	SHIEK, NV WP .....	7700	17500
SHIEK, NV WP .....	MORMON MESA, NV VORTAC .....	7600	17500
* 5900—MOCA			
<b>§ 95.3363 RNAV Route T363 is Added to Read</b>			
DICSA, NV FIX .....	PUTTT, AZ WP .....	7600	17500
PUTTT, AZ WP .....	SHIEK, NV WP .....	7600	17500
SHIEK, NV WP .....	MORMON MESA, NV VORTAC .....	7600	17500
* 5900—MOCA			
<b>§ 95.4000 High Altitude RNAV Routes</b>			
<b>§ 95.4013 RNAV Route Q13 is Amended by Adding</b>			
EL PASO, TX VORTAC .....	VERNO, AZ FIX .....	#* 24000	45000
* 18000—GNSS MEA			
* DME/DME/IRU MEA			
VERNO, AZ FIX .....	NABOB, AZ FIX .....	#* 24000	45000
* 18000—GNSS MEA			
* DME/DME/IRU MEA			
NABOB, AZ FIX .....	DRAKE, AZ VORTAC .....	#* 24000	45000
* 18000—GNSS MEA			
* DME/DME/IRU MEA			
DRAKE, AZ VORTAC .....	WOTRO, AZ FIX .....	#* 24000	45000
* 18000—GNSS MEA			
* DME/DME/IRU MEA			
WOTRO, AZ FIX PRFUM, AZ FIX #* 24000 45000.			
* 18000—GNSS MEA			
* DME/DME/IRU MEA			
PRFUM, AZ FIX .....	HOUZZ, NV WP .....	#* 24000	45000
* 18000—GNSS MEA			

## REVISIONS TO IFR ALTITUDES &amp; CHANGEOVER POINTS—Continued

[Amendment 557 effective date February 25, 2021]

FROM	TO	MEA	MAA
* DME/DME/IRU MEA HOZZ, NV WP .....	FUULL, NV WP .....	* 25000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA FUULL, NV WP .....	SKANN, NV WP .....	* 25000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA SKANN, NV WP .....	LOMIA, NV WP .....	* 25000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA LOMIA, NV WP .....	RUFUS, CA WP .....	* 25000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA RUFUS, CA WP .....	PAWLI, OR WP .....	* 25000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA			
<b>Is Amended to Delete</b>			
PRFUM, AZ FIX .....	PAWLI, OR WP .....	* 18000	45000
* GNSS REQUIRED			
<b>§ 95.4015 RNAV Route Q15 is Amended by Adding</b>			
DOVEE, NV .....	FIX SOTOO, NV WP .....	* 24000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA SOTOO, NV WP .....	HOZZ, NV WP .....	* 24000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA HOZZ, NV WP .....	FUULL, NV WP .....	* 25000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA FUULL, NV WP .....	SKANN, NV WP .....	* 25000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA SKANN, NV WP .....	LOMIA, NV WP .....	* 25000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA			
<b>Is Amended to Delete</b>			
DOVEE, NV WP .....	BIKKR, NV WP .....	* 18000	45000
* GNSS REQUIRED			
BIKKR, CA WP .....	KENNO, NV WP .....	* 18000	45000
* GNSS REQUIRED			
KENNO, NV WP .....	RUSME, NV WP .....	* 18000	45000
* GNSS REQUIRED			
RUSME, NV WP .....	LOMIA, NV WP .....	* 18000	45000
* GNSS REQUIRED			
<b>Is Amended to Read in Part</b>			
CHILY, AZ FIX .....	DOVEE, NV FIX .....	* 24000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA			
<b>§ 95.4162 RNAV Route Q162 is Amended to Read in Part</b>			
NTELL, CA WP .....	CABAB, CA WP .....	* 24000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA			
<b>§ 95.4164 RNAV Route Q164 is Amended to Read in Part</b>			
NTELL, CA WP .....	CABAB, CA WP .....	* 24000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA			
<b>§ 95.4174 RNAV Route Q174 is Added to Read</b>			
NTELL, CA WP .....	CABAB, CA WP .....	* 24000	45000

## REVISIONS TO IFR ALTITUDES &amp; CHANGEOVER POINTS—Continued

[Amendment 557 effective date February 25, 2021]

FROM	TO	MEA	MAA
* 18000—GNSS MEA * DME/DME/IRU MEA CABAB, CA WP .....	TTMSN, CA WP .....	* 24000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA TTMSN, CA WP .....	SKANN, NV WP .....	* 24000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA SKANN, NV WP .....	FLCHR, NV WP .....	* 24000	45000
* 18000—GNSS MEA * DME/DME/IRU MEA			

FROM	TO	MEA
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## § 95.6001 Victor Routes—U.S.

## § 95.6003 VOR Federal Airway V3 is Amended to Read in Part

OWENS, SC FIX .....	* VANCE, SC VORTAC .....	2000
* 13000—MCA VANCE, SC VORTAC, NE BND VANCE, SC VORTAC .....	* FLORENCE, SC VORTAC .....	** 13000
* 12000—MCA FLORENCE, SC VORTAC, SW BND ** 2000—GNSS MEA * #VANCE R-047 UNUSABLE, USE FLORENCE R-224		

## § 95.6006 VOR Federal Airway V6 is Amended to Delete

CLARION, PA VOR/DME .....	PHILIPSBURG, PA VORTAC .....	4000
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## § 95.6010 VOR Federal Airway V10 is Amended to Read in Part

TALLS, PA FIX .....	* REVLOC, PA VOR/DME. SE BND .....	4200
* 5000—MCA REVLOC, PA VOR/DME, SE BND.	NW BND .....	5000

## § 95.6015 VOR Federal Airway V15 is Amended to Delete

SIOUX CITY, IA VORTAC .....	SIOUX FALLS, SD VORTAC .....	3400
SIOUX FALLS, SD VORTAC .....	HURON, SD VOR/DME .....	3700
HURON, SD VOR/DME .....	ABERDEEN, SD VOR/DME .....	3000

## § 95.6021 VOR Federal Airway V21 is Amended to Read in Part

BULGY, CA FIX .....	* HECTOR, CA VORTAC .....	** 9000
* 8200—MCA HECTOR, CA VORTAC, NE BND ** 7000—MOCA HECTOR, CA VORTAC .....	* WHIGG, CA FIX .....	10500
* 12000—MRA WHIGG, CA FIX .....	BOULDER CITY, NV VORTAC .....	10500

## § 95.6026 VOR Federal Airway V26 is Amended to Delete

PIERRE, SD VORTAC .....	HURON, SD VOR/DME .....	4000
HURON, SD VOR/DME .....	OBITT, SD FIX .....	* 5000
* 4000—GNSS MEA OBITT, SD FIX .....	GHENT, MN WP .....	* 6000
* 3400—MOCA * 4000—GNSS MEA GHENT, MN WP .....	REDWOOD FALLS, MN VOR/DME .....	* 5000
* 4000—GNSS MEA		

## § 95.6030 VOR Federal Airway V30 is Amended to Delete

CLARION, PA VOR/DME .....	PHILIPSBURG, PA VORTAC .....	4000
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## § 95.6047 VOR Federal Airway V47 is Amended to Read in Part

CINCINNATI, KY VORTAC .....	ROSEWOOD, OH VORTAC .....	3100
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## § 95.6053 VOR Federal Airway V53 is Amended to Delete

HOLSTON MOUNTAIN, TN VORTAC .....	HAZARD, KY VOR/DME .....	6400
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FROM	TO	MEA
HAZARD, KY VOR/DME ..... * 6000—MRA IRVIN, KY FIX .....	* IRVIN, KY FIX ..... LEXINGTON, KY VOR/DME .....	4000 4000
<b>§ 95.6055 VOR Federal Airway V55 is Amended to Delete</b>		
PARK RAPIDS, MN VOR/DME ..... * 3200—MOCA * 3600—GNSS MEA BETRA, MN FIX ..... * 2400—MOCA	BETRA, MN FIX ..... GRAND FORKS, ND VOR/DME .....	* 4500 * 3300
<b>§ 95.6058 VOR Federal Airway V58 is Amended to Delete</b>		
GRACE, PA FIX ..... * 4000—MRA EARED, PA FIX ..... * 4100—MOCA * 5000—GNSS MEA	* EARED, PA FIX ..... PHILIPSBURG, PA VORTAC .....	3400 * 6000
<b>§ 95.6077 VOR Federal Airway V77 is Amended to Read in Part</b>		
FLECH, OK FIX ..... * 3800—MCA NEADS, OK FIX, S BND * 5400—MRA ** 3000—MOCA	* NEADS, OK FIX .....	** 3800
<b>§ 95.6078 VOR Federal Airway V78 is Amended to Delete</b>		
HURON, SD VOR/DME ..... * 3100—MOCA	WATERTOWN, SD VORTAC .....	* 3700
<b>§ 95.6100 VOR Federal Airway V100 is Amended to Delete</b>		
O'NEILL, NE VORTAC ..... SIOUX CITY, IA VORTAC .....	SIOUX CITY, IA VORTAC ..... FORT DODGE, IA VORTAC .....	3700 3000
<b>§ 95.6115 VOR Federal Airway V115 is Amended to Delete</b>		
VOLUNTEER, TN VORTAC ..... MALIN, TN FIX ..... ROSAR, KY FIX ..... HAZARD, KY VOR/DME ..... * 4800—MCA CHARLESTON, WV VOR/DME, SW BND ** 4000—GNSS MEA	MALIN, TN FIX ..... ROSAR, KY FIX ..... HAZARD, KY VOR/DME ..... * CHARLESTON, WV VOR/DME .....	4500 5000 5200 ** 6000
<b>Is Amended to Read in Part</b>		
VULCAN, AL VORTAC .....	CHOO CHOO, TN VORTAC .....	4000
<b>§ 95.6119 VOR Federal Airway V119 is Amended to Delete</b>		
INDIAN HEAD, PA VORTAC ..... * 4500—MOCA QUARY, PA FIX ..... TALLS, PA FIX ..... * 3200—MOCA	QUARY, PA FIX ..... TALLS, PA FIX ..... CLARION, PA VOR/DME .....	* 5000 4000 * 3700
<b>§ 95.6138 VOR Federal Airway V138 is Amended to Read in Part</b>		
OMAHA, IA VORTAC ..... * 3000—MOCA * 3000—GNSS MEA	FORT DODGE, IA VORTAC .....	* 4500
<b>§ 95.6140 VOR Federal Airway V140 is Amended to Delete</b>		
LONDON, KY VOR/DME ..... HAZARD, KY VOR/DME ..... * 4200—MOCA * 4200—GNSS MEA STACY, VA FIX .....	HAZARD, KY VOR/DME ..... STACY, VA FIX ..... KENYA, WV FIX. W BND 5000. E BND 5400. * BLUEFIELD, WV VOR/DME .....	4000 * 5000 5400

FROM	TO	MEA
<b>§ 95.6141 VOR Federal Airway V141 is Amended to Delete</b>		
MANCHESTER, NH VOR/DME ..... * 2100—MOCA	CONCORD, NH VOR/DME .....	* 2900
CONCORD, NH VOR/DME .....	KELLI, NH FIX .....	5000
KELLI, NH FIX .....	LEBANON, NH VOR/DME .....	* 4000
* 3600—MOCA		
LEBANON, NH VOR/DME .....	RUCKY, VT FIX .....	* 6000
* 4000—MOCA		
RUCKY, VT FIX .....	* BURLINGTON, VT VOR/DME .....	6300
* 4000—MCA BURLINGTON, VT VOR/DME, SE BND		
BURLINGTON, VT VOR/DME .....	BUGSY, NY FIX .....	* 9000
* 5100—MOCA		
* 5500—GNSS MEA		
BUGSY, NY FIX .....	MASSENA, NY VORTAC .....	* 9000
* 4000—MOCA		
* 4000—GNSS MEA		
<b>§ 95.6151 VOR Federal Airway V151 is Amended to Delete</b>		
GAILS, MA FIX .....	PROVIDENCE, RI VOR/DME .....	* 3000
* 2000—GNSS MEA		
PROVIDENCE, RI VOR/DME .....	PUTNAM, CT VOR/DME .....	* 3000
* 2100—MOCA		
PUTNAM, CT VOR/DME .....	GARDNER, MA VOR/DME .....	3000
GARDNER, MA VOR/DME .....	KEENE, NH VORTAC .....	3600
KEENE, NH VORTAC .....	STRUM, NH FIX .....	3600
STRUM, NH FIX .....	UNKER, NH WP .....	6000
UNKER, NH WP .....	MCADM, NH WP .....	4500
MCADM, NH WP .....	LEBANON, NH VOR/DME .....	* 4000
* 3500—MOCA		
LEBANON, NH VOR/DME .....	ZIECH, VT WP .....	* 4000
* 3600—MOCA		
ZIECH, VT WP .....	MONTPELIER, VT VOR/DME .....	* 4400
* 3900—MOCA		
MONTPELIER, VT VOR/DME .....	* BURLINGTON, VT VOR/DME .....	6300
* 5000—MCA BURLINGTON, VT VOR/DME, SE BND		
<b>§ 95.6157 VOR Federal Airway V157 is Amended to Read in Part</b>		
ALLENDALE, SC VOR .....	* VANCE, SC VORTAC .....	** 6000
* 13000—MCA VANCE, SC VORTAC, NE BND		
** 2000—GNSS MEA		
VANCE, SC VORTAC .....	* FLORENCE, SC VORTAC .....	*** 13000
* 12000—MCA FLORENCE, SC VORTAC, SW BND		
** 2000—GNSS MEA		
#VANCE R-047 UNUSABLE, USE FLORENCE R-224		
<b>§ 95.6159 VOR Federal Airway V15 is Amended to Delete</b>		
OMAHA, IA VORTAC .....	SIoux CITY, IA VORTAC .....	3000
SIoux CITY, IA VORTAC .....	OBERT, NE WP .....	* 4500
* 2700—MOCA		
OBERT, NE WP .....	YANKTON, SD VOR/DME .....	3400
YANKTON, SD VOR/DME .....	MITCHELL, SD VOR/DME .....	3300
MITCHELL, SD VOR/DME .....	HURON, SD VOR/DME .....	3000
<b>§ 95.6175 VOR Federal Airway V175 is Amended to Delete</b>		
DES MOINES, IA VORTAC .....	* LINDE, IA FIX .....	3500
* 5500—MRA		
LINDE, IA FIX .....	MADUP, IA FIX .....	* 5500
* 3000—MOCA		
MADUP, IA FIX .....	* WELTE, IA FIX .....	5500
* 3900—MRA		
WELTE, IA FIX .....	SIoux CITY, IA VORTAC.	
	W BND .....	3000
	E BND .....	5500
SIoux CITY, IA VORTAC .....	OYENS, IA WP .....	4400
OYENS, IA WP .....	WORTHINGTON, MN VOR/DME .....	* 6000
* 3600—GNSS MEA		
ALEXANDRIA, MN VOR/DME .....	PARK RAPIDS, MN VOR/DME .....	3300
PARK RAPIDS, MN VOR/DME .....	BLUOX, MN FIX.	
	S BND .....	3500
	NW BND .....	7000

FROM	TO	MEA
BLUOX, MN FIX .....	ROSEAU, MN VOR/DME .....	* 7000
* 2800—MOCA		
* 3300—GNSS MEA		
ROSEAU, MN VOR/DME .....	U.S. CANADIAN BORDER .....	* 3600
* 2600—MOCA		
<b>§ 95.6178 VOR Federal Airway V178 is Amended to Read in Part</b>		
LEXINGTON, KY VOR/DME .....	TRENT, KY FIX.	
	W BND .....	3400
	E BND .....	8000
<b>§ 95.6187 VOR Federal Airway V187 is Amended to Delete</b>		
THICK, WA FIX .....	MOUNT, WA FIX .....	10000
MOUNT, WA FIX .....	ORTIN, WA WP.	
	W BND .....	8000
	E BND .....	10000
ORTIN, WA WP .....	MCCHORD, WA TACAN .....	6000
MCCHORD, WA TACAN .....	OLYMPIA, WA VORTAC .....	6000
<b>§ 95.6219 VOR Federal Airway V219 is Amended to Delete</b>		
NORFOLK, NE VOR/DME .....	SIoux CITY, IA VORTAC .....	3600
<b>§ 95.6226 VOR Federal Airway V226 is Amended to Delete</b>		
GRACE, PA FIX .....	CLARION, PA VOR/DME .....	3400
CLARION, PA VOR/DME .....	KEATING, PA VORTAC .....	4000
<b>§ 95.6229 VOR Federal Airway V229 is Amended to Read in Part</b>		
KEENE, NH VORTAC .....	JAMMA, VT FIX .....	4500
JAMMA, VT FIX .....	MUDDI, VT FIX .....	6400
<b>§ 95.6283 VOR Federal Airway V283 is Amended to Read in Part</b>		
BULGY, CA FIX .....	* HECTOR, CA VORTAC .....	** 9000
* 8200—MCA HECTOR, CA VORTAC, NE BND		
** 7000—MOCA		
HECTOR, CA VORTAC .....	* WHIGG, CA FIX .....	10500
* 12000—MRA		
WHIGG, CA FIX .....	BOULDER CITY, NV VORTAC .....	10500
<b>§ 95.6307 VOR Federal Airway V307 is Amended to Delete</b>		
OMAHA, IA VORTAC .....	SIoux CITY, IA VORTAC .....	3000
<b>§ 95.6310 VOR Federal Airway V310 is Amended to Read in Part</b>		
LONDON, KY VOR/DME .....	ROSAR, KY FIX.	
	SE BND .....	* 6900
	NW BND .....	* 5500
* 4100—MOCA		
<b>§ 95.6321 VOR Federal Airway V321 is Amended to Read in Part</b>		
GADSDEN, AL VOR/DME .....	ALBER, AL FIX .....	3100
ALBER, AL FIX .....	ROCKET, AL VORTAC .....	3700
<b>§ 95.6339 VOR Federal Airway V339 is Amended to Delete</b>		
HAZARD, KY VOR/DME .....	TRENT, KY FIX .....	4000
TRENT, KY FIX .....	FALMOUTH, KY VOR/DME .....	3500
<b>§ 95.6496 VOR Federal Airway V496 is Amended to Delete</b>		
LEBANON, NH VOR/DME .....	GRUMP, NH FIX .....	5000
GRUMP, NH FIX .....	NEETS, NH FIX .....	4000
NEETS, NH FIX .....	KENNEBUNK, ME VOR/DME .....	3600
<b>§ 95.6542 VOR Federal Airway V542 is Amended to Delete</b>		
ROCKDALE, NY VOR/DME .....	ALBANY, NY VORTAC .....	4000
ALBANY, NY VORTAC .....	CAMBRIDGE, NY VOR/DME .....	#* 4000
* 3000—MOCA		

FROM	TO	MEA
#ALB R-067 UNUSABLE CAMBRIDGE, NY VOR/DME .....	* JAMMA, VT FIX .....	6200
* 5000—MCA JAMMA, VT FIX, W BND JAMMA, VT FIX .....	LEBANON, NH VOR/DME .....	5000

**§ 95.6587 VOR Federal Airway V587 is Amended to Read in Part**

DAGGETT, CA VORTAC .....	* WHIGG, CA FIX .....	10500
* 12000—MRA WHIGG, CA FIX .....	BOULDER CITY, NV VORTAC .....	10500

**§ 95.6481 Alaska VOR Federal Airway V481 is Amended to Read in Part**

* JOHNSTONE POINT, AK VOR/DME .....	FIDAL, AK FIX .....	14000
* 14000—MCA JOHNSTONE POINT, AK VOR/DME, N BND. FIDAL, AK FIX .....	ROBES, AK FIX .....	14000
ROBES, AK FIX .....	* KLUNG, AK FIX .....	14000
* 11200—MCA KLUNG, AK FIX, S BND KLUNG, AK FIX .....	GULKANA, AK VOR/DME. S BND .....	10000
	N BND .....	7000

FROM	TO	MEA	MAA
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**§ 95.7001 Jet Routes**

**§ 95.7089 Jet Route J89 is Amended to Read in Part**

BADGER, WI VOR/DME .....	DULUTH, MN VORTAC .....	#18000	45000
#BADGER R-322 UNUSABLE			

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM

**§ 95.8003 VOR Federal Airway Changeover Point V3 is Amended to Delete Changeover Point**

VANCE, SC VORTAC .....	FLORENCE, SC VORTAC .....	21	VANCE.
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**V55 is Amended to Delete Changeover Point**

PARK RAPIDS, MN VOR/DME .....	GRAND FORKS, ND VOR/DME .....	64	PARK RAPIDS.
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**V115 is Amended to Delete Changeover Point**

HAZARD, KY VORTAC .....	CHARLESTON, SC VOR/DME .....	40	HAZARD.
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[FR Doc. 2021-01832 Filed 1-27-21; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

[212A2100DD/AAKC001030/  
A0A501010.999900253G]

**25 CFR Parts 140, 141, 211, 213, 225,  
226, 227, 243 and 249**

RIN 1076-AF52

**Civil Penalties Inflation Adjustments;  
Annual Adjustments**

**AGENCY:** Bureau of Indian Affairs,  
Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule provides for annual adjustments to the level of civil monetary penalties contained in Bureau of Indian Affairs (Bureau) regulations to

account for inflation under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget (OMB) guidance.

**DATES:** This rule is effective on January 28, 2021.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Appel, Director, Office of Regulatory Affairs and Collaborative Action, Office of the Assistant Secretary—Indian Affairs; telephone (202) 273-4680, [elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Calculation of Annual Adjustments
- III. Procedural Requirements
  - A. Regulatory Planning and Review (E.O. 12866 and 13563)
  - B. Reducing Regulation and Controlling Regulatory Costs (E.O. 13771)
  - C. Regulatory Flexibility Act

- D. Small Business Regulatory Enforcement Fairness Act
- E. Unfunded Mandates Reform Act
- F. Takings (E.O. 12630)
- G. Federalism (E.O. 13132)
- H. Civil Justice Reform (E.O. 12988)
- I. Consultation With Indian Tribes (E.O. 13175)
- J. Paperwork Reduction Act
- K. National Environmental Policy Act
- L. Effects on the Energy Supply (E.O. 13211)
- M. Clarity of This Regulation
- N. Administrative Procedure Act

**I. Background**

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114-74) (“the Act”). The Act requires Federal agencies to adjust the level of civil monetary penalties with an initial “catch-up” adjustment through rulemaking and then make subsequent annual adjustments for inflation. The

purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes.

The Office of Management and Budget (OMB) issued guidance for Federal agencies on calculating the catch-up adjustment. See February 24, 2016, Memorandum for the Heads of Executive Departments and Agencies, from Shaun Donovan, Director, Office of Management and Budget, re: *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (M-16-06). Under the guidance, the Department identified applicable civil monetary penalties and calculated the catch-up adjustment. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation, and is assessed or enforceable through a civil action in Federal court or an administrative proceeding. A civil monetary penalty does not include a penalty levied for violation of a criminal statute, or fees for services, licenses, permits, or other regulatory review. The calculated catch-up adjustment is based on the percent change between the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October in the year of the previous

adjustment (or in the year of establishment, if no adjustment has been made) and the October 2015 CPI-U.

The Bureau issued an interim final rule providing for calculated catch-up adjustments on June 30, 2016 (81 FR 42478) with an effective date of August 1, 2016, and requesting comments post-promulgation. The Bureau issued a final rule affirming the catch-up adjustments set forth in the interim final rule on December 2, 2016 (81 FR 86953). The Bureau then issued a final rule making the next scheduled annual inflation adjustment for 2017 on January 23, 2017 (82 FR 7649), for 2018 on February 6, 2018 (83 FR 5192), for 2019 on April 15, 2019 (84 FR 15098), and for 2020 on February 19, 2020 (85 FR 9366).

**II. Calculation of 2021 Annual Adjustments**

OMB recently issued guidance to assist Federal agencies in implementing the annual adjustments required by the Act, which agencies must complete by January 15, 2021. See December 23, 2020, Memorandum for the Heads of Executive Departments and Agencies, from Russell T. Vought, Director, Office of Management and Budget, re: *Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation*

*Adjustment Act Improvements Act of 2015* (M-21-10). The guidance states that the cost-of-living adjustment multiplier for 2021, based on the Consumer Price Index (CPI-U) for the month of October 2020, not seasonally adjusted, is 1.01182. (The annual inflation adjustments are based on the percent change between the October CPI-U preceding the date of the adjustment, and the prior year's October CPI-U. For 2021, OMB explains, October 2020 CPI-U (260.388)/October 2019 CPI-U (257.346) = 1.01182.) The guidance instructs agencies to complete the 2021 annual adjustment by multiplying each applicable penalty by the multiplier, 1.01182, and rounding to the nearest dollar. Further, agencies should apply the multiplier to the most recent penalty amount that includes the initial catch-up adjustment required by the Act.

The annual adjustment applies to all civil monetary penalties with a dollar amount that are subject to the Act. This final rule adjusts the following civil monetary penalties contained in the Bureau's regulations for 2021 by multiplying 1.01182 (i.e., the cost-of-living adjustment multiplier for 2021) by each penalty amount as updated by the adjustment made in the prior year (2020):

CFR citation	Description of penalty	Current penalty including catchup adjustment	Annual adjustment (multiplier)	Adjusted penalty for 2021
25 CFR 140.3	Penalty for trading in Indian country without a license	\$1,352	1.01182	\$1,368
25 CFR 141.50	Penalty for trading on Navajo, Hopi or Zuni reservations without a license.	1,352	1.01182	1,368
25 CFR 211.55	Penalty for violation of leases of Tribal land for mineral development, violation of part 211, or failure to comply with a notice of noncompliance or cessation order.	1,626	1.01182	1,645
25 CFR 213.37	Penalty for failure of lessee to comply with lease of restricted lands of members of the Five Civilized Tribes in Oklahoma for mining, operating regulations at part 213, or orders.	1,352	1.01182	1,368
25 CFR 225.37	Penalty for violation of minerals agreement, regulations at part 225, other applicable laws or regulations, or failure to comply with a notice of noncompliance or cessation order.	1,721	1.01182	1,741
25 CFR 226.42	Penalty for violation of lease of Osage reservation lands for oil and gas mining or regulations at part 226, or noncompliance with the Superintendent's order.	965	1.01182	976
25 CFR 226.43(a)	Penalty per day for failure to obtain permission to start operations	96	1.01182	97
25 CFR 226.43(b)	Penalty per day for failure to file records	96	1.01182	97
25 CFR 226.43(c)	Penalty for each well and tank battery for failure to mark wells and tank batteries.	96	1.01182	97
25 CFR 226.43(d)	Penalty each day after operations are commenced for failure to construct and maintain pits.	96	1.01182	97
25 CFR 226.43(e)	Penalty for failure to comply with requirements regarding valve or other approved controlling device.	193	1.01182	195
25 CFR 226.43(f)	Penalty for failure to notify Superintendent before drilling, redrilling, deepening, plugging, or abandoning any well.	385	1.01182	390
25 CFR 226.43(g)	Penalty per day for failure to properly care for and dispose of deleterious fluids.	965	1.01182	976
25 CFR 226.43(h)	Penalty per day for failure to file plugging and other required reports	96	1.01182	97

CFR citation	Description of penalty	Current penalty including catchup adjustment	Annual adjustment (multiplier)	Adjusted penalty for 2021
25 CFR 227.24 .....	Penalty for failure of lessee of certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining to comply with lease provisions, operating regulations, regulations at part 227, or orders.	1,352	1.01182	1,368
25 CFR 243.8 .....	Penalty for non-Native transferees of live Alaskan reindeer who violates part 243, takes reindeer without a permit, or fails to abide by permit terms.	6,376	1.01182	6,451
25 CFR 249.6(b) .....	Penalty for fishing in violation of regulations at part 249 (Off-Reservation Treaty Fishing).	1,352	1.01182	1,368

Consistent with the Act, the adjusted penalty levels for 2021 will take effect immediately upon the effective date of the adjustment. The adjusted penalty levels for 2021 will apply to penalties assessed after that date including, if consistent with agency policy, assessments associated with violations that occurred on or after November 2, 2015 (the date of the Act). The Act does not, however, change previously assessed penalties that the Bureau is collecting or has collected. Nor does the Act change an agency's existing statutory authorities to adjust penalties.

### III. Procedural Requirements

#### A. Regulatory Planning and Review (E.O. 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

#### B. Reducing Regulation and Controlling Regulatory Costs (Executive Order 13771)

This rule is not an E.O. 13771 regulatory action because this rule is not significant under Executive Order 12866.

#### C. Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rule makes adjustments for inflation.

#### D. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- (a) Does not have an annual effect on the economy of \$100 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### E. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

#### F. Takings (E.O. 12630)

This rule does not affect a taking of private property or otherwise have taking implications under Executive

Order 12630. A takings implication assessment is not required.

#### G. Federalism (E.O. 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism summary impact statement is not required.

#### H. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule: (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and (b) meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

#### I. Consultation With Indian Tribes (E.O. 13175 and Departmental policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian Tribes and that consultation under the Department's Tribal consultation policy is not required.

#### J. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of

information unless it displays a currently valid OMB control number.

#### *K. National Environmental Policy Act*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by a categorical exclusion. This rule is excluded from the requirement to prepare a detailed statement because it is a regulation of an administrative nature. (For further information see 43 CFR 46.210(i)). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

#### *L. Effects on the Energy Supply (E.O. 13211)*

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

#### *M. Administrative Procedure Act*

The Act requires agencies to publish annual inflation adjustments by no later than January 15, of each year, notwithstanding section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553). OMB has interpreted this direction to mean that the usual APA public procedure for rulemaking—which includes public notice of a proposed rule, an opportunity for public comment, and a delay in the effective date of a final rule—is not required when agencies issue regulations to implement the annual adjustments to civil penalties that the Act requires. Accordingly, we are issuing the annual adjustments as a final rule without prior notice or an opportunity for comment and with an effective date immediately upon publication in the **Federal Register**.

Section 553(b) of the Administrative Procedure Act (APA) provides that, when an agency for good cause finds that “notice and public procedure . . . are impracticable, unnecessary, or contrary to the public interest,” the agency may issue a rule without providing notice and an opportunity for prior public comment. Under section 553(b), the Bureau finds that there is good cause to promulgate this rule without first providing for public comment. It would not be possible to meet the deadlines imposed by the Act if we were to first publish a proposed rule, allow the public sufficient time to submit comments, analyze the comments, and publish a final rule.

Also, the Bureau is promulgating this final rule to implement the statutory directive in the Act, which requires agencies to publish a final rule and to update the civil penalty amounts by applying a specified formula. The Bureau has no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Accordingly, it would serve no purpose to provide an opportunity for public comment on this rule prior to promulgation. Thus, providing for notice and public comment is impracticable and unnecessary.

Furthermore, the Bureau finds under section 553(d)(3) of the APA that good cause exists to make this final rule effective immediately upon publication in the **Federal Register**. In the Act, Congress expressly required Federal agencies to publish annual inflation adjustments to civil penalties in the **Federal Register** by January 15 of each year, notwithstanding section 553 of the APA. Under the statutory framework and OMB guidance, the new penalty levels take effect immediately upon the effective date of the adjustment. The statutory deadline does not allow time to delay this rule’s effective date beyond publication. Moreover, an effective date after January 15 would delay application of the new penalty levels, contrary to Congress’s intent.

#### **List of Subjects**

##### *25 CFR 140*

Business and industry, Indians, Penalties.

##### *25 CFR 141*

Business and industry, Credit, Indians—business and finance, Penalties.

##### *25 CFR 211*

Geothermal energy, Indians—lands, Mineral resources, Mines, Oil and gas exploration, Reporting and recordkeeping requirements.

##### *25 CFR 213*

Indians—lands, Mineral resources, Mines, Oil and gas exploration, Reporting and recordkeeping requirements.

##### *25 CFR 225*

Geothermal energy, Indians—lands, Mineral resources, Mines, Oil and gas exploration, Penalties, Reporting and recordkeeping requirements, Surety bonds.

##### *25 CFR 226*

Indians—lands.

##### *25 CFR 227*

Indians—lands, Mineral resources, Mines, Oil and gas exploration, Reporting and recordkeeping requirements.

##### *25 CFR 243*

Indians, Livestock.

##### *25 CFR 249*

Fishing, Indians.

For the reasons given in the preamble, the Department of the Interior amends Chapter 1 of title 25 Code of Federal Regulations as follows.

#### **Title 25—Indians**

##### **Chapter 1—Bureau of Indian Affairs**

#### **DEPARTMENT OF THE INTERIOR**

##### **PART 140—LICENSED INDIAN TRADERS**

■ 1. The authority citation for part 140 continues to read as follows:

**Authority:** Sec. 5, 19 Stat. 200, sec. 1, 31 Stat. 1066 as amended; 25 U.S.C. 261, 262; 94 Stat. 544, 18 U.S.C. 437; 25 U.S.C. 2 and 9; 5 U.S.C. 301; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

##### **§ 140.3 [Amended]**

■ 2. In § 140.3, remove “\$1,352” and add in its place “\$1,368”.

##### **PART 141—BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS**

■ 3. The authority citation for part 141 continues to read as follows:

**Authority:** 5 U.S.C. 301; 25 U.S.C. 2 and 9; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

##### **§ 141.50 [Amended]**

■ 4. In § 141.50, remove “\$1,352” and add in its place “\$1,368”.

##### **PART 211—LEASING OF TRIBAL LANDS FOR MINERAL DEVELOPMENT**

■ 5. The authority citation for part 211 continues to read as follows:

**Authority:** Sec. 4, Act of May 11, 1938 (52 Stat. 347); Act of August 1, 1956 (70 Stat. 744); 25 U.S.C. 396a–g; 25 U.S.C. 2 and 9; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

##### **§ 211.55 [Amended]**

■ 6. In § 211.55, in paragraph (a), remove “\$1,626” and add in its place “\$1,645”.

### PART 213—LEASING OF RESTRICTED LANDS FOR MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

■ 7. The authority citation for part 213 continues to read as follows:

**Authority:** Sec. 2, 35 Stat. 312; sec. 18, 41 Stat. 426; sec. 1, 45 Stat. 495; sec. 1, 47 Stat. 777; 25 U.S.C. 356; and Sec. 701, Pub. L. 114–74, 129 Stat. 599. Interpret or apply secs. 3, 11, 35 Stat. 313, 316; sec. 8, 47 Stat. 779, unless otherwise noted.

#### § 213.37 [Amended]

■ 8. In § 213.37, remove “\$1,352” and add in its place “\$1,368”.

### PART 225—OIL AND GAS, GEOTHERMAL AND SOLID MINERALS AGREEMENTS

■ 9. The authority citation for part 225 continues to read as follows:

**Authority:** 25 U.S.C. 2, 9, and 2101–2108; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

#### § 225.37 [Amended]

■ 10. In § 225.37, in paragraph (a), remove “\$1,721” and add in its place “\$1,741”.

### PART 226—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

■ 11. The authority citation for part 226 continues to read as follows:

**Authority:** Sec. 3, 34 Stat. 543; secs. 1, 2, 45 Stat. 1478; sec. 3, 52 Stat. 1034, 1035; sec. 2(a), 92 Stat. 1660; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

#### § 226.42 [Amended]

■ 12. In § 226.42, remove “\$965” and add in its place “\$976”.

#### § 226.43 [Amended]

■ 13. In § 226.43:

■ a. Remove “\$96” each time it appears and add in each place “\$97” wherever it appears in this section.

■ b. In paragraph (e), remove “\$193” and add in its place “\$195”.

■ c. In paragraph (f), remove “\$385” and add in its place “\$390”.

■ d. In paragraph (g), remove “\$965” and add in its place “\$976”.

### PART 227—LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING

■ 14. The authority citation for part 227 continues to read as follows:

**Authority:** Sec. 1, 39 Stat. 519; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

#### § 227.24 [Amended]

■ 15. In § 227.24, remove “\$1,352” and add in its place “\$1,368”.

### PART 243—REINDEER IN ALASKA

■ 16. The authority citation for part 243 continues to read as follows:

**Authority:** Sec. 12, 50 Stat. 902; 25 U.S.C. 500K; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

#### § 243.8 [Amended]

■ 17. In § 243.8, in paragraph (a) introductory text, remove “\$6,376” and add in its place “\$6,451”.

### PART 249—OFF-RESERVATION TREATY FISHING

■ 18. The authority citation for part 249 continues to read as follows:

**Authority:** 25 U.S.C. 2, and 9; 5 U.S.C. 301; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

#### § 249.6 [Amended]

■ 19. In § 249.6, in paragraph (b), remove “\$1,352” and add in its place “\$1,368”.

**Tara Sweeney,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2021–01517 Filed 1–27–21; 8:45 am]

**BILLING CODE 4337–15–P**

## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### 31 CFR Part 1010

### Financial Crimes Enforcement Network; Inflation Adjustment of Civil Monetary Penalties

**AGENCY:** Financial Crimes Enforcement Network (“FinCEN”), Treasury.

**ACTION:** Final rule.

**SUMMARY:** FinCEN publishes this final rule to reflect inflation adjustments to its civil monetary penalties (“CMPs”) as mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended. This rule adjusts certain CMPs within the jurisdiction of FinCEN to the maximum amount required by that act.

**DATES:** Effective January 28, 2021.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Regulatory Support Section at 1–800–767–2825, or electronically at [frc@fincen.gov](mailto:frc@fincen.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In order to improve the effectiveness of civil monetary penalties (“CMPs”) and to maintain their deterrent effect,

the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, 28 U.S.C. 2461 note (the “Act”), requires Federal agencies to adjust each CMP provided by law within the jurisdiction of the agency. The Act requires agencies to adjust the level of CMPs with an initial “catch-up” adjustment through an interim final rulemaking and to make subsequent annual adjustments for inflation, without needing to provide notice and the opportunity for public comment otherwise required by 5 U.S.C. 553. The Act provides that any increase in a CMP shall apply to CMPs that are assessed after the date the increase takes effect, regardless of whether the underlying violation predated such increase.<sup>1</sup>

##### II. Method of Calculation

The method of calculating CMP adjustments applied in this final rule is required by the Act. Under the Act and the Office of Management and Budget (“OMB”) guidance required by the Act, annual inflation adjustments subsequent to the initial catch-up adjustment are to be based on the percent change between the Consumer Price Index for all Urban Consumers (“CPI-U”) for the October preceding the date of the adjustment and the prior year’s October CPI-U. As set forth in OMB Memorandum M–21–10 of December 23, 2020, the adjustment multiplier for 2021 is 1.01182. In order to complete the 2021 annual adjustment, each current CMP is multiplied by the 2021 adjustment multiplier. Under the Act, any increase in CMP must be rounded to the nearest multiple of \$1.<sup>2</sup>

##### Procedural Matters

##### 1. Administrative Procedure Act

Section 4(b) of the Act requires agencies, beginning in 2017, to make annual adjustments for inflation to CMPs without needing to provide notice and the opportunity for public comment required by 5 U.S.C. 553. Additionally, the methodology used for adjusting CMPs for inflation, effective 2017, is

<sup>1</sup> The increased CMPs, however, apply only with respect to underlying violations occurring after November 2, 2015 the date of enactment of the most recent amendment to the Act.

<sup>2</sup> FinCEN has previously described that it applied a catch-up adjustment for each penalty subject to the Act, based on the year and corresponding amount(s) for which the maximum penalty or range of minimum and maximum penalties was established or last adjusted, whichever is later. See Civil Monetary Penalty Adjustment and Table, 81 FR 42503, 42504 (June 30, 2016). Because the year varies for different penalties, penalties that were originally of the same size when promulgated can have different values today pursuant to the application of the Act.

provided by statute, with no discretion provided to agencies regarding the substance of the adjustments for inflation to CMPs. FinCEN is charged only with performing ministerial computations to determine the dollar amount of adjustments for inflation to CMPs. Accordingly, prior public notice and an opportunity for public comment and a delayed effective date are not required for this rule.

2. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

3. Executive Order 12866 and 13771

This rule is not a significant regulatory action as defined in section 3(f) of Executive Order 12866, and, as a

result, this rule is not considered a regulatory action under Executive Order 13771.

4. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no new or revised recordkeeping or reporting requirements.

List of Subjects in 31 CFR Part 1010

Authority delegations (Government agencies), Administrative practice and procedure, Banks, banking, Brokers, Currency, Foreign banking, Foreign currencies, Gambling, Investigations, Penalties, Reporting and recordkeeping requirements, Securities, Terrorism.

Authority and Issuance

For the reasons set forth in the preamble, part 1010 of chapter X of title 31 of the Code of Federal Regulations is amended as follows:

PART 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 continues to read as follows:

**Authority:** 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5332; Title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 701, Pub. L. 114–74, 129 Stat. 599.

■ 2. Amend § 1010.821 by revising Table 1 in paragraph (b) to read as follows:

§ 1010.821 Penalty adjustment and table.

\* \* \* \* \*  
(b) \* \* \*

TABLE 1 OF § 1010.821—PENALTY ADJUSTMENT TABLE

U.S. Code citation	Civil monetary penalty description	Penalties as last amended by statute	Maximum penalty amounts or range of minimum and maximum penalty amounts for penalties assessed on or after [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]
12 U.S.C. 1829b(j) .....	Relating to Recordkeeping Violations For Funds Transfers .....	\$10,000	\$21,663
12 U.S.C. 1955 .....	Willful or Grossly Negligent Recordkeeping Violations .....	10,000	21,663
31 U.S.C. 5318(k)(3)(C) .....	Failure to Terminate Correspondent Relationship with Foreign Bank.	10,000	14,653
31 U.S.C. 5321(a)(1) .....	General Civil Penalty Provision for Willful Violations of Bank Secrecy Act Requirements.	25,000–100,000	59,017–236,071
31 U.S.C. 5321(a)(5)(B)(i) .....	Foreign Financial Agency Transaction—Non-Willful Violation of Transaction.	10,000	13,640
31 U.S.C. 5321(a)(5)(C)(i)(I) .....	Foreign Financial Agency Transaction—Willful Violation of Transaction.	100,000	136,399
31 U.S.C. 5321(a)(6)(A) .....	Negligent Violation by Financial Institution or Non-Financial Trade or Business.	500	1,180
31 U.S.C. 5321(a)(6)(B) .....	Pattern of Negligent Activity by Financial Institution or Non-Financial Trade or Business.	50,000	91,816
31 U.S.C. 5321(a)(7) .....	Violation of Certain Due Diligence Requirements, Prohibition on Correspondent Accounts for Shell Banks, and Special Measures.	1,000,000	1,465,309
31 U.S.C. 5330(e) .....	Civil Penalty for Failure to Register as Money Transmitting Business.	5,000	8,708

**Kenneth A. Blanco,**  
Director, Financial Crimes Enforcement Network.  
[FR Doc. 2021–01919 Filed 1–27–21; 8:45 am]  
BILLING CODE 4810–02–P

**DEPARTMENT OF VETERANS AFFAIRS**  
**38 CFR Part 17**  
**RIN 2900–AP46**  
**Prosthetic and Rehabilitative Items and Services; Delayed Effective Date**  
**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the Presidential directive as expressed in the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review” and the OMB guidance M–21–14, “Implementation of Memorandum Concerning Regulatory Freeze Pending Review”, both issued on January 20, 2021, this action temporarily delays until February 26, 2021 the effective date of the rule entitled Prosthetic and Rehabilitative

Items and Services, published in the **Federal Register** on December 28, 2020, to allow Department of Veterans Affairs (VA) officials the opportunity for further review and consider the new regulations.

**DATES:** The effective date of the rule amending 38 CFR part 17 published at 85 FR 84245, December 28, 2020, is delayed until February 26, 2021.

**FOR FURTHER INFORMATION CONTACT:** Penny Nechanicky, National Program Director for Prosthetic and Sensory Aids Service (10P4RK), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420; [penny.nechanicky@va.gov](mailto:penny.nechanicky@va.gov); (202) 461-0337. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

**Background**

This rulemaking adopts proposed amendments to VA's regulations governing the provision of prosthetic and rehabilitative items and services as medical services to veterans. It establishes a new section for the provision of prosthetic and rehabilitative items and services, clarifies eligibility for such items and services, and defines the types of prosthetic and rehabilitative items and services available to eligible veterans.

VA bases this action on the Presidential directive as expressed in the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review." That memorandum directed the heads of Executive Departments and Agencies to consider temporarily postponing for 60 days from the date of the memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect. The memorandum also noted certain exceptions that do not apply here. VA therefore is delaying the effective date for the rule entitled "Prosthetic and Rehabilitative Items and Services" to February 26, 2021, determining 30 days is sufficient time to assess without unduly impacting or delaying delivery of support and services.

The Agency's implementation of this action without opportunity for public comment is based on the good cause exception in the Administrative Procedure Act, 5 U.S.C. 553(b)(B), in that seeking public comment would be impracticable, unnecessary and contrary to the public interest. The temporary delay in effective date until February 26, 2021, will give Agency officials the opportunity to review and consider the new regulations, as required by the memorandum of the Assistant to the

President and Chief of Staff, dated January 20, 2021. The Prosthetic and Rehabilitative Items and Services rule would have taken effect on January 27, 2021. The effective date for this regulation will be extended by 30 days from the original effective date. It would not have been possible to provide a meaningful opportunity for public comment prior to that effective date, and delay of the effective date is in the public interest because it allows an opportunity for the new Administration to consider the policy implications of the final rule before it becomes final. Thus, the good cause exception in 5 U.S.C. 553(b)(B) applies to VA's decision to extend the effective date of the Prosthetic and Rehabilitative Items and Services rule without first going through notice and comment.

In taking this action, the Agency also invokes the good cause exception in 5 U.S.C. 553(d)(3), which allows the action to be immediately effective for "good cause" rather than subject to the requirement in the Administrative Procedure Act (5 U.S.C. 553(d)) that a minimum of 60 days is required before a rule may become effective. The nature of this action is to extend by 30 days the effective date of a final rule that otherwise would become effective on January 27, 2021. Seeking prior public comment on this postponement would have been impracticable, as well as contrary to the public interest, in the orderly issuance and implementation of regulations.

**Signing Authority**

The Acting Secretary of Veterans Affairs, or designee, approved this document 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. Chris Diaz, Acting Chief of Staff and White House Liaison, Department of Veterans Affairs, approved this document on January 25, 2021, for publication.

**Consuela Benjamin,**

*Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.*

[FR Doc. 2021-01904 Filed 1-26-21; 8:45 am]

**BILLING CODE 8320-01-P**

**LEGAL SERVICES CORPORATION**

**45 CFR Part 1611**

**Income Level for Individuals Eligible for Assistance**

**AGENCY:** Legal Services Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Legal Services Corporation (LSC) is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines issued by the U.S. Department of Health and Human Services (HHS).

**DATES:** Effective January 28, 2021.

**FOR FURTHER INFORMATION CONTACT:** Stefanie K. Davis, Senior Assistant General Counsel, Legal Services Corporation, 3333 K St. NW, Washington, DC 20007; (202) 295-1563; [sdavis@lsc.gov](mailto:sdavis@lsc.gov).

**SUPPLEMENTARY INFORMATION:** Section 1007(a)(2) of the Legal Services Corporation Act (Act), 42 U.S.C. 2996f(a)(2), requires LSC to establish maximum income levels for individuals eligible for legal assistance. Section 1611.3(c) of LSC's regulations establishes a maximum income level equivalent to 125% of the Federal Poverty Guidelines (Guidelines), which HHS is responsible for updating and issuing. 45 CFR 1611.3(c).

Each year, LSC updates appendix A to 45 CFR part 1611 to provide client income eligibility standards based on the most recent Guidelines. The figures for 2021, set out below, are equivalent to 125% of the Guidelines published by HHS on January 15, 2021.

In addition, LSC is publishing a chart listing income levels that are 200% of the Guidelines. This chart is for reference purposes only as an aid to recipients in assessing the financial eligibility of an applicant whose income is greater than 125% of the applicable Guidelines amount, but less than 200% of the applicable Guidelines amount (and who may be found to be financially eligible under duly adopted exceptions to the annual income ceiling in accordance with 45 CFR 1611.3, 1611.4, and 1611.5).

Except where there are minor variances due to rounding, the amount by which the guideline increases for each additional member of the household is a consistent amount.

**List of Subjects in 45 CFR Part 1611**

Grant programs—law, Legal services.

For reasons set forth in the preamble, the Legal Services Corporation amends 45 CFR part 1611 as follows:

**PART 1611—ELIGIBILITY**

■ 1. The authority citation for part 1611 continues to read as follows:

Authority: 42 U.S.C. 2996g(e).

■ 2. Revise appendix A to part 1611 to read as follows:

**Appendix A to Part 1611—Income Level for Individuals Eligible for Assistance**

**LEGAL SERVICES CORPORATION 2021 INCOME GUIDELINES \***

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1 .....	\$16,100	\$20,113	\$18,525
2 .....	21,775	27,213	25,050
3 .....	27,450	34,313	31,575
4 .....	33,125	41,413	38,100
5 .....	38,800	48, 513	44,625
6 .....	44,475	54,938	51,150
7 .....	50,150	62,713	57,675
8 .....	55,825	69,813	64,200
For each additional member of the household in excess of 8, add: .....	5,675	7,100	6,525

\* The figures in this table represent 125% of the Federal Poverty Guidelines by household size as determined by HHS.

**REFERENCE CHART—200% OF FEDERAL POVERTY GUIDELINES \***

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1 .....	\$25,760	\$32,180	\$29,640
2 .....	34,840	43,540	40,080
3 .....	43,920	54,900	50,520
4 .....	53,000	66,260	60,960
5 .....	62,080	77,620	71,400
6 .....	71,160	88,980	81,840
7 .....	80,240	100,340	92,280
8 .....	89,320	111,700	102,720
For each additional member of the household in excess of 8, add: .....	9,080	11,360	10,440

\* The figures in this table represent 200% of the Federal Poverty Guidelines by household size as determined by HHS.

Dated: January 22, 2021.

**Stefanie Davis.**

*Senior Assistant General Counsel.*

[FR Doc. 2021-01815 Filed 1-27-21; 8:45 am]

**BILLING CODE 7050-01-P**

# Proposed Rules

Federal Register

Vol. 86, No. 17

Thursday, January 28, 2021

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

## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### 31 CFR Parts 1010, 1020, and 1022

RIN 1506-AB47

#### Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets

**AGENCY:** Financial Crimes Enforcement Network (“FinCEN”), Treasury.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** On December 23, 2020, FinCEN published a notice of proposed rulemaking (the “NPRM”) proposing requirements for banks and money services businesses (“MSBs”) related to certain transactions involving convertible virtual currency (“CVC”) or digital assets with legal tender status (“LTDA”). On January 15, 2021, FinCEN published a document reopening the comment period for the NPRM (the “Reopening Notice”). In the Reopening Notice, FinCEN provided an additional 15 days for comments on the NPRM’s proposed reporting requirements regarding information on CVC or LTDA transactions greater than \$10,000, or aggregating to greater than \$10,000, that involve unhosted wallets or wallets hosted in a jurisdiction identified by FinCEN. FinCEN further provided in the Reopening Notice for an additional 45 days for comments on the NPRM’s proposed requirements that banks and MSBs report certain information regarding counterparties to transactions by their hosted wallet customers, and on

the NPRM’s proposed recordkeeping requirements. This notice of extension of comment period (“Extension Notice”) extends the reopened comment period to allow additional time to respond to all aspects of the NPRM and sets one closing date for the comment period, instead of the two currently in effect. Accordingly, all comments to the proposed NPRM are now due 60 days from the date of publication of this Extension Notice.

**DATES:** The comment period for the proposed rule published on December 23, 2020 (85 FR 83840), which was extended on January 15, 2021 (86 FR 3897), is further extended. Comments must be received by March 29, 2021.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN-2020-0020 and the specific RIN number 1506-AB47 to which the comment applies.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN-2020-0020 and the specific RIN number.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Regulatory Support Section at 1-800-767-2825 or electronically at [frc@fincen.gov](mailto:frc@fincen.gov).

**SUPPLEMENTARY INFORMATION:** The NPRM was published in the **Federal Register** on December 23, 2020.<sup>1</sup> In the NPRM, FinCEN proposed to address the threat of illicit finance with respect to certain transactions involving CVC or LTDA by (i) establishing new reporting requirements for certain CVC or LTDA transactions analogous to existing

currency transaction reports, and (ii) establishing new recordkeeping requirements for certain CVC or LTDA transactions that are similar to the recordkeeping and travel rule requirements pertaining to funds transfers and transmittals of funds. The original comment period formally closed on January 7, 2021, although FinCEN took steps to ensure comments could still be received after that date. In the Reopening Notice, published on January 15, 2021, FinCEN reopened the comment period.<sup>2</sup> Specifically, FinCEN provided an additional 15 days for comments on the NPRM’s proposed reporting requirements regarding information on CVC or LTDA transactions greater than \$10,000, or aggregating to greater than \$10,000, that involve unhosted wallets or wallets hosted in a jurisdiction identified by FinCEN. FinCEN further provided in the Reopening Notice for an additional 45 days for comments on the NPRM’s proposed requirements that banks and MSBs report certain information regarding counterparties to transactions by their hosted wallet customers, and on the NPRM’s proposed recordkeeping requirements.

This Extension Notice extends the reopened comment period for all aspects of the NPRM’s proposals to March 29, 2021, thereby further extending the time to respond and making the timing of the two periods consistent, with one deadline for all comments to the NPRM.

By the Department of the Treasury.

**Kenneth A. Blanco,**

*Director, Financial Crimes Enforcement Network.*

[FR Doc. 2021-01918 Filed 1-26-21; 8:45 am]

**BILLING CODE 4810-02-P**

<sup>1</sup> Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets, 85 FR 83840 (Dec. 23, 2020).

<sup>2</sup> Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets, 86 FR 3897 (Jan. 15, 2021).

# Notices

Federal Register

Vol. 86, No. 17

Thursday, January 28, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

January 25, 2021.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding these information collections are best assured of having their full effect if received by March 1, 2021. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

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

persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### Agricultural Marketing Service

*Title:* Plan for Estimating Daily Livestock Slaughter under Federal Inspection.

*OMB Control Number:* 0581–0050.

*Summary of Collection:* The Agriculture Marketing Act of 1946 (7 U.S.C. 1621–1627) Section 203(g), directs and authorizes the collection and dissemination of marketing information, including adequate outlook information on a market area basis, for the purpose of anticipating and meeting consumer requirements aiding in the maintenance of farm income and to bring about a balance between production and utilization. Livestock, Poultry, and Grain market news provides a timely exchange of accurate and unbiased information on current marketing conditions (supply, demand, prices, trends, movement, and other information) affecting trade in livestock, poultry, meats, eggs, grain, hay and wool. Administered by the U.S. Department of Agriculture's Agricultural Marketing Service (AMS), this nationwide market news program is conducted in cooperation with approximately 28 State departments of agriculture.

*Need and Use of the Information:* AMS will collect information on estimation of the current day's slaughter at their plant(s) and the actual slaughter of the previous day. The report is used to make market outlook projections and maintain statistical data. The up-to-the-minute reports collected and disseminated by professional market reporters are intended to provide both buyers and sellers with the information necessary for making intelligent, informed marketing decisions, thus putting everyone in the marketing system in an equal bargaining position. Since the government is a large purchaser of meat, a system to monitor the collection and reporting of data is needed. Collecting this information less frequently would hinder the timely use of this data.

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

*Number of Respondents:* 60.

*Frequency of Responses:* Reporting: Weekly; Other: Daily.

*Total Burden Hours:* 519.

**Levi S. Harrell,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2021–01881 Filed 1–27–21; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

January 21, 2021.

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

Comments regarding this information collection received by March 1, 2021 will be considered. 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](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

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

**Farm Service Agency**

*Title:* County Committee Election.

*OMB Control Number:* 0560-0229.

*Summary of Collection:* This

information collection is necessary to effectively allow farmers and ranchers to nominate potential candidates using the form FSA-669A for the FSA county committee election in accordance with the requirements as authorized by the Soil Conservation and Domestic Allotment Act, as amended. Specifically, FSA uses the information provided by the nominee annually or, if needed, throughout the year for special elections to create ballots for FSA county committee elections. Elections for FSA county committees are held each year; therefore, nominations for eligible nominees are requested each year. Any individual who meets the qualifications mentioned in form FSA-669A may be nominated by another person or by themselves. The form FSA-669A is used to collect the information for nominations; it requires the name and address of the nominee and the signatures of both the nominee and the person nominating the individual to be a nominee (only one signature is required for self-nominated individuals). Nominee must be eligible to vote in the designated FSA county committee election, eligible to hold the office of FSA county committee member, and willing to serve, if elected. For more information about FSA county committees, including elections, nominations, eligible voters, eligibility, and other related information, see the regulations in 7 CFR part 7. In addition, the form also includes a voluntary request for race, ethnicity, and gender information from the nominee. FSA is also using the form FSA-669A-3, Nomination Form for Urban Agriculture FSA Committee Election, to establish Urban Agriculture FSA County Committees in some cities. Completion of the form is voluntary.

*Need and Use of the Information:* FSA will collect information on race, ethnicity and gender of each nominee as provided through the voluntary self-identification of each nominee agreeing to run for a position. The information will be sent to FSA (Kansas City) for preparation of the upcoming election. FSA will review the information annually. If the information is not collected in any given year, FSA would not be able to prepare the report as required by the regulations.

*Description of Respondents:*

Individuals or households.

*Number of Respondents:* 10,500.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 2,625.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2021-01688 Filed 1-27-21; 8:45 am]

**BILLING CODE 3410-05-P**

**COMMISSION ON CIVIL RIGHTS****Agenda and Notice of Public Meeting of the New Jersey Advisory Committee**

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**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 (FACA), that a planning meeting of the New Jersey Advisory Committee to the Commission will convene by conference call, on Friday, February 19, 2021 at 1:00 p.m. (ET). The purpose of the meeting is continue planning for possible future panel briefings on the Committee's civil rights project—collateral consequences that a criminal record has on criminal asset forfeitures and access to employment-occupational licensing, and begin planning to draft the Committee's report.

**DATES:** Friday, February 19, 2021, at 1:00 p.m. (ET).

*Public Call-In Information:*

Conference call number: 1-800-667-5617 and conference call ID number: 7386659.

**FOR FURTHER INFORMATION CONTACT:** Ivy L. Davis, at [ero@usccr.gov](mailto:ero@usccr.gov) or by phone at 202-376-7533.

**SUPPLEMENTARY INFORMATION:** Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1-800-667-5617 and conference call ID number: 7386659. Please be advised that before placing them into the conference call, the conference call operator may ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and 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 herein.

Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Federal Relay Service operator with the conference call-in

numbers: 1-800-667-5617 and conference call ID number: 7386659.

Members of the public are invited to make statements during the Public Comment section of the meeting or to submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be emailed to the Eastern Regional Office, Ivy Davis at [ero@usccr.gov](mailto:ero@usccr.gov).

Records and documents discussed during the meeting will be available for public viewing, as they become available at [www.facadatabase.gov](http://www.facadatabase.gov). Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or contact the Eastern Regional Office at the above email address.

**Agenda: Friday, February 19, 2021 at 1:00 p.m. (ET)**

- I. Welcome and Roll Call
- II. Approval—Meeting Minutes
- III. Project Planning
- IV. Other Business
- V. Next Meeting
- VI. Public Comments
- VII. Adjourn

Dated: January 22, 2021.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2021-01843 Filed 1-27-21; 8:45 am]

**BILLING CODE P**

**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 (FACA) that the Washington Advisory Committee (Committee) to the Commission will hold a series of meetings via Webex on Monday, March 15 and Wednesday, March 17, 2021 from 10:00 a.m. to 12:00 p.m. Pacific Time for the purpose of hearing testimony on disparities within use of force and potential barriers to accountability.

**DATES:** The meetings will be held on:

- *Panel 1:* Monday, March 15, 2021 from 10:00 a.m. to 12:00 p.m. Pacific Time.

• *Panel 2:* Wednesday, March 17, 2021 from 10:00 a.m. to 12:00 p.m. Pacific Time.

#### Access Information

Panel 1—Public Webex Registration  
Link: <https://tinyurl.com/y33qsb5o>

Panel 2—Public Webex Registration  
Link at: <https://tinyurl.com/y58bftxx>

**FOR FURTHER INFORMATION CONTACT:** Brooke Peery, Designated Federal Officer, (DFO) at [bpeery@usccr.gov](mailto:bpeery@usccr.gov) or by phone at (202) 701-1376.

**SUPPLEMENTARY INFORMATION:** 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 entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at <https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkZAAQ>.

Please click on the “Committee Meetings” tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission’s website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

#### Agenda

- I. Welcome & Opening Remarks
- II. Panelist Remarks
- III. Committee Q&A
- IV. Public Comment
- V. Adjournment

Dated: January 22, 2021.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2021-01846 Filed 1-27-21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[S-209-2020]

#### Approval of Subzone Status: JJS Transportation and Distribution Co., Inc., Valley Stream, New York

On November 25, 2020, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the County of Orange, grantee of FTZ 37, requesting subzone status subject to the existing activation limit of FTZ 37, on behalf of JJS Transportation and Distribution Co Inc, in Valley Stream, New York.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (85 FR 78306, December 4, 2020). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 37F was approved on January 22, 2021, subject to the FTZ Act and the Board’s regulations, including Section 400.13, and further subject to FTZ 37’s 2,000-acre activation limit.

Dated: January 22, 2021.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2021-01908 Filed 1-27-21; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-523-808]

#### Certain Steel Nails From the Sultanate of Oman: Final Results of the First Five-Year Sunset Review of the Antidumping Duty Order

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

**SUMMARY:** On September 28, 2020, the Department of Commerce (Commerce) published the *Preliminary Results* of the first full five-year (sunset) review of the antidumping duty (AD) order on certain steel nails (steel nails) from the Sultanate of Oman (Oman). As a result of our analysis, Commerce finds that revocation of the AD order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Sunset Review” section of this notice.

**DATES:** Applicable January 28, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ian Hamilton, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4798.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 28, 2020, Commerce published the *Preliminary Results*,<sup>1</sup> finding that dumping was likely to continue or recur if the *AD Order*<sup>2</sup> were revoked, and reported to the International Trade Commission (ITC) rates up to 9.10 percent as the margins of dumping likely to prevail.<sup>3</sup> We invited interested parties to comment on the *Preliminary Results*. On October 28, 2020, we received a case brief from Oman Fasteners LLC (Oman Fasteners).<sup>4</sup> On November 4, 2020, we received a rebuttal brief from Mid Continent Steel & Wire, Inc. (Mid Continent).<sup>5</sup> On November 24, 2020, we held a hearing at Oman Fasteners’ request.

##### Scope of the Order

The merchandise covered by this order is nails having a nominal shaft length not exceeding 12 inches.<sup>6</sup> Merchandise covered by the order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Nails subject to this order also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS

<sup>1</sup> See *Certain Steel Nails from the Sultanate of Oman: Preliminary Results of the First Five-Year Sunset Review of the Antidumping Duty Order*, 85 FR 60761 (September 28, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015) (*AD Order*).

<sup>3</sup> See *Preliminary Results*, 85 FR at 60762.

<sup>4</sup> See Oman Fasteners’ Letter, “Certain Steel Nails from Oman; 1st Sunset Review Oman Fasteners Case Brief,” dated October 28, 2020.

<sup>5</sup> See Mid Continent’s Letter, “Certain Steel Nails from Oman: Rebuttal Brief,” dated November 4, 2020.

<sup>6</sup> The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.<sup>7</sup>

### Analysis of Comments Received

All issues raised for the final results of this sunset review are addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://enforcement.trade.gov/frn/index.html>. The signed and the electronic versions of the Issues and Decision Memorandum are identical in content. A list of topics included in the Issues and Decision Memorandum is provided as an Appendix to this notice.

### Final Results of Sunset Review

We determine that revocation of the *AD Order* on steel nails from Oman would be likely to lead to continuation or recurrence of dumping at weighted average margins up to 9.10 percent.

### Notification to Interested Parties

This notice also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the final results of this full sunset review in accordance with sections 751(c)(5)(A), 752(c), and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.218(f)(3).

<sup>7</sup> For a complete description of the scope of the order, see Memorandum, "Issues and Decision Memorandum for Final Results of the First Sunset Review of Certain Steel Nails from the Sultanate of Oman," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Dated: January 22, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Issues and Decision Memorandum:

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Issues
  - Comment 1: Whether the Department of Commerce (Commerce) Should Consider the Dumping Margin Calculated for a Defunct Company
  - Comment 2: Whether Commerce Should Consider the "All Others" Rate
  - Comment 3: Whether Commerce Should Consider the Effect of Section 232 Steel Tariffs on Import Volumes
5. Recommendation

[FR Doc. 2021-01910 Filed 1-27-21; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-947]

#### Certain Steel Grating From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order

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

**SUMMARY:** The Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on certain steel grating from the People's Republic of China (China) would likely lead to continuation or recurrence of dumping, at the level indicated in the "Final Results of Sunset Review" section of this notice, *infra*.

**DATES:** Applicable January 28, 2021.

**FOR FURTHER INFORMATION CONTACT:** Kristen Ju, 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) 482-3699.

#### SUPPLEMENTARY INFORMATION:

##### Background

After publication of the notice of initiation of this sunset review of the AD order on certain steel grating from China,<sup>1</sup> pursuant to section 751(c) of the

<sup>1</sup> See *Initiation of Five-Year (Sunset) Reviews*, 85 FR 61928 (October 1, 2020); see also *Certain Steel Grating from the People's Republic of China: Antidumping Duty Order*, 75 FR 43143 (July 23, 2010), and *Certain Steel Grating From the People's*

Tariff Act of 1930, as amended (the Act), the Metal Grating Coalition (Coalition) consisting of Nucor Grating, IKG USA, LLC, Ohio Gratings, Inc., Interstate Gratings, LLC and Lichtgitter USA Inc. (collectively, the domestic interested parties) filed with Commerce a timely and complete notice of intent to participate in the sunset review,<sup>2</sup> and a timely and adequate substantive response.<sup>3</sup> Commerce did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.<sup>4</sup>

### Scope of the Order

The products covered by the order are certain steel grating, consisting of two or more pieces of steel, including load-bearing pieces and cross pieces, joined by any assembly process, regardless of: (1) Size or shape; (2) method of manufacture; (3) metallurgy (carbon, alloy, or stainless); (4) the profile of the bars; and (5) whether or not they are galvanized, painted, coated, clad or plated.

Certain steel grating that is the subject of the order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7308.90.7000. While the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

For a full description of the scope of the order, see the Issues and Decision Memorandum.

### Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Order* and the magnitude of the dumping margins likely to prevail if the *Order* were to be

*Republic of China: Notice of Correction to the Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 75 FR 69626 (November 15, 2010) (collectively, *Order*).

<sup>2</sup> See Domestic Interested Parties' Letter, "Steel Grating from the People's Republic of China: Notice of Intent to Participate in Sunset Review," dated October 16, 2020.

<sup>3</sup> See Domestic Interested Parties' Letter, "Steel Grating from the People's Republic of China: Substantive Response to the Notice of Initiation of Sunset Review," dated November 2, 2020 (Substantive Response).

<sup>4</sup> For a complete description of the background of this sunset review of the *Order*, see Memorandum, "Issues and Decision Memorandum for the Expedited Second Sunset Review of the Antidumping Duty Order on Certain Steel Grating from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

revoked, is provided in the Issues and Decision Memorandum.<sup>5</sup> A list of the sections in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed on the internet at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

#### Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would likely lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail are weighted-average dumping margins up to 145.18 percent.

#### Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or the conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

#### Notification to Interested Parties

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: January 22, 2021.

#### Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

#### Appendix—Sections in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping

2. Magnitude of the Margin of Dumping Likely to Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2021-01909 Filed 1-27-21; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-836]

#### Glycine From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2019–2020

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

**SUMMARY:** The Department of Commerce (Commerce) continues to find that certain companies covered by this administrative review made no shipments of subject merchandise during the period of review (POR) March 1, 2019, through February 29, 2020. Commerce also continues to find that Avid Organics Private Limited (Avid) is part of the China-wide entity.

**DATES:** Applicable January 28, 2021.

**FOR FURTHER INFORMATION CONTACT:** Yang Jin Chun, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5760.

#### SUPPLEMENTARY INFORMATION:

#### Background

On October 22, 2020, Commerce published the preliminary results of the administrative review of the antidumping duty order on glycine from the People's Republic of China (China) covering the POR.<sup>1</sup> We received comments from interested parties with respect to the *Preliminary Results*. The deadline for these final results of review is February 19, 2021. We conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order

The product covered by this antidumping duty order is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a

buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. This proceeding includes glycine of all purity levels. Glycine is currently classified under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States (HTSUS).<sup>2</sup> Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.

#### Analysis of Comments Received

The sole issue raised with respect to the *Preliminary Results* by parties to this administrative review is addressed in the Issues and Decision Memorandum.<sup>3</sup> The issue raised by parties and the other areas covered in the Issues and Decision Memorandum are identified in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

#### Changes From the Preliminary Results

We made no revisions to the *Preliminary Results*.

#### Final Determination of No Shipments

We preliminarily determined that Studio Disrupt, Mulji Mehta Enterprises, Kumar Industries, and Baoding Mantong Fine Chemistry Co., Ltd., did not have shipments of subject merchandise during the POR.<sup>4</sup> After the *Preliminary Results*, we received no comments or additional information with respect to these four companies. Therefore, for the final results, we

<sup>2</sup> In separate scope rulings, Commerce determined that: (a) D(-) Phenylglycine Ethyl Dane Salt is outside the scope of the order and (b) Chinese-glycine exported from India remains the same class or kind of merchandise as the China-origin glycine imported into India. See *Notice of Scope Rulings and Anticircumvention Inquiries*, 62 FR 62288 (November 21, 1997) and *Glycine from the People's Republic of China: Final Partial Affirmative Determination of Circumvention of the Antidumping Duty Order*, 77 FR 73426 (December 10, 2012), respectively.

<sup>3</sup> See Memorandum, "Glycine from the People's Republic of China: Issues and Decision Memorandum for the Final Results of Administrative Review; 2019–2020," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> See *Preliminary Results*, 85 FR at 67322–23.

<sup>5</sup> *Id.*

<sup>1</sup> See *Glycine from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020*, 85 FR 67332 (October 22, 2020) (*Preliminary Results*).

continue to find that these four companies did not have shipments of subject merchandise during the POR. We will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on these final results.

#### China-Wide Entity

In the *Preliminary Results*, we found that Avid is ineligible for a separate rate and treated it as a part of the China-wide entity. For the final results, Commerce continues to find Avid ineligible for a separate rate and to treat it as a part of the China-wide entity.

#### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.<sup>5</sup> Consistent with its recent notice,<sup>6</sup> Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication). We will instruct CBP to liquidate entries of subject merchandise exported by the China-wide entity at the China-wide rate of 155.89 percent.<sup>7</sup> Consistent with Commerce's assessment practice in non-market economy cases, for the companies which Commerce determined had no shipments of the subject merchandise, any suspended entries made under those exporters' case numbers (*i.e.*, at the exporters' rates) will be liquidated at the China-wide rate.<sup>8</sup>

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of subject merchandise from China entered, or

withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed Chinese and non-Chinese exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity, *i.e.*, 155.89 percent; and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Reimbursement of Duties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

The final results of this administrative review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: January 22, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Final Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Issue
  - Comment: Rescission Request*
- V. Recommendation

[FR Doc. 2021-01906 Filed 1-27-21; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-817]

#### Certain Oil Country Tubular Goods From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that certain oil country tubular goods (OCTG) from the Socialist Republic of Vietnam were not sold in the United States at less than normal value (NV) during the period of review (POR) September 1, 2018 through August 31, 2019. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable January 28, 2021.

**FOR FURTHER INFORMATION CONTACT:** Fred Baker, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2924.

#### SUPPLEMENTARY INFORMATION:

#### Background

On November 12, 2019, Commerce initiated an administrative review of the antidumping duty order on OCTG from Vietnam.<sup>1</sup> The review covers SeAH Steel VINA Corporation (SeAH VINA) and its U.S. affiliate Pusan Pipe America, Inc. (Pusan Pipe) (collectively, SSV).<sup>2</sup> On April 24, 2020, Commerce

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 61011 (November 12, 2019) (*Initiation Notice*).

<sup>2</sup> Pusan Pipe is the importer of record for all of SeAH VINA's shipments of subject merchandise to the United States during the POR. See SSV December 13, 2019 Section A Questionnaire Response at 1.

<sup>5</sup> See 19 CFR 351.212(b)(1).

<sup>6</sup> See *Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 3995 (January 15, 2021).

<sup>7</sup> See *Glycine from the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of the Antidumping Duty Administrative Review and Notice of Amended Final Results; 2015-2016*, 83 FR 49363 (October 1, 2018) for the calculation of the China-wide rate.

<sup>8</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

tolled all deadlines in administrative reviews by 50 days.<sup>3</sup> On July 21, 2020, Commerce extended the deadline for these preliminary results by 120 days, in accordance with section 751 (a)(3)(A) of the Act, and 19 CFR 351.213(h)(2). On July 22, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days, thereby extending the deadline for these preliminary results until January 19, 2021.<sup>4</sup>

For a full description of events that have occurred since the *Initiation Notice*, see the Preliminary Decision Memorandum.<sup>5</sup> A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

### Scope of the Order

The merchandise covered by the order is certain OCTG. The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40,

7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

While the HTSUS subheadings above are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.

### Methodology

Commerce conducted this review in accordance with sections 751(a)(1)(B) and 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act). Constructed export prices have been calculated in accordance with section 772(b) of the Act. Because Vietnam is a non-market economy (NME) within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

### Application of Separate Rates in NME Proceedings

In the *Initiation Notice*, Commerce notified parties of the application process by which exporters may obtain

separate rate status in an NME proceeding.<sup>6</sup> It is Commerce's policy to assign all exporters of the merchandise subject to review in NME countries a single rate unless an exporter can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports. To establish whether a company is sufficiently independent to be entitled to a separate, company-specific rate, Commerce analyzes each exporting entity in an NME country under the test established in *Sparklers*,<sup>7</sup> as further developed by *Silicon Carbide*.<sup>8</sup> However, if Commerce determines that a company is wholly foreign-owned, then an analysis of the *de jure* and *de facto* criteria is not necessary to determine whether it is independent from government control.<sup>9</sup> For these *Preliminary Results*, Commerce determines that the evidence placed on the record of this review by SSV demonstrates an absence of *de jure* and *de facto* government control. We have received no other separate rate applications.

### Vietnam-Wide Entity

Commerce's policy regarding conditional review of the Vietnam-wide entity applies to this administrative review.<sup>10</sup> Under this policy, the Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the Vietnam-wide entity in this review, the entity is not under review and the entity's rate (*i.e.*, 111.47 percent)<sup>11</sup> is not subject to change.

<sup>6</sup> See *Initiation Notice*.

<sup>7</sup> See *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (*Sparklers*).

<sup>8</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*).

<sup>9</sup> See, e.g., *Final Results of Antidumping Duty Administrative Review: Petroleum Wax Candles from the People's Republic of China*, 72 FR 52355, 52356 (September 13, 2007).

<sup>10</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

<sup>11</sup> See *Certain Oil Country Tubular Goods from India, the Republic of Korea, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders; and Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value*, 79 FR 53691 (September 10, 2014); see also *Certain Oil Country Tubular Goods from India, the Republic of Korea, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Notice of Correction to the Antidumping*

<sup>3</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID-19," dated April 24, 2020.

<sup>4</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 22, 2020. Commerce's practice dictates that, where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005). Therefore, because the fully extended deadline would normally be January 17, 2021, but that date is a Sunday, and January 18, 2021, is a federal holiday, the current deadline is Tuesday, January 19, 2021.

<sup>5</sup> See Memorandum, "Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

### Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margin exists for the period September 1, 2018 through August 31, 2019:

Exporter	Weighted-average margin (percent)
SeAH Steel VINA Corporation <sup>12</sup>	0.00

### Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon in issuing its final results of review. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID-19 pandemic, Commerce is unable to conduct on-site verification in this review. Accordingly, we intend to verify the information relied upon in issuing the final results through alternative means in lieu of an on-site verification.

### Disclosure, Public Comment and Opportunity To Request a Hearing

Commerce will disclose the calculations used in our analysis to parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs within 30 days after the date of publication of these preliminary results of review in the **Federal Register**.<sup>13</sup> Rebuttals to case briefs, which must be limited to issues raised in the case briefs, may be filed within seven days after the time limit for filing case briefs.<sup>14</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2) parties who submit case briefs or rebuttal briefs in this review are requested to submit with each argument: (a) A statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities.<sup>15</sup> Parties submitting briefs should do so pursuant to Commerce's

electronic filing system, ACCESS.<sup>16</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information.<sup>17</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice. Requests should contain the party's name, address and telephone number, the number of participants, whether any participant is a foreign national and a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.<sup>18</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>19</sup> Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For assessment purposes, Commerce applied the assessment rate calculation method adopted in *Antidumping Final Modification*.<sup>20</sup> For any individually examined respondent whose weighted

average dumping margin is above *de minimis* (*i.e.*, 0.50 percent) in the final results of this review, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis*, Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.<sup>21</sup> Where either a respondent's weighted average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific *ad valorem* is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>22</sup>

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously examined Vietnamese and non-Vietnamese exporters not listed above that at the time of entry are eligible for a separate rate based on a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (3) for all Vietnamese exporters of subject merchandise that have not been found to be entitled to a separate rate at the time of entry, the cash deposit rate will be that for the Vietnamese-wide entity; and (4) for all non-Vietnamese exporters of subject merchandise that at the time of entry are not eligible for a separate rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter that supplied that non-Vietnamese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate

*Duty Orders With Respect to Turkey and the Socialist Republic of Vietnam*, 79 FR 59740 (October 3, 2014).

<sup>12</sup> Commerce initiated a review of both SSV and Pusan Pipe, but the record shows that Pusan Pipe is a U.S. importer of OCTG that is affiliated with SSV and does not produce OCTG. See SSV's December 13, 2019 Section A Questionnaire Response at 1. Therefore, we have not calculated a rate for Pusan Pipe.

<sup>13</sup> See 19 CFR 351.309(c)(1)(ii).

<sup>14</sup> See 19 CFR 351.309(d)(1)–(2).

<sup>15</sup> See 19 CFR 351.309(c)(2), (d)(2).

<sup>16</sup> See 19 CFR 351.303 (for general filing requirements).

<sup>17</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 41363 (July 10, 2020).

<sup>18</sup> See 19 CFR 351.310(d).

<sup>19</sup> See 19 CFR 351.212(b).

<sup>20</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012) (*Antidumping Final Modification*) in the manner described in more detail in the Preliminary Decision Memorandum.

<sup>21</sup> See 19 CFR 351.212(b)(1).

<sup>22</sup> See 19 CFR 351.106(c)(2).

regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 19, 2021.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
  - II. Background
  - III. Scope of the Order
  - IV. Discussion of the Methodology
  - V. Currency Conversion
  - VI. Recommendation
- [FR Doc. 2021-01799 Filed 1-27-21; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-523-810]

#### Polyethylene Terephthalate Resin From the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2018-2019

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

**SUMMARY:** The Department of Commerce (Commerce) determines that OCTAL SAOC-FZC (OCTAL) made U.S. sales of polyethylene terephthalate resin (PET resin) from the Sultanate of Oman (Oman) at less than normal value during the period of review (POR), *i.e.*, May 1, 2018 through April 30, 2019.

**DATES:** Applicable January 28, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Hill, 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) 482-3518.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 24, 2020, Commerce published the *Preliminary Results* of the 2018-2019 antidumping duty administrative review of PET resin from

Oman.<sup>1</sup> On August 31, 2020, we received a case brief from DAK Americas, LLC, Indorama Ventures USA, Inc., and Nan Ya Plastics Corporation, America (collectively, petitioners). On September 8, 2020, we received a rebuttal brief from OCTAL.<sup>2</sup>

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.<sup>3</sup> On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.<sup>4</sup> The revised deadline for the final results of this administrative review is now January 19, 2021.

#### Scope of the Order

The merchandise covered by this order is PET resin having an intrinsic viscosity of at least 0.70, but not more than 0.88, deciliters per gram. The merchandise subject to this order is properly classified under subheadings 3907.60.00.30, 3907.61.0000, 3907.61.0010, 3907.61.0050, 3907.69.0000, 3907.69.0010, and 3907.69.0050 of the Harmonized Tariff Schedule of the United States (HTSUS).<sup>5</sup> Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this order is dispositive.<sup>6</sup>

<sup>1</sup> See *Polyethylene Terephthalate Resin from the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review; 2018-2019*, 85 FR 44856 (July 24, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Petitioners' Case Brief, "Polyethylene Terephthalate Resin from Oman: Petitioners' Case Brief," dated August 31, 2020 (Petitioners' Brief); see also "OCTAL's Rebuttal Brief: Polyethylene Terephthalate (PET) Resin from the Sultanate of Oman," dated September 8, 2020 (OCTAL's Rebuttal).

<sup>3</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID-19," dated April 24, 2020.

<sup>4</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

<sup>5</sup> On January 27, 2017, Commerce added HTS numbers 3907.61.0000 and 3907.69.0000 to the Case Reference File. See Memorandum, "Request from Customs and Border Protection to Update the ACE Case Reference File: Polyethylene Terephthalate Resin from the Sultanate of Oman (A-523-810)," dated January 31, 2017. Further, on February 28, 2019, Commerce added HTS numbers 3907.61.0010, 3907.61.0050, 3907.69.0010, and 3907.69.0050 to the Case Reference File. See Memorandum, "Request from U.S. Customs and Border Protection to Update the ACE Case Reference File: Polyethylene Terephthalate Resin from the Sultanate of Oman (A-523-810)," dated February 28, 2019.

<sup>6</sup> For a complete description of the scope of the order, see memorandum, "Issues and Decision Memorandum for the Final Results of the 2018-2019 Administrative Review of the Antidumping Duty Order on Polyethylene Terephthalate Resin from the Sultanate of Oman," dated concurrently

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed in this administrative review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of issues raised is attached as the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on-file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed and the electronic versions of the Issues and Decision Memorandum are identical in content.

#### Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we included in our calculation certain commission expenses which had been omitted from our preliminary dumping margin calculation. Additionally, after reviewing our preliminary dumping margin calculation, we determined that it was appropriate to exclude certain home market sales of samples, and to revise programming language that we added to the preliminary dumping margin calculation to account for certain items reported in multiple currencies.<sup>7</sup> We made no other changes to the *Preliminary Results*.

#### Final Results of Review

We are assigning the following dumping margin to the firm listed below for the period May 1, 2018 through April 30, 2019:

Exporter/producer	Weighted-average dumping margin (percent)
OCTAL SAOC-FZC .....	0.75

#### Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the

with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>7</sup> See Memorandum, "2018-2019 Antidumping Duty Administrative Review of Polyethylene Terephthalate Resin from the Sultanate of Oman: Final Results Analysis Memorandum for OCTAL SAOC-FZC," dated concurrently with this notice.

**Federal Register**, in accordance with 19 CFR 351.224(b).

### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.<sup>8</sup> Commerce calculated importer-specific *ad valorem* antidumping duty assessment rates by aggregating for each importer identified for the reported sales, the total amount of dumping calculated for sales for which that importer was reported and dividing each of these amounts by the total entered value of those sales. Commerce will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis*.

For entries of subject merchandise during the POR produced by OCTAL for which it did not know its merchandise was destined for the United States, Commerce will instruct CBP to liquidate such unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transactions.

Consistent with its recent notice,<sup>9</sup> Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice of final results of administrative review in the **Federal Register** for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice, as provided by section 751(a)(2)

of the Act: (1) The cash deposit rate for OCTAL is the rate listed in the table above; (2) for previously reviewed or investigated companies not listed in the table above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter was not covered in this review, a prior review, or the investigation, but the producer was covered, the cash deposit rate will be the rate established in the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 7.62 percent *ad valorem*, the all-others rate established in the investigation in this proceeding.<sup>10</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant POR entries. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

<sup>8</sup> In these final results, Commerce applied the assessment rate calculation methodology adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

<sup>9</sup> See *Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 3995 (January 15, 2021).

<sup>10</sup> See *Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman: Amended Final Affirmative Antidumping Determination (Sultanate of Oman) and Antidumping Duty Orders*, 81 FR 27979 (May 6, 2016).

Dated: January 19, 2021.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
  - Comment 1: Reprocessing Costs
  - Comment 2: U.S. Commission Expenses
- VI. Recommendation

[FR Doc. 2021-01801 Filed 1-27-21; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; SABIT Participant Application, Participant Survey, Alumni Survey

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 November 23, 2020, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* International Trade Administration.

*Title:* SABIT Program: Applications and Questionnaires.

*OMB Control Number:* 0625-0225.

*Form Number(s):* ITA-4143P.

*Type of Request:* Regular.

*Number of Respondents:* 3,500.

*Average Hours per Response:* 3 hours for application; 1 hour for program exit questionnaire; 1 hour for alumni success story form.

*Burden Hours:* 7,000.

*Needs and Uses:* The information collected by the SABIT application for participation in the SABIT Group Program will be used by ITA staff to determine the quality of applicants for SABIT's programs and create

delegations of professionals from Eurasia and other regions. The program exit questionnaire will be used to improve the program by determining what worked and what did not work well. The alumni success form will be used to track SABIT alumni to determine how well the program is meeting its foreign policy objectives.

**Affected Public:** International individuals or households; International businesses or other for-profit and not-for-profit organizations.

**Frequency:** Individuals can fill out up to one of each of the three types of forms per year.

**Respondent's Obligation:** All forms are collected on a strictly voluntary basis.

**Legal Authority:** Section 632(a) of the Foreign Assistance Act of 1961, as amended (the "FAA"), and pursuant to the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (Div. K, P.L. 115-141).

This information collection request may be viewed at [www.reginfo.gov](http://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](http://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 0625-0225.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021-01802 Filed 1-27-21; 8:45 am]

**BILLING CODE 3510-HE-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-983]

#### Drawn Stainless Steel Sinks From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review; 2019–2020

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines

that certain companies made sales of subject merchandise at less than normal value. The period of review (POR) is April 1, 2019, through March 31, 2020. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable January 28, 2021.

**FOR FURTHER INFORMATION CONTACT:** Adam Simons, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6172.

#### SUPPLEMENTARY INFORMATION:

#### Background

On June 8, 2020, Commerce published a notice of initiation of an administrative review of the antidumping duty order drawn stainless steel sinks from the People's Republic of China (China) covering the period April 1, 2019, through March 31, 2020, with respect to 29 companies.<sup>1</sup> In August 2020, following a timely withdrawal request, we rescinded the review with respect to 23 of these companies.<sup>2</sup> Therefore, the results of this review cover the six remaining companies.

#### Scope of the Order

The products covered by the order include drawn stainless steel sinks from the People's Republic of China (China). Imports of subject merchandise are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7324.10.0000 and 7324.10.0010. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.<sup>3</sup>

#### Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Reviews*, 85 FR 35068, 35071 (June 8, 2020).

<sup>2</sup> See *Drawn Stainless Steel Sinks from the People's Republic of China: Partial Rescission of Antidumping Duty Administrative Review; 2019–2020*, 85 FR 48152 (August 10, 2020).

<sup>3</sup> For a complete description of the scope of the order, see Memorandum, "Decision Memorandum for Preliminary Results of the 2019–2020 Antidumping Duty Administrative Review: Drawn Stainless Steel Sinks from the People's Republic of China," issued concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://enforcement.trade.gov/frn/index.html>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics included in the Preliminary Decision Memorandum is provided as an appendix to this notice.

#### China-Wide Entity

In accordance with Commerce's policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity.<sup>4</sup> Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity's rate is not subject to change (*i.e.*, 76.45 percent).<sup>5</sup>

#### Preliminary Results of Review

Commerce finds that the two mandatory respondents, Jiangmen New Star Hi-Tech Enterprise Ltd. (New Star) and Zhuhai Kohler Kitchen & Bathroom Products Co., Ltd. (Kohler), have not established their eligibility for a separate rate and are considered to be part of the China-wide entity for these preliminary results. Additionally, because the following companies did not submit separate rate applications or certifications, we preliminarily determine they are ineligible for a separate rate and are part of the China-wide entity: Guangdong G-Top Import & Export Co., Ltd. (G-Top); Jiangmen Pioneer Import & Export Co., Ltd. (Pioneer); and Zhongshan Superte Kitchenware Co., Ltd. (Superte).

The statute and Commerce's regulations do not address what rate to apply to respondents who are not

<sup>4</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

<sup>5</sup> The China-wide rate determined in the investigation was 76.53 percent. See *Drawn Stainless Steel Sinks from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 21592 (April 11, 2013). This rate was adjusted for export subsidies and estimated domestic subsidy pass through to determine the cash deposit rate (76.45 percent) collected for companies in China-wide entity. See explanation in *Drawn Stainless Steel Sinks from the People's Republic of China: Investigation, Final Determination*, 78 FR 13019 (February 26, 2013).

selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually-examined respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available. Section 735(c)(5)(B) of the Act provides that where all rates are zero, *de minimis*, or based entirely on facts available, Commerce may use “any reasonable method” for assigning a rate to non-examined respondents.

However, for these preliminary results, we have not calculated any individual rates or assigned a company-specific rate based on facts available. Therefore, consistent with our recent practice,<sup>6</sup> we preliminarily assigned to the non-individually examined company that demonstrated its eligibility for a separate rate the most recently assigned separate rate in this proceeding (*i.e.*, 1.78 percent).<sup>7</sup>

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period April 1, 2019, through March 31, 2020:

Exporter	Weighted-average dumping margin (percent)
KaiPing Dawn Plumbing Products Inc .....	1.78

<sup>6</sup> See, e.g., *Shenzhen Xinboda Industrial Co., Ltd., v. United States*, Court No. 15–00179, Slip Op. (CIT 2016); see also *Certain Steel Threaded Rod From the People’s Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Rescission of Antidumping Duty Administrative Review, in Part; 2015–2016*, 82 FR 21189, 21192 (May 5, 2017), unchanged in *Certain Steel Threaded Rod From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2015–2016*, 82 FR 51611 (November 7, 2017); and *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2014–2015*, 81 FR 64131, 64133 (September 19, 2016), unchanged in *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results and Partial Rescission of Antidumping Duty Administrative Review; 2014–2015*, 82 FR 15181 (March 27, 2017).

<sup>7</sup> See *Drawn Stainless Steel Sinks from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 85 FR 11341 (February 27, 2020).

### Disclosure and Public Comment

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.<sup>8</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.<sup>9</sup> Parties who submit case brief or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>10</sup> Case and rebuttal briefs should be filed using ACCESS.<sup>11</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after the date of publication of this notice.<sup>12</sup> Hearing requests should contain: (1) The party’s name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held.<sup>13</sup>

An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>14</sup>

Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of all issues raised in the case briefs, not later than 120 days after the date of publication of this notice, unless otherwise extended.<sup>15</sup>

### Assessment Rates

Upon issuance completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess,

<sup>8</sup> See 19 CFR 351.309(c).

<sup>9</sup> See 19 CFR 351.309(d); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19*, 85 FR 17006 (March 26, 2020), and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (collectively, *Temporary Rule*).

<sup>10</sup> See 19 CFR 351.309(c)(2).

<sup>11</sup> See 19 CFR 351.303.

<sup>12</sup> See 19 CFR 351.310(c).

<sup>13</sup> See 19 CFR 351.310(d).

<sup>14</sup> See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements); and *Temporary Rule*.

<sup>15</sup> See section 751(a)(3)(A) of the Act.

antidumping duties on all appropriate entries covered by this review.<sup>16</sup> For the final results, if we continue to treat the following companies as part of China-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 76.45 percent to all entries of subject merchandise during the POR that were produced and/or exported by those companies: G-Top; Kohler; New Star; Pioneer; and Superte. For the company receiving a separate rate, we intend to assign an assessment rate of 1.78 percent, consistent with the methodology described above.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the company listed above that has a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is zero or *de minimis*, then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be equal to the exporter-specific weighted-average dumping margin published of the most recently-completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for China-wide entity, 76.45 percent; and (4) for all exporters of subject merchandise which are not located in China and which are not eligible for a separate rate, the cash deposit rate will be the rate applicable to Chinese exporter(s) that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

<sup>16</sup> See 19 CFR 351.212(b)(1).

## Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

## Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 22, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Recommendation

[FR Doc. 2021-01905 Filed 1-27-21; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; a Coastal Management Needs Assessment and Market Analysis for Financing Resilience

**AGENCY:** National Oceanic and 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 March 29, 2021.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [Adrienne.Thomas@noaa.gov](mailto:Adrienne.Thomas@noaa.gov). Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Kim Penn, NOAA Office for Coastal Management, 1305 East-West Hwy. Silver Spring, MD 20910, (240) 533-0727, and [kim.penn@noaa.gov](mailto:kim.penn@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for a new information collection.

NOAA's Office for Coastal Management (OCM) and its regional, state, federal, and non-profit partners have worked closely with coastal managers across the country to increase the resilience of our coastal communities, economies, and ecosystems. Per the Coastal Zone Management Act of 1972 (CZMA), OCM provides financial and technical assistance to states and territories, including that which helps its customers (coastal managers) develop hazard mitigation and climate adaptation plans that include strategies for short-term responses to immediate threats (e.g., flooding, hurricanes) as well as long-term responses to gradual changes (e.g., sea level rise, drought). Services are provided through outreach, training, funding, resource, and tool development.

Solutions to these resilience challenges are often complex and cross-sectoral. Therefore, coastal decision-makers regularly point to the need for more substantial, coordinated, sustained and creative funding opportunities to support these efforts. The results of an initial review of more than 200 resources that NOAA conducted in support of this effort, and informal conversations with NOAA customers and other stakeholders indicate that there is no comprehensive inventory or guide to understanding and selecting appropriate funding options or financing strategies. These findings have been further confirmed in subsequent informal discussions with coastal resilience and finance practitioners at national venues such as the National

Adaptation Forum in April 2019 and Social Coast Forum in February 2020. NOAA's coastal management partners have requested support on this topic.

The financing world is one that is constantly evolving new products and retiring others. The range of funding and financing options, from grants and low-interest loans to more innovative private-public partnerships and emerging bonds, presents an ever-changing and complex array of choices. In initial internal communications and informal discussions conducted between June 2018 and February 2020, NOAA customers indicated that these opportunities and mechanisms are not well understood, and are generally inaccessible to coastal managers, particularly in small to mid-sized communities, rural areas, and tribal communities.

In many coastal communities, investment in mitigation and resilience measures remains either limited or reactive in response to a catastrophic event. While there are no data on the number of adaptations plans that have been implemented, lack of funding is a frequently cited barrier to implementation. At the same time, it has been estimated that investing in mitigation can save communities \$6 for every \$1 spent through mitigation grants from agencies including the Federal Emergency Management Agency, Department of Housing and Urban Development, and Economic Development Administration (according to the National Institute of Building Sciences' October 2018 report, *Natural Hazard Mitigation Saves: Utilities and Transportation Infrastructure*). Understanding the suite of funding and financing options available at the time resilience planning is undertaken, and then incorporating financial strategies into the planning process and recommendations, will help ensure that these plans are implemented. Section 310 of the Coastal Zone Management Act allows for technical assistance and management-oriented research to develop and implement state coastal management program amendments.

NOAA is in the process of developing a needs assessment to define the types of funding, financing mechanisms, and associated resources that its state and local coastal manager customers need for coastal resilience activities and a market analysis of existing funding and financing programs and mechanisms. Simultaneously, NOAA is identifying existing resources and partnership opportunities for state and local coastal managers and NOAA's non-profit, academic, and other customers.

This request is for a set of related interviews to facilitate this research. NOAA will perform interviews with state and local coastal managers, as well as representatives from non-profit organizations, academia, the federal government, and the finance industry. The interviews will collect relevant information from interviewees on their experiences with coastal resilience funding and financing mechanisms, challenges and opportunities related to funding and financing coastal resilience, and technical support needs and opportunities that NOAA can address.

The information provided by interviewees will be synthesized into the needs assessment, which will address needs and information gaps partitioned by region, financial scale, time scale, and scope/sector. The information provided by interviewees will also be used to help inform an inventory of existing entities providing resources for resilience funding, as well as a summary of existing and emerging funding sources and financial tools and mechanisms for coastal resilience. Finally, the interviews will inform recommendations on NOAA's potential niche in addressing the identified needs and gaps.

The resulting research (and any subsequent resources or tools developed by NOAA to address identified gaps) will provide much needed information to NOAA's customers on funding and financing coastal resilience efforts, including available resources and mechanisms, best practices and strategies, real world success stories, and opportunities for technical and financial partnerships with private and public entities.

## II. Method of Collection

Information will be collected during structured telephone interviews.

## III. Data

*OMB Control Number:* 0648–xxxx.

*Form Number(s):* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

*Estimated Number of Respondents:* 36.

*Estimated Time per Response:* 1.25 hours.

*Estimated Total Annual Burden Hours:* 45.

*Estimated Total Annual Cost to Public:* \$0.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Coastal Zone Management Act of 1972 (CZMA).

## 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. 2021–01856 Filed 1–27–21; 8:45 am]

**BILLING CODE 3510–JS–P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before March 1, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the website's search function. Comments can be entered electronically by clicking on the “comment” button next to the information collection on the “OIRA Information Collections Under Review” page, or the “View ICR—Agency Submission” page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the “Commission” or “CFTC”) by clicking on the “Submit Comment” box next to the descriptive entry for OMB Control No. 3038–0015, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.<sup>1</sup> The Commission reserves the right, but shall have no obligation, to review, prescreen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as

<sup>1</sup> 17 CFR 145.9.

required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Adam Charnisky, Market Analyst, Division of Market Oversight, Commodity Futures Trading Commission, (312) 596-0630; email: [acharnisky@cftc.gov](mailto:acharnisky@cftc.gov), and refer to OMB Control No. 3038-0015.

**SUPPLEMENTARY INFORMATION:**

*Title:* “Copies of Crop and Market Information Reports,” OMB Control No. 3038-0015. This is a request for an extension of a currently approved information collection.

*Abstract:* The information collected pursuant to this rule, 17 CFR 1.40, is in the public interest and is necessary for market surveillance. Manipulation of commodity futures prices is a violation of the Commodity Exchange Act (Act). Section 9(a)(2) of the Act (7 U.S.C. 13(a)(2)) prohibits the dissemination of false or misleading or knowingly inaccurate reports that affect or tend to affect the prices of commodities. In order to facilitate the enforcement of this provision, Commission regulation 1.40 requires that members of an exchange and FCMs provide upon request copies of any report published or given general circulation which concerns crop or market information that affects or tends to affect the price of any commodity.

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.<sup>2</sup> On November 27, 2020, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 76 FR 60810 (“60-Day Notice”). The Commission did not receive any comments on the 60-Day Notice.

*Burden Statement:* The respondents’ burden for this collection is estimated to be as follows:

*Estimated Number of Respondents:* 10.

*Estimated Average Burden Hours per Respondent:* 0.17.

*Estimated Total Annual Burden Hours:* 1.7 hours.<sup>3</sup>

*Frequency of Collection:* On occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: January 22, 2021.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

[FR Doc. 2021-01841 Filed 1-27-21; 8:45 am]

**BILLING CODE 6351-01-P**

**COMMODITY FUTURES TRADING COMMISSION**

**Agency Information Collection Activities Under OMB Review**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before March 1, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice’s publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the website’s search function. Comments can be entered electronically by clicking on the “comment” button next to the information collection on the “OIRA Information Collections Under Review” page, or the “View ICR—Agency Submission” page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the “Commission” or “CFTC”) by clicking on the “Submit Comment” box next to the descriptive entry for OMB Control No. 3038-0026, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre,

1155 21st Street NW, Washington, DC 20581.

- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission’s regulations.<sup>1</sup> The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Mark Bretscher, Market Participants Division, Commodity Futures Trading Commission, (312) 596-0529; email: [mbretscher@cftc.gov](mailto:mbretscher@cftc.gov), and refer to OMB Control No. 3038-0026.

**SUPPLEMENTARY INFORMATION:**

*Title:* Gross Collection of Exchange-Set Margins for Omnibus Accounts (OMB Control No. 3038-0026). This is a request for extension of a currently approved information collection.

*Abstract:* Commission Regulation 1.58 requires futures commission merchants to collect exchange-set margin for omnibus accounts on a gross, rather than a net, basis. The regulation provides that the carrying FCM need not collect margin for positions traded by a person through an omnibus account in excess of the amount that would be required if the same person, instead of trading through an omnibus account, maintained its own account with the carrying FCM. To prevent abuse of this exception to the regulation, a carrying FCM must maintain a written representation from the originating FCM or foreign broker that the particular positions held in the omnibus account are part of a hedge or spread transaction. This collection of information is necessary in order to provide

<sup>1</sup> 17 CFR 145.9.

<sup>2</sup> See 46 FR 63035 (Dec. 30, 1981).

<sup>3</sup> The estimated total annual burden hours remain unchanged from the 2018 renewal.

documentation that can be inspected with regard to questions of proper compliance with gross margining requirements. This rule is promulgated pursuant to the Commission's rulemaking authority contained in Sections 4c, 4d, 4f, 4g and 8a of the Commodity Exchange Act, 7 U.S.C. 6c, 6d, 6f, 6g and 12a.

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 on November 27, 2020 (85 FR 76037) ("60-Day Notice"). The Commission did not receive any relevant comments on the 60-Day Notice.

**Burden Statement:** The Commission is revising its estimate of the burden due to the reduced number of futures commission merchants in the industry. The respondent burden for this collection is estimated to be as follows:

*Respondents/Affected Entities:* 53.

*Estimated Total Annual Responses:* 212.

*Estimated Total Annual Burden*

*Hours:* 17 hours.

*Frequency of collection:* On occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: January 25, 2021.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

[FR Doc. 2021-01911 Filed 1-27-21; 8:45 am]

**BILLING CODE 6351-01-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection

#### Activities: Notice of Intent To Renew Collection 3038-0082, Whistleblower Provision

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before March 1, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the website's search function. Comments can be entered electronically by clicking on the "comment" button next to the information collection on the "OIRA Information Collections Under Review" page, or the "View ICR—Agency Submission" page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the "Commission" or "CFTC") by clicking on the "Submit Comment" box next to the descriptive entry for OMB Control No. 3038-0082, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.<sup>1</sup> The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as

required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

#### FOR FURTHER INFORMATION CONTACT:

Christopher Ehrman, Director, Whistleblower Office, Commodity Futures Trading Commission, (202) 418-7650; email: [cehrman@cftc.gov](mailto:cehrman@cftc.gov), and refer to OMB Control No. 3038-0082.

#### SUPPLEMENTARY INFORMATION:

**Title:** The Whistleblower Provision of Section 23 of the Commodity Exchange Act (OMB Control No. 3038-0082). This is a request for extension of a currently approved information collection.

**Abstract:** 17 CFR 165.3(a) requires the submission of information to the Commission on a Form TCR. The Form TCR, "Tip, Complaint, or Referral," and the instructions thereto, are designed to capture basic identifying information about a complainant and elicit sufficient information to determine whether the conduct alleged suggests a violation of the Commodity Exchange Act. 17 CFR 165.7(b)(1) requires the submission of information to the Commission on a Form WB-APP. The Form WB-APP, "Application for Award for Original Information Provided Pursuant to Section 23 of the Commodity Exchange Act," and the instructions thereto, are designed to elicit sufficient information to determine whether and to what extent a claimant qualifies for a whistleblower award.

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.<sup>2</sup> On November 24, 2020, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 85 FR 74995 ("60-Day Notice"). The Commission received no relevant comments.

**Burden Statement:** The respondent burden for this collection is estimated to be as follows:

*Estimated Number of Respondents:* 900 per year.

*Estimated Average Burden Hours per Respondent:* 0.5 hour.

*Estimated Total Annual Burden Hours:* 450 hours.

*Frequency of Collection:* Once.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

<sup>1</sup> 17 CFR 145.9.

<sup>2</sup> See 46 FR 63035 (Dec. 30, 1981).

Dated: January 22, 2021.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

[FR Doc. 2021-01839 Filed 1-27-21; 8:45 am]

BILLING CODE 6351-01-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD-2020-OS-0106]

#### Proposed Collection; Comment Request

##### Correction

In Notice Document 2020-29209, appearing on page 526, in the issue of Wednesday, January 6, 2021, make the following correction:

On page 526, in the first column, in the heading titled **DATES**, the entry "April 1, 2021" should read "March 8, 2021".

[FR Doc. C1-2020-29209 Filed 1-27-21; 8:45 am]

BILLING CODE 1301-00-D

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD-2020-OS-0108]

#### Proposed Collection; Comment Request

##### Correction

In Notice Document 2020-29193, appearing on pages 530-531, in the issue of Wednesday, January 6, 2021, make the following correction:

On page 530, in the third column, in the heading titled **DATES** the entry "April 1, 2021" should read "March 8, 2021".

[FR Doc. C1-2020-29193 Filed 1-27-21; 8:45 am]

BILLING CODE 1301-00-D

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD-2020-OS-0107]

#### Proposed Collection; Comment Request

##### Correction

In Notice Document 2020-29210, appearing on page 531, in the issue of Wednesday, January 6, 2021, make the following correction:

On page 531, in the first column, in the heading titled **DATES**, the entry "April 1, 2021" should read "March 8, 2021".

[FR Doc. C1-2020-29210 Filed 1-27-21; 8:45 am]

BILLING CODE 1301-00-D

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD-2020-OS-0109]

#### Proposed Collection; Comment Request

##### Correction

In Notice Document 2020-29208, appearing on pages 529-530, in the issue of Wednesday, January 6, 2021, make the following correction:

On page 529, in the third column, in the heading titled **DATES**, the entry "April 1, 2021" should read "March 8, 2021".

[FR Doc. C1-2020-29208 Filed 1-27-21; 8:45 am]

BILLING CODE 1301-00-D

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Sabine Neches Navigation District User Fee Notice

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** The Water Resources Reform and Development Act (WRRDA) of 2014 authorizes a non-federal interest to levy port or harbor dues in the form of tonnage duties or fees in conjunction with a harbor navigation project whose usable increment of the project is complete to finance the cost, construction or maintenance of the project. The Sabine-Neches Navigation District (SNND) is a political subdivision of the State of Texas and the non-federal sponsor of the Sabine-Neches Waterway Channel Improvement Project (SNWW CIP). The SNND anticipates completion of the first usable increment of the SNWW CIP in early 2021. Upon completion of the first usable increment, SNND intends to levy port or harbor dues pursuant to 33 U.S.C. 2236. Notification in the **Federal Register** prior to an initial levy of port or harbor dues is required by the statute.

**DATES:** A public hearing on the proposed user fee ordinance will be held at 3:30 p.m. on March 15, 2021, in the manner and location specified in the **ADDRESSES** section of this Notice.

The public comment period will end upon the close of business at 5 p.m. (CST), March 29, 2021. Written comments must be received by the District on or before that date to be considered before the user fee ordinance becomes effective.

**ADDRESSES:** The public hearing will be held at 8180 Anchor Drive, Port Arthur, TX 77642. Pursuant to orders issued by the Governor of Texas related to combatting the spread of Covid-19, arrangements will be made for attendance at the public meeting by electronic means. Details regarding participation by electronic means will be posted on SNND's website: [www.navigationdistrict.org](http://www.navigationdistrict.org).

Public comments concerning the proposed users' fee ordinance should be directed in writing to Mr. Randall Reese, Executive Director and CEO Sabine-Neches Navigation District, 8180 Anchor Drive, Port Arthur, TX 77642, with a copy to Ms. Franchelle Nealy, Galveston District, U.S. Army Corps of Engineers, 2000 Fort Point Road, Galveston, TX 77550.

**FOR FURTHER INFORMATION CONTACT:** All comments and requests for further information on the proposal must be directed in writing to the Executive Director and CEO of SNND. His contact information follows: Mr. Randall Reese, Executive Director and CEO Sabine-Neches Navigation District, 8180 Anchor Drive, Port Arthur, TX 77642; Telephone: 409-729-4588; email: [rreese@navigationdistrict.org](mailto:rreese@navigationdistrict.org). Alternatively, contact Ms. Franchelle Nealy, in writing at the Galveston District, U.S. Army Corps of Engineers, ATTN: Ms. Franchelle Nealy, 2000 Fort Point Road, Galveston, TX 77550; Telephone: 409-766-3817; and by email at [franchelle.e.craft@usace.army.mil](mailto:franchelle.e.craft@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** The U.S. Army Corps of Engineers (USACE) Galveston District published the Final Feasibility Report/Final Environmental Impact Statement for SNWW CIP (USACE, 2011) in March 2011, the Chief of Engineers Report (Chief's Report) was signed in July 2011, and the Record of Decision was signed in February 2012. The Congressional approval of the construction of the SNWW CIP (authorization for construction) was provided in Section 7002(1)1 of the Water Resources Reform and Development Act (WRRDA) of 2014, Public Law 113-121. The SNWW CIP's new start construction was funded in Fiscal Year (FY) 2019 by the Army Civil Works Program FY 2019 Work Plan. The SNND and the USACE signed the Project Partnership Agreement for SNWW CIP on or about July 27, 2019. Additional funding for construction of the SNWW CIP was provided in the FY 2020 Work Plan.

Construction of the first usable increment of SNWW CIP, an anchorage basin, has begun. Upon completion of this anchorage basin, SNND intends to

begin to levy port or harbor dues pursuant to 33 U.S.C. 2236. 33 U.S.C. 2236(a)(5)(A) requires that SNND, as the non-federal sponsor, transmit to the Secretary of the Army for public notice the proposed ordinance before the initial levy of port or harbor dues. A previous notice was published on June 23, 2020 (85 FR 37634) with a draft user fee ordinance for public comment on which several comments were received. The comments resulted in the SNND modifying the proposed levy of port or harbor dues. The revised proposed levy is stated below for public comment.

### Proposed Ordinance

#### **Sabine Neches Navigation District User Fee Ordinance. An Ordinance Setting Out the Need for and Levying of a User Service Fee on Vessels and Owners of Cargo, Placing Responsibility for Providing Required Documentation and Providing Penalties**

Whereas the Sabine Neches Navigation District (“Navigation District”) is the designated non-federal sponsor (“sponsor”) for the Sabine Neches Waterway Channel Improvement Project for the Sabine Neches Waterway authorized in the Water Resources Reform and Development Act of 2014 (“Project”); and

Whereas the Texas Legislature implemented Senate Bill 1137 authorizing the Navigation District to serve as the sponsor for the Project and perform all necessary duties as the sponsor to satisfy its obligations as the local sponsor; and

Whereas the Project is projected to generate an additional \$57 billion in gross product and 465,000 US jobs; and

Whereas the Navigation District will be responsible for funding its required cost share of the total Project as set out in the Project Partnership Agreement between the United States Army Corps of Engineers and the Navigation District, including payment of the Navigation District’s 40 percent share of the construction cost; and

Whereas 33 U.S.C. 2236 authorizes a non-federal interest to levy port or harbor dues on vessels and the owner of the cargo in the form of tonnage duties or fees in conjunction with a port or harbor navigation project whose usable increment of the project is complete to finance the cost, construction or maintenance of the Project; and

Whereas the first usable increment of the Project, a new anchorage basin, located on the Neches River and referenced in section VI page 16 of the March 11, 2011, Final Feasibility has been completed and benefits all vessels whose design draft exceed 20 feet; and

Whereas the levy of port or harbor dues authorized by 33 U.S.C. 2236 may be applied to all vessels comparable in size to those vessels used to justify the completed construction of a usable increment of the Project; and

Whereas the Board of Commissioners of the Navigation District has considered matters such as elapsed time of passage, safety of passengers and cargo, vessel economy of scale, under keel clearance, vessel draft, vessel squat, speed, sinkage and the cost of construction, operations, the value of the services of the vessel and cargo; and

Whereas all vessels comparable in size to those vessels used to justify the completed construction of the useable increment anchorage basin benefit from the anchorage basin as a usable increment of the Project, a User Fee as set out below reflects the benefits provided by the Project to vessels whose design draft exceeds 20 feet.

#### **Now Be It Ordained by the Navigation and Canal Commissioners of the Sabine Neches Navigation District**

##### *Authority and Jurisdiction*

The geographical boundaries of the Navigation District include an area that is co-extensive with Jefferson County, Texas, and the Navigation District exercises jurisdiction over the adjacent waterways, the nonpublic terminals and all vessels using the Sabine Neches Waterway Channel (“Waterway”).

The Navigation District has the power and authority to regulate and fix charges for the use of the Waterway. The Navigation District is authorized to make and enforce rules and regulations to facilitate navigation and commerce, to every User. All vessels whose design draft exceeds 20 feet using the Waterway shall conform to this User Fee Ordinance (“Ordinance”), which establishes a user fee for the financing of the improvement Project (“User Fee”). All Users of the Waterway, by their use, consent to be bound by this Ordinance including these rules and regulations as they exist or may be amended from time to time.

The Board of Commissioners of the Sabine Neches Navigation District is authorized by Article 16, Section 59, of the Constitution of the State of Texas, Chapter 60 of the Texas Water Code, and the Acts of the 83rd Legislature Regular Session HB 1137 to act as the local sponsor for the Project.

Refusal or failure to comply with these rules and regulations may result in any action deemed appropriate or advisable by the Navigation District in consultation with the United States Coast Guard Captain of the Port of Port

Arthur and other relevant authorities, if any. The Navigation District may employ all legal means within its power to impose penalties and collect fees including the use and recovery of liens as permitted by 33 U.S.C. 2236.

##### *General Application*

The use of the Sabine Neches Waterway constitutes an acceptance by the User of all charges, rules, and regulations published in this Ordinance. The charges, rules, and regulations published in this Ordinance apply on all cargo moving to and from terminals on the Waterway in vessels with a design draft exceeding 20 feet and shall apply to cargos transferred at all facilities and terminals on the Waterway.

##### *Waterway User Fee*

A User Fee will be assessed against vessels whose design draft exceeds 20 feet and owners of all cargos transiting on vessels whose design draft exceeds 20 feet and loading or discharging at terminals or facilities on the Sabine Neches Waterway, beginning on a date 15 calendar days after final approval of this Ordinance by the Board of Commissioners of the Navigation District. The purpose of the User Fee is to finance construction costs associated with the Project. Although the User Fee is assessed against both subject vessels carrying the cargo and the owner of the cargo carried by subject vessels, the User Fee will be collected only once on each cargo loaded or unloaded onto a subject vessel but may be collected from either the subject vessel or the cargo owner. To avoid any confusion, “subject vessel” means a vessel whose design draft exceeds 20 feet.

The User Fee authorized by this resolution does not apply to (i) vessels owned, chartered, or operated by the United States Government, a foreign country, a state, or a political subdivision of a country or State, unless engaged in commercial services; (ii) vessels engaged in towing, dredging or channel maintenance activities, (iii) vessels engaged in intra-port movements; or (iv) vessels with design drafts of 20 feet or less.

For purposes of this Ordinance, “hydrocarbon” means oil, gas, ethanol, methanol, a commodity or thing made or manufactured-in whole or part-from oil or gas, and derivatives or by-products or fractions of oil or gas all regardless of their physical form and including mixtures of any or all of the above.

The User Fee authorized by this ordinance will expire on January 1, 2049, or upon final payment of all

construction and construction financing costs associated with the Project, whichever occurs first.

The User Fee is assessed for services including, but not limited to, meeting the financial responsibility of acting as the local sponsor for the Project.

The User Fee will be assessed as a tonnage fee on cargo loaded or discharged through a terminal. The User Fee will be assessed as follows:

#### *Hydrocarbon Cargo*

The Initial User Fee on hydrocarbon cargo is set forth below and will be identical to the schedule to be filed with the Secretary of the Treasury and the Federal Maritime Commission. The amount of the User Fee will be reviewed by the Navigation District at 12-month intervals and adjusted up, down or remain unchanged as required by the construction cost financing requirements of the Project, provided that the User Fee will not exceed the Maximum User Fee set forth below. If any change is made to the User Fee a new schedule will be filed with the Secretary of the Treasury and the Federal Maritime Commission indicating the new User Fee rate and the effective date of the rate change:

*Break-bulk:* Initial \$0.20 per short ton; Maximum \$0.35 per short ton.

*Bulk:* Initial \$0.20 per short ton; Maximum \$0.35 per short ton.

*Liquid Bulk:* Initial \$0.20 per short ton; Maximum \$0.35 per short ton.

#### *Non-Hydrocarbon Cargo*

The Initial User Fee on non-hydrocarbon cargo is set forth below and will be identical to the schedule to be filed with the Secretary of the Treasury and the Federal Maritime Commission. The amount of the User Fee will be reviewed by the Navigation District at 12-month intervals and adjusted up, down or remain unchanged as required by the construction cost financing requirements of the Project, provided that the User Fee will not exceed the Maximum User Fee set forth below. If any change is made to the User Fee a new schedule will be filed with the Secretary of the Treasury and the Federal Maritime Commission indicating the new User Fee rate and the effective date of the rate change:

*Break-bulk:* Initial \$0.02 per short ton; Maximum \$0.035 per short ton.

*Bulk:* Initial \$0.02 per short ton; Maximum \$0.035 per short ton.

*Liquid Bulk:* Initial \$0.02 per short ton; Maximum \$0.035 per short ton.

#### *Provision of Records*

The Navigation District will designate an officer or authorized representative

to receive tonnage certificates and cargo manifests from vessels which may be subject to the levy of port or harbor dues, export declarations from terminal operators, and such other documents as the non-Federal interest may by law, regulation, or ordinance require for the imposition, computation, and collection of port or harbor dues. Terminal operators having custody of any cargo to be loaded on board a vessel while the vessel is on the Waterway shall, within forty-eight hours before departure of that vessel, deliver to the appropriate appointed authorized representative an export declaration specifying the cargo to be loaded on board each such vessel. Upon the arrival of a vessel on the Waterway, which the vessel may be subject to the levy of port or harbor dues under this Ordinance, the master of that vessel shall, within forty-eight hours after arrival and before any cargo is unloaded from that vessel, deliver to the appropriate appointed authorized representative a tonnage certificate for the vessel and a manifest of the cargo aboard that vessel or, if the vessel is in ballast, a declaration to that effect. The Navigation District may enter into memoranda of understanding with terminal operators or others individually or collectively to facilitate the efficacious provision of records and to modify these requirements as deemed appropriate by the Navigation District.

#### *Responsibility for Payment of User Fee*

The vessel and owner of the cargo are each jointly responsible for payment of the entire User Fee to a representative authorized and designated by the Navigation District. Subject to procedures memorialized in memoranda of understanding, if applicable, invoices for payment of the User Fee will be delivered to vessels and cargo owners from whom User Fees are due or delivered to their respective agents. Those invoices will contain payment instructions. The Navigation District will not make any duplicate collection of the User Fee.

#### *Payment Procedure*

On the 15th of the month following transfer of the cargo either to or from a terminal on the Waterway, the terminal involved will forward to the Navigation District any funds paid to the terminal by the vessel or the owner of the cargo toward the User Fees upon cargo that crossed the terminal's dock for the preceding month, along with a verified statement of the amount owed for the incurred User Fees for the preceding month. Any vessel or cargo owner who fails to pay the full User Fee shall be identified on the monthly verified

statement. This verified statement will be submitted to the Navigation District on a form promulgated by the Navigation District and the accuracy of the information provided on the form shall be certified under penalties of perjury.

Terminals shall keep records of the amounts owed and paid for the User Fee for a period of three years and make them available for audit by the Navigation District. The data and fees paid are subject to audit by the Navigation District or other authorities and the terminal will cooperate with the Navigation District's audit.

All users and owners of private facilities and terminals shall be required to permit Navigation District representatives reasonable access to manifests of cargo, receiving reports and all other documents necessary to audit and ascertain the correctness of User Fees remitted or to be collected.

The procedures outlined in the foregoing Provision of Records and Payment Procedure sections of the Ordinance may be modified by the terms of a Memorandum of Understanding ("MOU") between an individual terminal operator and the Navigation District. In such case, the terms of the MOU shall control the obligations of the terminal operator under the Provisions of Records and Payment Procedure sections of this Ordinance.

#### *Finance Charge*

All fees are due and payable upon the 15th of the month following the use of the Waterway. Any User Fee incurred, which is unpaid thirty (30) days from that date, shall be deemed to be delinquent.

Any amount that is unpaid on or after thirty (30) days from the date due will be assessed an interest charge of twelve percent (12%) per annum of the amount of the fee due, and shall be due and owing from the date of delinquency until paid. Such interest charges shall be calculated on a per annum basis of three hundred sixty-five (365) days.

#### *Venue and Attorney Fees*

Additionally, should it become necessary for the Navigation District to file suit to collect any delinquent User Fees or to enforce any provision of this Ordinance, the party obligated herein to pay such User Fees under this section or the party against whom enforcement of the User Fee is sought consents to such suit being filed in the appropriate Federal District Court in Jefferson County, Texas. The Navigation District shall be entitled to seek all relief permitted by 33 U.S.C. 2236.

### Severability

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

### Notice

Pursuant to § 60.075(c) of the Texas Water Code, a descriptive caption stating the purpose of this Ordinance and penalty for its violation will be published for a ten (10) day period following the passage in every issue of the Beaumont Enterprise, a newspaper of general circulation in the Navigation District.

This User Fee Ordinance was passed at a Regular Meeting of the Commissioners of the Sabine Neches Navigation District.

### Vance F. Stewart, III,

Senior Official Performing the Duties of the Assistant Secretary of the Army (Civil Works).

[FR Doc. 2021-01828 Filed 1-27-21; 8:45 am]

BILLING CODE 3720-58-P

## DELAWARE RIVER BASIN COMMISSION

### Notice of Public Hearing and Business Meeting; February 10 and March 10, 2021

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 10, 2021. A business meeting will be held the following month on Wednesday, March 10, 2021. Both the hearing and the business meeting are open to the public. In light of COVID-19 mitigation measures in effect for DRBC member states, both meetings will be conducted remotely. Details about the remote platform and how to attend will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov), on or after January 27, 2021 for the public hearing and no later than February 28, 2021 for the business meeting.

**Public Hearing.** The Commission will conduct the public hearing remotely on February 10, 2021, commencing at 1:30 p.m. Hearing items will include draft dockets for withdrawals, discharges, and other projects that could have a substantial effect on the basin's water resources. The list of projects scheduled for hearing, including project descriptions, will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov),

in a long form of this notice at least ten days before the hearing date.

Written comments on matters scheduled for hearing on February 10, 2021 will be accepted through 5:00 p.m. on February 16, 2021.

The public is advised to check the Commission's website periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is needed to complete the Commission's review, and items may be added up to ten days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that the details of projects may change during the Commission's review, which is ongoing.

**Public Meeting.** The public business meeting on March 10, 2021 will begin at 10:30 a.m. and will include: Adoption of the Minutes of the Commission's December 9, 2020 Business Meeting; announcements of upcoming meetings and events; a report on hydrologic conditions; reports by the Executive Director and the Commission's General Counsel; and consideration of any items for which a hearing has been completed or is not required.

After all scheduled business has been completed and as time allows, the Business Meeting will be followed by up to one hour of Open Public Comment, an opportunity to address the Commission on any topic concerning management of the basin's water resources outside the context of a duly noticed, on-the-record public hearing.

There will be no opportunity for additional public comment for the record at the March 10 Business Meeting on items for which a hearing was completed on February 10 or a previous date. Commission consideration on March 10 of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

**Advance Sign-Up for Oral Comment.** Individuals who wish to comment on the record during the public hearing on February 10 or to address the Commissioners informally during the Open Public Comment portion of the meeting on March 10 as time allows, are asked to sign up in advance through

EventBrite. Links to EventBrite for the Public Hearing and the Business Meeting are posted at [www.drbc.gov](http://www.drbc.gov). For assistance, please contact Ms. Patricia Hausler of the Commission staff, at [patricia.hausler@drbc.gov](mailto:patricia.hausler@drbc.gov).

**Addresses for Written Comment.** Written comment on items scheduled for hearing may be made through the Commission's web-based comment system, a link to which is provided at [www.drbc.gov](http://www.drbc.gov). Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by writing to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360. For assistance, please contact Patricia Hausler at [patricia.hausler@drbc.gov](mailto:patricia.hausler@drbc.gov).

**Accommodations for Special Needs.** Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the meeting or hearing should contact the Commission Secretary directly at 609-883-9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

**Additional Information, Contacts.** Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Denise McHugh, 609-883-9500, ext. 240. For other questions concerning hearing items, please contact David Kovach, Project Review Section Manager at 609-883-9500, ext. 264.

Dated: January 21, 2021.

**Pamela M. Bush,**

Commission Secretary and Assistant General Counsel.

[FR Doc. 2021-01937 Filed 1-27-21; 8:45 am]

BILLING CODE P

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0014]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI) Program Application

**AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is

proposing a revision of a currently approved collection.

**DATES:** Interested persons are invited to submit comments on or before March 1, 2021.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this information collection request by selecting "Department of Education" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox. Comments may also be sent to [ICDocketmgr@ed.gov](mailto:ICDocketmgr@ed.gov).

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Pearson Owens, (202) 453-7997.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI) Program Application.

*OMB Control Number:* 1840-0798.

*Type of Review:* Revision of a currently approved collection.

*Respondents/Affected Public:* Private Sector.

*Total Estimated Number of Annual Responses:* 120.

*Total Estimated Number of Annual Burden Hours:* 9,000.

**Abstract:** This program provides grants and related assistance to Asian American and Native American Pacific Islander-serving institutions to enable such institutions to improve and expand their capacity to serve Asian Americans and Native American Pacific Islanders and low-income individuals. The currently approved information collection (1840-0798) includes the application used to apply for grants under Part A. This revision proposes to add a similar application to be used to apply for grants under Part F.

Dated: January 25, 2021.

**Kate Mullan,**

*PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2021-01878 Filed 1-27-21; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14635-001]

#### Village of Gouverneur, New York; Notice of Intent To Prepare an Environmental Assessment

On September 20, 2019, the Village of Gouverneur, New York (Village of Gouverneur) filed an application for an original minor license to continue operating the existing, unlicensed, 160-kilowatt Gouverneur Hydroelectric Project No. 14635 (Gouverneur Project or project). The project is located on the Oswegatchie River in the Village of Gouverneur, St. Lawrence County, New York. The project does not occupy federal land.

In accordance with the Commission's regulations, on November 19, 2020, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to license the Gouverneur Project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA .....	May 2021. <sup>1</sup>
Comments on EA .....	June 2021.

Any questions regarding this notice may be directed to Jody Callihan at (202) 502-8278 or [jody.callihan@ferc.gov](mailto:jody.callihan@ferc.gov).

Dated: January 22, 2021.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2021-01869 Filed 1-27-21; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP21-30-000]

#### Gulf South Pipeline Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 14, 2021, Gulf South Pipeline Company, LLC (Gulf South), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046 filed in the above referenced docket a prior notice pursuant to Section 157.205 and 157.216(b) of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act, requesting authorization to abandon in place and by removal a portion of its Index 281 consisting of approximately 5.3 miles of 16-inch natural gas pipeline in Lafourche and St. Charles parishes, Louisiana (Index 281 Bayou Des Allemands Abandonment Project). Gulf South proposes to abandon these facilities under authorities granted by its blanket certificate issued in Docket No. CP82-430-000.<sup>1</sup> Gulf South states that the proposed abandonments will have no impact on Gulf South's existing customers. The estimated cost for the Project is approximately \$19 million, all as more fully set forth in the request

<sup>1</sup> The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the Gouverneur Project. Therefore, in accordance with CEQ's regulations, the EA must be issued within 1 year of the issuance date of this notice.

<sup>1</sup> *Gulf South Pipeline Company, LP*, 20 FERC ¶ 62,416 (1982).

which is on file with the Commission and open to 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions concerning this application should be directed to Juan Eligio, Jr., Supervisor of Regulatory Affairs, Gulf South Pipeline Company, LLC, 9 Greenway Plaza, Houston, Texas 77046, at (713) 479-3480 or by email to [juan.eligio@bwpipelines.com](mailto:juan.eligio@bwpipelines.com).

### Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 23, 2021. How to file protests, motions to intervene, and comments is explained below.

### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>2</sup> any person<sup>3</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for

authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>4</sup> and must be submitted by the protest deadline, which is March 23, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

### Interventions

Any person 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<sup>5</sup> and the regulations under the NGA<sup>6</sup> by the intervention deadline for the project, which is March 23, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about

the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before March 23, 2021. 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.

### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21-30-000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://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 "Protest", "Intervention", or "Comment on a Filing."

The Commission's eFiling staff are available to assist you at (202) 502-8258 or [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov).

(2) You can file a paper copy of your submission. Your submission must reference the Project docket number CP21-30-000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: [juan.eligio@bwpipelines.com](mailto:juan.eligio@bwpipelines.com), 9 Greenway Plaza, Houston, Texas 77046. 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.

### 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 [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link

<sup>2</sup> 18 CFR 157.205.

<sup>3</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>4</sup> 18 CFR 157.205(e).

<sup>5</sup> 18 CFR 385.214.

<sup>6</sup> 18 CFR 157.10.

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](http://www.ferc.gov/docs-filing/esubscription.asp).

Dated: January 22, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021-01874 Filed 1-27-21; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM98-1-000]

**Records Governing Off-the-Record Communications; Public Notice**

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt

of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as

having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket Nos.	File date	Presenter or requester
<b>Prohibited</b>		
1. CP17-494-000, CP17-494-003, CP17-495-000, CP17-495-003 .....	1-19-2021	FERC Staff. <sup>1</sup>
2. CP17-494-000, CP17-494-003, CP17-495-000, CP17-495-003 .....	1-19-2021	FERC Staff. <sup>2</sup>
3. CP17-494-000, CP17-494-003, CP17-495-000, CP17-495-003 .....	1-19-2021	FERC Staff. <sup>3</sup>
4. CP17-494-000, CP17-494-003, CP17-495-000, CP17-495-003 .....	1-19-2021	FERC Staff. <sup>4</sup>
5. CP17-494-000, CP17-494-003, CP17-495-000, CP17-495-003 .....	1-19-2021	FERC Staff. <sup>5</sup>
<b>Exempt</b>		
1. ER21-424-000 .....	11-23-2020	U.S. Congress. <sup>6</sup>
2. P-3409-000 .....	1-8-2021	FERC Staff. <sup>7</sup>

Dated: January 22, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021-01876 Filed 1-27-21; 8:45 am]

**BILLING CODE 6717-01-P**

<sup>1</sup> Memorandum regarding ex parte communication from July 2020 with Ted Glick.

<sup>2</sup> Memorandum regarding ex parte communication from July 2020 with Jordan Bale.

<sup>3</sup> Memorandum regarding ex parte communication from July 2020 with Kaley Holmes.

<sup>4</sup> Memorandum regarding ex parte communication from July 2020 with an individual named Vanessa, from the Southern Oregon region.

<sup>5</sup> Memorandum regarding ex parte communication from July 2020 with Faith Strigler.

<sup>6</sup> U.S. Representatives Debbie Dingell, Haley Stevens, Brenda Lawrence, Andy Levin, and Daniel T. Kildee.

<sup>7</sup> Telephone Memorandum dated 1/4/2021 regarding voicemail from Ms. Amira Oun, Michigan Department of Environment, Great Lakes, and Energy.

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 2347-060]

**Midwest Hydro, LLC; Notice of Application for Amendment of License, Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding*: Application for non-capacity amendment of license.

b. *Project No.*: 2347-060.

c. *Date Filed*: December 18, 2020.

d. *Licensee*: Midwest Hydro, LLC.

e. *Name of Project*: Janesville Central Hydroelectric Project.

f. *Location*: The project is located on the Rock River, in the city of Janesville, Rock County, Wisconsin.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791a-825r.

h. *Licensee Contact*: David Fox, Director of Licensing & Compliance, Midwest Hydro, LLC, 116 N State Street, P.O. Box 167, Neshkoro, WI 54960-0167; (240) 724-8765; david.fox@eaglecreekre.com.

i. *FERC Contact*: Chris Chaney, (202) 502-6778, christopher.chaney@ferc.gov.

j. *Deadline for filing comments, interventions, and protests*: Deadline for filing comments, motions to intervene, and protests: February 22, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P-2347-060. Comments

emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request*: The applicant proposes to amend the run-of-river reservoir operating range specified in Article 401 of the license from between 768.8 and 769.4 feet National Geodetic Vertical Datum (NGVD) to between 769.1 and 769.8 feet NGVD. The licensee will continue operating in a run-of-river mode, and requests the change to reduce the occurrence of deviations outside the allowable reservoir operating range, and to help ensure the passing of the minimum flow required under Article 402 of the license.

l. *Locations of the Application*: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents*: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: January 22, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021-01877 Filed 1-27-21; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Combined Notice of Filings**

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

*Docket Number*: PR21-17-000.

*Applicants*: Columbia Gas of Maryland, Inc.

*Description*: Tariff filing per 284.123(b),(e)/: CMD Tariff Rates Jan 1 2021 to be effective 1/1/2021 under PR21-17.

*Filed Date*: 1/19/2021.

*Accession Number*: 202101195060.

*Comments/Protests Due*: 5 p.m. ET 2/9/2021.

*Docket Numbers*: RP21-170-000.

*Applicants*: Texas Eastern Transmission, LP.

*Description*: Report Filing: ASA Refund Report Informational Filing—RP21-170.

*Filed Date*: 1/21/21.

*Accession Number*: 20210121-5008.

*Comments Due*: 5 p.m. ET 2/2/21.

*Docket Numbers*: RP21-393-000.

*Applicants*: Iroquois Gas Transmission System, L.P.

*Description*: § 4(d) Rate Filing: 1.20.21 Negotiated Rates—Castleton Commodities Merchant Trading L.P. R-4010-27 to be effective 2/1/2021.

*Filed Date*: 1/21/21.

*Accession Number*: 20210121-5001.

*Comments Due:* 5 p.m. ET 2/2/21.

*Docket Numbers:* RP21–394–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 1.20.21 Negotiated Rates—Castleton Commodities Merchant Trading L.P. R-4010–28 to be effective 2/1/2021.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5002.

*Comments Due:* 5 p.m. ET 2/2/21.

*Docket Numbers:* RP21–395–000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* § 4(d) Rate Filing: Negotiated Rate—Yankee Gas 510802 Release eff 1–21–2021 to be effective 1/21/2021.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5003.

*Comments Due:* 5 p.m. ET 2/2/21.

*Docket Numbers:* RP21–396–000.

*Applicants:* Southern LNG Company, L.L.C.

*Description:* § 4(d) Rate Filing: Dredging Surcharge Cost Adjustment—2021 to be effective 3/1/2021.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5044.

*Comments Due:* 5 p.m. ET 2/2/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). 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: January 22, 2021.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2021–01873 Filed 1–27–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP21–32–000]

#### Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 15, 2021, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 State Route 56, Owensboro, Kentucky 42301 filed in the above referenced docket a prior notice pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) and its blanket certificate issued in Docket No. CP82–479–000 requesting authorization to abandon two injection/withdrawal (I/W) wells (SW #2 and SW #75) at its South Welda Storage Field in Anderson County, Kansas and one I/W well (Piqua #2) at its Piqua Storage Field in Allen County, Kansas. Southern Star states that the proposed abandonment of the three wells will have no impact on its existing customers or affect the certificated parameters of the South Welda and Piqua Storage Fields. Southern Star estimates the cost of the project to be approximately \$150,000, all as more fully set forth in the request which is on file with the Commission and open to 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Any questions concerning this application should be directed to Cindy Thompson, Manager Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, by phone at (270) 852–4655 or by email at [cindy.thompson@southernstar.com](mailto:cindy.thompson@southernstar.com).

## Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on [Date–60 Days]. How to file protests, motions to intervene, and comments is explained below.

### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>1</sup> any person<sup>2</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>3</sup> and must be submitted by the protest deadline, which is [Date–60 Days]. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

### Interventions

Any person 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<sup>4</sup> and the regulations under the NGA<sup>5</sup> by the intervention deadline for the project, which is [Date–60 Days]. As described further in Rule 214, your motion to intervene must state, to the extent known, your position

<sup>1</sup> 18 CFR 157.205.

<sup>2</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>3</sup> 18 CFR 157.205(e).

<sup>4</sup> 18 CFR 385.214.

<sup>5</sup> 18 CFR 157.10.

regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

#### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before [Date—60 Days]. 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.

#### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21–32–000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://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 "Protest", "Intervention", or "Comment on a Filing."

The Commission's eFiling staff are available to assist you at (202) 502–8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

(2) You can file a paper copy of your submission.

*To mail via USPS, use the following address:* Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

*To mail via any other courier, use the following address:* Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

*Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at:* [cindy.thompson@southernstar.com](mailto:cindy.thompson@southernstar.com), 4700 State Route 56, Owensboro, Kentucky 42301. 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.

#### 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 [www.ferc.gov](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](http://www.ferc.gov/docs-filing/esubscription.asp).

Dated: January 22, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021–01871 Filed 1–27–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–1123–006.

*Applicants:* Union Electric Company.

*Description:* Notice of Change in Status of Union Electric Company.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5319.

*Comments Due:* 5 p.m. ET 2/11/21.

*Docket Numbers:* ER19–1959–004.

*Applicants:* Avista Corporation.

*Description:* Compliance filing: Avista Corp 845/845A Conformed Version LGIP to be effective 1/25/2021.

*Filed Date:* 1/22/21.

*Accession Number:* 20210122–5049.

*Comments Due:* 5 p.m. ET 2/12/21.

*Docket Numbers:* ER20–1839–002.

*Applicants:* VETCO.

*Description:* Compliance filing: Amended Order No. 864 Compliance Filing to be effective 3/26/2020.

*Filed Date:* 1/22/21.

*Accession Number:* 20210122–5058.

*Comments Due:* 5 p.m. ET 2/12/21.

*Docket Numbers:* ER20–1992–001.

*Applicants:* Public Service Company of New Mexico.

*Description:* Compliance filing: PNM Response to December 22, 2020 Deficiency Letter to be effective 1/27/2020.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5300.

*Comments Due:* 5 p.m. ET 2/11/21.

*Docket Numbers:* ER21–926–000.

*Applicants:* California Independent System Operator Corporation.

*Description:* § 205(d) Rate Filing: 2021–01–21 CCSF First Amendment to Second Amended ROA to be effective 3/23/2021.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5267.

*Comments Due:* 5 p.m. ET 2/11/21.

*Docket Numbers:* ER21–927–000.

*Applicants:* Cleveland-Cliffs Steel LLC.

*Description:* § 205(d) Rate Filing: Notice of Succession filing to be effective 1/22/2021.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5269.

*Comments Due:* 5 p.m. ET 2/11/21.

*Docket Numbers:* ER21–928–000.

*Applicants:* Cleveland-Cliffs Cleveland Works LLC.

*Description:* § 205(d) Rate Filing: Notice of Succession filing to be effective 12/23/2020.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5271.

*Comments Due:* 5 p.m. ET 2/11/21.

*Docket Numbers:* ER21–929–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Amendment to ISA, SA No. 4608; Queue No. AE2–155 (amend) to be effective 4/30/2020.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5290.  
*Comments Due:* 5 p.m. ET 2/11/21.

*Docket Numbers:* ER21–930–000.

*Applicants:* American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: ATSI submits ECSAs, SA Nos. 5913, 5914, and 5915 to be effective 3/24/2021.

*Filed Date:* 1/22/21.

*Accession Number:* 20210122–5034.

*Comments Due:* 5 p.m. ET 2/12/21.

*Docket Numbers:* ER21–931–000.

*Applicants:* NorthWestern Corporation.

*Description:* § 205(d) Rate Filing: SA 905—Agreement to Provide Services with GCC Three Forks LLC to be effective 1/25/2021.

*Filed Date:* 1/22/21.

*Accession Number:* 20210122–5072.

*Comments Due:* 5 p.m. ET 2/12/21.

*Docket Numbers:* ER21–932–000.

*Applicants:* Louisville Gas & Electric Company.

*Description:* Notice of Termination of a Transmission Lease Agreement of Louisville Gas and Electric Company.

*Filed Date:* 1/22/21.

*Accession Number:* 20210122–5079.

*Comments Due:* 5 p.m. ET 2/12/21.

*Docket Numbers:* ER21–933–000.

*Applicants:* Peetz Table Wind Energy, LLC.

*Description:* Tariff Cancellation: Peetz Table Wind Energy, LLC Cancellation of MBR Tariff to be effective 1/23/2021.

*Filed Date:* 1/22/21.

*Accession Number:* 20210122–5119.

*Comments Due:* 5 p.m. ET 2/12/21.

*Docket Numbers:* ER21–934–000.

*Applicants:* Northern Colorado Wind Energy, LLC.

*Description:* Tariff Cancellation: Northern Colorado Wind Energy, LLC Cancellation of MBR Tariff to be effective 1/23/2021.

*Filed Date:* 1/22/21.

*Accession Number:* 20210122–5121.

*Comments Due:* 5 p.m. ET 2/12/21.

*Docket Numbers:* ER21–935–000.

*Applicants:* Crowned Ridge Interconnection, LLC.

*Description:* Tariff Cancellation: Crowned Ridge Interconnection, LLC, to be effective 1/23/2021.

*Filed Date:* 1/22/21.

*Accession Number:* 20210122–5126.

*Comments Due:* 5 p.m. ET 2/12/21.

Take notice that the Commission received the following public utility holding company filings:

*Docket Numbers:* PH21–7–000.

*Applicants:* BlackRock, Inc.

*Description:* BlackRock, Inc. submits FERC–65–A Notice of Change in Fact to Exemption Notification.

*Filed Date:* 1/21/21.

*Accession Number:* 20210121–5318.

*Comments Due:* 5 p.m. ET 2/11/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at:

<http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 22, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–01870 Filed 1–27–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP21–27–000]

#### Transcontinental Gas Pipe Line Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 12, 2021, Transcontinental Gas Pipe Line Company, LLC (Transco), Post Office Box 1396, Houston, Texas 77251–1396, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) and Transco's blanket certificate issued in Docket No. CP82–426–000, for authorization to abandon approximately 6.57 miles of pipeline that consists of an 8-inch-diameter supply lateral and approximately 6.56 miles of pipeline that consists of three 16-inch-diameter supply laterals extending from Ship Shoal Block 233, Platform B to Ship Shoal Block 214, Platform C and appurtenant metering facilities (Supply Laterals), all in Federal offshore waters, offshore Louisiana, all as more fully set

forth in the application which is on file with the Commission and open to public inspection.

Transco states that the abandonment of the Supply Laterals will have no impact on the daily design capacity or operating conditions of Transco's system, nor will the abandonment have any adverse impact on Transco's existing customers. Additionally, Transco states that the Supply Laterals have not provided service to any customers for the last 12 months. The estimated cost of the abandonment is \$3,182,902.

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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this prior notice request should be directed to Jordan Kirwin, Director, Rates & Regulatory, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, Texas 77251 at (713) 215–3723 or by email at [Jordan.Kirwin@Williams.com](mailto:Jordan.Kirwin@Williams.com).

#### Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 23, 2021. How to file protests, motions to intervene, and comments is explained below.

#### Protests

Pursuant to section 157.205 of the Commission's regulations under the

NGA,<sup>1</sup> any person<sup>2</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>3</sup> and must be submitted by the protest deadline, which is March 23, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

#### Interventions

Any person 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<sup>4</sup> and the regulations under the NGA<sup>5</sup> by the intervention deadline for the project, which is March 23, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the

time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

#### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before March 23, 2021. 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.

#### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21-27-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's *eFiling* feature, which is located on the Commission's website ([www.ferc.gov](http://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 "Protest", "Intervention", or "Comment on a Filing"; or<sup>6</sup>

(2) You can file a paper copy of your submission by mailing it to the address below.<sup>7</sup> Your submission must reference the Project docket number CP21-27-000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of submissions (option 1 above) and has *eFiling* staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

<sup>6</sup> Additionally, you may file your comments electronically by using the *eComment* feature, which is located on the Commission's website at [www.ferc.gov](http://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.

<sup>7</sup> Hand-delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Protests and motions to intervene must be served on the applicant either by mail at: P.O. Box 1396, Houston, Texas 77251 at (713) 215-3723 or email (with a link to the document) at: [Jordan.Kirwin@Williams.com](mailto:Jordan.Kirwin@Williams.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.

#### 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 [www.ferc.gov](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](http://www.ferc.gov/docs-filing/esubscription.asp).

Dated: January 22, 2021.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2021-01872 Filed 1-27-21; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP21-26-000]

#### Transcontinental Gas Pipe Line Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 12, 2021, Transcontinental Gas Pipe Line Company, LLC (Transco), P.O. Box 1396, Houston, TX 77251, filed in the above referenced docket a prior notice pursuant to Section 157.205 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act, requesting authorization to abandon an existing 6-inch supply lateral extending from

<sup>1</sup> 18 CFR 157.205.

<sup>2</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>3</sup> 18 CFR 157.205(e).

<sup>4</sup> 18 CFR 385.214.

<sup>5</sup> 18 CFR 157.10.

Galveston Area Block 223 to Galveston Block Area 240 and an existing 12-inch supply lateral extending from Galveston Area Block 255, Platform "A," to Galveston Area Block 239 and appurtenant metering facilities, all in Federal offshore waters, offshore Texas. Transco proposes to abandon these facilities under authorities granted by its blanket certificate issued in Docket No. CP82-426-000. The proposed abandonments will have no impact on Transco's existing customers. The estimated cost for the project is approximately \$2.6 million, all as more fully set forth in the request which is on file with the Commission and open to 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions concerning this application should be directed to Jordan Kirwin, Director, Rates & Regulatory, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, Texas 77251; (713) 215-3723, [Jordan.Kirwin@williams.com](mailto:Jordan.Kirwin@williams.com).

### Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 23, 2021. How to file protests, motions to intervene, and comments is explained below.

#### Protests

Pursuant to section 157.205 of the Commission's regulations under the

NGA,<sup>1</sup> any person<sup>2</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>3</sup> and must be submitted by the protest deadline, which is March 23, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

#### Interventions

Any person 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<sup>4</sup> and the regulations under the NGA<sup>5</sup> by the intervention deadline for the project, which is March 23, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the

time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

#### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before March 23, 2021. 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.

#### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21-26-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://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 "Protest", "Intervention", or "Comment on a Filing"; or<sup>6</sup>

(2) You can file a paper copy of your submission by mailing it to the address below.<sup>7</sup> Your submission must reference the Project docket number CP21-26-000. Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either

<sup>6</sup> Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://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.

<sup>7</sup> Hand-delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

<sup>1</sup> 18 CFR 157.205.

<sup>2</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>3</sup> 18 CFR 157.205(e).

<sup>4</sup> 18 CFR 385.214.

<sup>5</sup> 18 CFR 157.10.

by mail or email (with a link to the document) at: P.O. Box 1396, Houston, Texas 77251, [Jordan.Kirwin@williams.com](mailto:Jordan.Kirwin@williams.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.

### 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 [www.ferc.gov](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](http://www.ferc.gov/docs-filing/esubscription.asp).

Dated: January 22, 2021.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2021-01875 Filed 1-27-21; 8:45 am]

**BILLING CODE 6717-01-P**

## FEDERAL RESERVE SYSTEM

### Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

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 question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the 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 February 12, 2021.

*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 or [Comments.applications@rich.frb.org](mailto:Comments.applications@rich.frb.org):

1. *First Citizens Bancshares, Inc., through its subsidiary bank, First-Citizens Bank & Trust Company, both of Raleigh, North Carolina*; to indirectly acquire voting shares of CIT Strategic Credit Partners Holdings, LLC, and CIT Northbridge Credit, LLC, both of New York, New York, and thereby engage in extending credit and servicing loans pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, January 25, 2021.

**Michele Taylor Fennell,**  
*Deputy Associate Secretary of the Board.*

[FR Doc. 2021-01893 Filed 1-27-21; 8:45 am]

**BILLING CODE P**

## FEDERAL TRADE COMMISSION

[File No. 192 3133]

### Flo Health, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement; request for comment.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before March 1, 2021.

**ADDRESSES:** Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write "Flo Health, Inc.; File No. 192 3133" on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Elisa Jillson (202-326-3001), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at <https://www.ftc.gov/news-events/commission-actions>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 1, 2021. Write "Flo Health, Inc.; File No. 192 3133" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

Due to the COVID-19 pandemic and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the <https://www.regulations.gov> website.

If you prefer to file your comment on paper, write "Flo Health, Inc.; File No.

192 3133” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else’s Social Security number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential”—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the <https://www.regulations.gov> website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the

requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <http://www.ftc.gov> to read this Notice and the news release describing the proposed settlement. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 1, 2021. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

#### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (the “Commission”) has accepted, subject to final approval, an agreement containing a consent order from Flo Health, Inc. (“Respondent” or “Flo Health”).

The proposed consent order (“Proposed Order”) has been placed on the public record for thirty (30) days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement, along with any comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the Proposed Order.

This matter involves Flo Health, a technology start-up that develops and distributes a mobile application called the Flo Period & Ovulation Tracker (“App”), which collects and stores menstruation and fertility information about millions of users worldwide. Respondent has been a participant in the EU-U.S. Privacy Shield (“Privacy Shield”) and the U.S.-Swiss Privacy Shield framework since August 12, 2018.

The Commission’s proposed complaint alleges that Flo Health deceived consumers, in violation of Section 5(a) of the Federal Trade Commission Act, in seven ways:

- First, the complaint alleges that Flo Health represented that it would not disclose “information regarding . . . marked cycles, pregnancy, symptoms, notes . . .” to any third parties, or disclose “any data related to health” to particular third parties. In fact, Flo Health disclosed custom app events—records of individual users’ interactions with various features of the App, which conveyed identifying information about App users’ menstrual cycles, fertility,

and pregnancies—to various third-party marketing and analytics firms.

- Second, the complaint alleges that Flo Health represented that it would *only* disclose device identifiers or personal data “like” device identifiers to certain third parties. In fact, in addition to disclosing device and advertising identifiers, Flo Health also disclosed custom app events conveying health information to those parties.

- Third, the complaint alleges that Flo Health represented that third parties would not use Flo App users’ personal information “for any purpose except to provide services in connection with the App.” In fact, Flo Health agreed to terms with multiple third parties that permitted these third parties to use Flo App users’ personal health information for the third parties’ own purposes, including for advertising and product improvement. Indeed, from June 2016 to February 2019, one of the third parties (Facebook, Inc.) used Flo App users’ personal health information for its own purposes, including its own research and product development.

- Counts IV through VII allege misrepresentations of compliance with the Privacy Shield Principles of Notice (Count IV), Choice (Count V), Accountability for Onward Transfers (Count VI), and Purpose Limitation (Count VII). Count IV alleges that Flo Health represented compliance with the Privacy Shield frameworks, when in fact it did not give Flo App users notice about to whom their data would be disclosed and for what purposes. Count V alleges that Flo Health disclosed this information without providing Flo App users with choice with respect to these disclosures or the purposes for which the data could be processed (e.g., Facebook’s advertising). Count VI alleges that Flo Health failed to limit by contract the third parties’ use of users’ health data or require by contract the third parties’ compliance with the Privacy Shield principles. And Count VII alleges that Flo Health processed users’ health data in a manner incompatible with the purposes for which it had been collected because Flo disclosed the data to third parties under contracts permitting them to use the data for their own purposes.

The Proposed Order contains injunctive provisions addressing the alleged deceptive conduct. Part I prohibits Flo Health from making false or deceptive statements regarding: (1) The purposes for which Flo Health or any entity to whom it discloses Covered Information (i.e., personal information, including identifiable health information) collects, maintains, uses, or discloses such information; (2) the

extent to which consumers may exercise control over Flo Health's access, collection, maintenance, use, disclosure, or deletion of Covered Information; (3) the extent to which Flo Health complies with any privacy, security, or compliance program, including the Privacy Shield; and (4) the extent to which Flo Health collects, maintains, uses, discloses, deletes, or permits or denies access to any Covered Information, or the extent to which Flo Health protects the availability, confidentiality, or integrity of Covered Information.

Part II of the Proposed Order requires Flo Health to ask any "Third Party" (*i.e.*, any party other than Flo Health, its service providers, or subcontractors) that has received "Health Information" about "Covered App Users" to destroy such information. Part III of the Proposed Order requires that Flo provide notice to users and the public that it shared certain information about users' periods and pregnancies with the data analytics divisions (but not the social media divisions) of a number of third parties, including Facebook, Flurry, Fabric, and Google. Part IV of the Proposed Order requires that, before disclosing any consumer's health information to a third party, Flo Health must provide notice and obtain express affirmative consent, including informing the user of the categories of information to be disclosed, the identities of the third parties, and how the information will be used.

Part V of the Proposed Order requires an outside "Compliance Review," conducted within 180 days after entry of the Proposed Order, to verify any attestations and assertions Flo Health made pursuant to the EU-U.S. Privacy Shield or the U.S.-Swiss Privacy Shield framework. Part VI of the Proposed Order requires Flo Health to cooperate with the Compliance Reviewer and Part VII requires that a senior manager of Flo Health certify Flo Health's compliance with the Proposed Order.

Part VIII of the Proposed Order requires notification of the Commission following any "Covered Incident," which includes any incident in which Flo Health disclosed individually identifiable Health Information from or about a consumer to a third party without first receiving the consumer's affirmative express consent.

Parts IX through XII of the Proposed Order are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring Flo Health to provide information or documents necessary for the Commission to monitor compliance with the Proposed

Order. Part XIII states that the Proposed Order will remain in effect for twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the Proposed Order. It is not intended to constitute an official interpretation of the complaint or Proposed Order, or to modify in any way the Proposed Order's terms.

By direction of the Commission, Commissioners Chopra and Slaughter concurring in part and dissenting in part.

**Joel Christie,**

*Acting Secretary.*

**Statement of Commissioner Noah Joshua Phillips**

Despite representing that it would not share its users' health details with anyone, Flo Health, Inc. ("Flo") allegedly did so. As charged in the complaint, Flo coded app events, a mechanism by which app developers use third-party analytics to track how users use their apps, with words like "Pregnancy", and then shared them with analytics divisions of third parties including Facebook and Google.<sup>1</sup> I support this complaint and consent, which sends an important message about the care app developers must take to level with users about how they share user data.

I write to respond to the vision my colleagues articulate about when the Commission should use consumer notice in our data security and privacy enforcement program.

The order we place on the public record for comment requires Flo to seek deletion of data it improperly shared with third parties; obtain users' affirmative express consent before sharing their health information with third parties; report to the Commission future unauthorized disclosures; obtain an outside assessment of its privacy practices; and provide the following notice to consumers:

Between June 1, 2016 and February 23, 2019, the company that makes the Flo Period & Ovulation Tracker app sent an identifying number related to you and information about your period and pregnancy to companies that help us measure and analyze trends, usage, and activities on the app, including the analytics divisions of Facebook, Flurry, Fabric, and Google. No information was shared with the social media divisions of

<sup>1</sup> The Complaint does not challenge the use of third-party analytics services, upon which developers routinely rely. Because Flo Health coded events with names like "R\_Pregnancy\_Week Chosen", rather than something generic like "Event 1", the events conveyed health information. The Wall Street Journal reported this conveyance on February 22, 2019, and the next day Flo Health ceased its conduct.

these companies. We did not share your name, address, or birthday with anyone at any time.<sup>2</sup>

In championing the consumer notice remedy in their concurring statement, Commissioners Chopra and Slaughter propose that the Commission no longer assess each case on its particular merits when determining when to order consumer notice.<sup>3</sup> Rather, they assert "the Commission should presumptively seek notice provisions in privacy and data security matters, especially in matters that do not include redress for victims."<sup>4</sup> I disagree with that approach.

The Commission has used notice requirements to prevent ongoing harm to consumers and to enable them to remediate the effects of harm suffered. To that end, the Commission has required consumer notice in cases where:

- Consumers' health or safety is at risk;<sup>5</sup>
- consumers are subject to recurring charges that they may be unaware of;<sup>6</sup>
- consumers have a financial or legal interest that needs to be protected;<sup>7</sup>
- notice is necessary to prevent the ongoing dissemination of deceptive information;<sup>8</sup> or
- consumers on their own would not have been able to discover or determine

<sup>2</sup> Consent, Exhibit A.

<sup>3</sup> Commissioners Chopra and Slaughter also assert that the "plain language" of the Health Breach Notification Rule covers Flo. I disagree. We have never applied the Rule to a health app such as Flo in the past, in part because the language of the Rule is not so plain. And I do not support announcing such a novel interpretation of the Rule here, in the context of an enforcement action. See Joint Statement of Comm'r Chopra and Comm'r Slaughter, *In re Flo Health*, File No. 1923133 (Jan. 13, 2021).

<sup>4</sup> *Id.*

<sup>5</sup> For example, in *Daniel Chapter One*, No. 9329 (Jan. 25, 2010) <https://www.ftc.gov/enforcement/cases-proceedings/082-3085/daniel-chapter-one>, the final order required the respondent to notify consumers that the company's cancer treatment claims regarding its dietary supplements were deceptive, and the supplements could actually interfere with cancer treatment.

<sup>6</sup> For example, in the stipulated final order in *FTC v. Lumos Labs, Inc.*, No. 3:16-cv-0001, at 12-13, 22-23 (C.D. Cal. Jan. 8, 2016), the required notices described the FTC's allegations and explained how to cancel service.

<sup>7</sup> In *FTC v. American Financial Benefits Center*, No. 4:18-cv-00806 (N.D. Cal. Feb. 7, 2018), consumers were notified that their recurring payments to the company were not being used to pay off their student loans.

<sup>8</sup> In *FTC v. Applied Food Sciences, Inc.*, No. 1:14-cv-00851 at 12, 21 (W.D. Tex. Sept. 10, 2014), a wholesaler of dietary supplement ingredients distributed misleading information to supplement makers, touting the results of a clinical study that the FTC's investigation had shown to be botched. The company was required to notify all supplement makers who had received the misleading information that the FTC did not find the study credible.

the illegal behavior and would not know to take remedial action.<sup>9</sup>

Using these guidelines, the Commission has found consumer notice appropriate in some privacy and data security cases as well, such as when there was a need to inform consumers about ongoing data collection and sharing<sup>10</sup> or to correct a deceptive data breach notification.<sup>11</sup> On the data security front, where it can be critical that consumers know sensitive information has been breached or exposed, a panoply of state breach notification laws require notice to consumers.

When warranted, notice to consumers can be an important tool. But neither the Commission, nor any of the 50 states with data breach notification laws, have taken the position of requiring consumer notice for the mere sake of the notice itself.

Commissioners Chopra and Slaughter stress that notice is warranted especially where redress is not paid to consumers. How consumer notice substitutes for redress, an equitable mechanism to return to consumers what they have lost, is not clear. Nor is it clear what, if anything, limits this approach to notice to data security and privacy cases. To the extent notice is intended as a penalty, I disagree. My view is that we should target notice as a means to help consumers take action to protect themselves. Contacting consumers when there is no remedial action that they can take runs the risk of undermining consumer trust and needlessly overwhelming consumers.<sup>12</sup>

### Joint Statement of Commissioner Rohit Chopra and Commissioner Rebecca Kelly Slaughter Concurring in Part, Dissenting in Part

Today, the FTC is ordering Flo Health, Inc. (“Flo”) to notify consumers

that it has been charged with sharing consumers’ menstruation and fertility information without their consent. This proposed settlement is a change for the FTC, which has never before ordered notice of a privacy action. We commend the agency’s staff for securing this relief and for addressing Flo’s concerning practices.

While we are pleased to see this change, we are disappointed that the Commission is not using all of its tools to hold accountable those who abuse and misuse personal data. We believe that Flo’s conduct violated the Health Breach Notification Rule, yet the Commission’s proposed complaint fails to include this allegation. The rule helps ensure that consumers are informed when their data is misused, and firms like Flo should not be ignoring it.

#### Importance of Notice

Flo Health is the developer of a popular mobile app that collects menstruation and fertility information from millions of users worldwide. As detailed in the Commission’s complaint, Flo promised these users that it would not disclose their sensitive information to third parties, but did so anyway—sharing it with Facebook, Google, and others.<sup>1</sup> This alleged conduct broke user trust, and it broke the law.

In addition to requiring Flo to improve its privacy practices, the FTC’s proposed order directs Flo to notify its users of this serious breach. Notice confers a number of benefits in cases like this one. Consumers deserve to know when a company made false privacy promises, so they can modify their usage or switch services. Notice also informs how consumers review a service, and whether they will recommend it to others. Finally, notice accords consumers the dignity of knowing what happened. For all these reasons, the Commission should presumptively seek notice provisions in privacy and data security matters, especially in matters that do not include redress for victims.<sup>2</sup>

<sup>1</sup> Compl., In the Matter of Flo Health, Inc., Docket No. 1923133, ¶¶ 13–24.

<sup>2</sup> In a separate statement, Commissioner Phillips argues that notice should be limited to circumstances under which it can “help consumers take action to protect themselves.” See Separate Statement of Commissioner Noah Joshua Phillips *In the Matter of Flo Health, Inc.* Comm’n File No. 1923133 at 2 (Jan. 13, 2021). In our view, the notice requirement here squarely meets that test, as consumers can switch to more privacy-protecting services or adjust their data-sharing behavior with companies that act unlawfully. Commissioner Phillips further suggests that notice is no substitute for redress. We agree. But when redress is not ordered, notice at least ensures consumers are aware of the FTC’s action, which might otherwise be achieved through a redress check. Finally,

#### Health Breach Notification Rule

The Commission must also ensure it is vigorously enforcing the laws on the books. Congress has entrusted the FTC with promulgating and enforcing the Health Breach Notification Rule, one of only a handful of federal privacy laws protecting consumers. The rule requires vendors of unsecured health information, including mobile health apps, to notify users and the FTC if there has been an unauthorized disclosure. Although the FTC has advised mobile health apps to examine their obligations under the rule,<sup>3</sup> including through the use of an interactive tool,<sup>4</sup> the FTC has never brought an action to enforce it.<sup>5</sup>

In our view, the FTC should have charged Flo with violating the Health Breach Notification Rule. Under the rule, Flo was obligated to notify its users after it allegedly shared their health information with Facebook, Google, and others without their authorization.<sup>6</sup> Flo

Commissioner Phillips argues that consumers may not read all notices. This is a valid concern, and notice is no substitute for other remedies, such as admissions of liability or substantive limits on the collection, use, and abuse of personal data.

<sup>3</sup> *Mobile Health App Developers: FTC Best Practices*, Fed. Trade Comm’n, <https://www.ftc.gov/tips-advice/business-center/guidance/mobile-health-app-developers-ftc-best-practices> (last visited on Jul. 31, 2020).

<sup>4</sup> *Mobile Health Apps Interactive Tool*, Fed. Trade Comm’n, <https://www.ftc.gov/tips-advice/business-center/guidance/mobile-health-apps-interactive-tool> (last visited on Jul. 31, 2020).

<sup>5</sup> Commissioner Phillips suggests that enforcing the rule against Flo would be “novel.” Phillips Statement, *supra* note 2, at 1. But, this could be said of any enforcement action in this context, since the Commission has never enforced the Health Breach Notification Rule. If there is concern that Flo did not know it was violating the rule, that would be relevant to the question of whether Flo is liable for civil penalties. See 15 U.S.C. 45(m)(1)(A). Flo’s lack of knowledge about the rule’s requirements would not be relevant to the question of whether the Commission could charge Flo with a violation.

<sup>6</sup> See Compl., *supra* note 1, ¶¶ 18–24. The FTC’s Health Breach Notification Rule covers (a) health care providers that (b) store unsecured, personally identifiable health information that (c) can be drawn from multiple sources, and the rule is triggered when such entities experience a “breach of security.” See 16 CFR 318. Under the definitions cross-referenced by the Rule, Flo—which markets itself as a “health assistant”—is a “health care provider,” in that it “furnish[es] health care services and supplies.” See 16 CFR 318.2(e); 42 U.S.C. 1320d(d), d(3). Additionally, Flo stores personally identifiable health information that is not secured according to an HHS-approved method, and that can be drawn from multiple source. See 16 CFR 318.2(i); *Fitness Trackers and Apps*, Flo Health, <https://flo.health/faq/fitness-trackers-and-apps> (last visited on Jan. 6, 2020) (instructing users on how to sync Flo with other apps). When Flo, according to the complaint, disclosed sensitive health information without users’ authorization, this was a “breach of security” under the rule 16 CFR 318.2(a) (defining “breach of security” as “acquisition of [PHR identifiable health information] without the authorization of the individual.”).

<sup>9</sup> For example, in *Oracle Corp.*, No. C–4571 (Mar. 29, 2016), <https://www.ftc.gov/enforcement/cases-proceedings/132-3115/oracle-corporation-matter>, the settlement required Oracle to notify consumers about certain data security risks and explain how to protect their personal information by deleting older versions of Java.

<sup>10</sup> *Unrollme Inc.*, No. C–4692 (Dec. 17, 2019), <https://www.ftc.gov/enforcement/cases-proceedings/172-3139/unrollme-inc-matter>.

<sup>11</sup> *Skymed International, Inc.*, File No. 1923140 (Dec. 16, 2020), <https://www.ftc.gov/enforcement/cases-proceedings/1923140/skymed-international-inc-matter>.

<sup>12</sup> I am also concerned about the possibility of notice fatigue. For example, in the context of security warnings on mobile devices, there is evidence of a decreased neurological response after repeated exposure to warnings. See, e.g., Anthony Vance et al., *Tuning Out Security Warnings: A Longitudinal Examination of Habituation Through fMRI, Eye Tracking, and Field Experiments*, 42 MIS Quarterly, No. 2, June 2018, at 1, [https://misq.org/skin/frontend/default/misq/pdf/appendices/2018/V42I1Appendices/14124\\_RA\\_VanceJenkins.pdf](https://misq.org/skin/frontend/default/misq/pdf/appendices/2018/V42I1Appendices/14124_RA_VanceJenkins.pdf).

did not do so, making the company liable under the rule.<sup>7</sup>

The Health Breach Notification Rule was first issued more than a decade ago, but the explosion in connected health apps make its requirements more important than ever. While we would prefer to see substantive limits on firms' ability to collect and monetize our personal information, the rule at least ensures that services like Flo need to come clean when they experience privacy or security breaches. Over time, this may induce firms to take greater care in collecting and monetizing our most sensitive information.

### Conclusion

We are pleased to see a notice provision in today's proposed order, but there is much more the FTC can do to protect consumers' data, and hold accountable those who abuse it. Where Congress has given us rulemaking authority, we should use it.<sup>8</sup> And where we have rules already on the books, we should enforce them. Here, the Health Breach Notification Rule will have its intended effect only if the FTC is willing to enforce it.

We believe enforcing the rule was warranted here, and we respectfully dissent from the Commission's failure to do so. Particularly as we seek more authority from Congress in the privacy space, it is critical we demonstrate we are prepared to use the authorities we already have.

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<sup>7</sup> See 16 CFR 318.7 (stating that a violation of the rule constitutes a violation of a trade regulation rule). Notably, California's recent action against a similar fertility-tracking app charged with similar privacy violations included a \$250,000 civil penalty. Press Release, Cal. Att'y Gen., Attorney General Becerra Announces Landmark Settlement Against Glow, Inc.—Fertility App Risked Exposing Millions of Women's Personal and Medical Information (Sep. 17, 2020), <https://oag.ca.gov/news/press-releases/attorney-general-becerra-announces-landmark-settlement-against-glow-inc-%E2%80%93>

<sup>8</sup> We have previously articulated opportunities to make use of our existing authorities when it comes to data protection. See Statement of Commissioner Rohit Chopra Regarding the Report to Congress on the FTC's Use of Its Authorities to Protect Consumer Privacy and Security, Comm'n File P065404 (June 18, 2020), <https://www.ftc.gov/public-statements/2020/06/statement-commissioner-rohit-chopra-regarding-report-congress-ftcs-use-its>; Remarks of Commissioner Rebecca Kelly Slaughter at Silicon Flatirons, The Near Future of U.S. Privacy Law, University of Colorado Law School (Sep. 6, 2019), [https://www.ftc.gov/system/files/documents/public\\_statements/1543396/slaughter\\_silicon\\_flatirons\\_remarks\\_9-6-19.pdf](https://www.ftc.gov/system/files/documents/public_statements/1543396/slaughter_silicon_flatirons_remarks_9-6-19.pdf).

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day-21-0909]

#### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled CDC Diabetes Prevention Recognition Program (DPRP) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a "Proposed Data Collection Submitted for Public Comment and Recommendations" notice on June 15, 2020, to obtain comments from the public and affected agencies. CDC received 30 unique sets of public comments. Within the 30 sets of comments, there were 126 questions/comments answered by CDC. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

#### Proposed Project

CDC Diabetes Prevention Recognition Program (DPRP) (OMB Control No. 0920-0909, Exp. 02/28/2021)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

CDC's Division of Diabetes Translation (DDT) established and administers the National Diabetes Prevention Program's (National DPP) Diabetes Prevention Recognition Program (DPRP), which recognizes organizations that deliver diabetes prevention programs according to evidence-based requirements set forth in the 'Centers for Disease Control and Prevention Diabetes Prevention Recognition Program Standards and Operating Procedures' (DPRP Standards). Additionally, the Centers for Medicare and Medicaid Services (CMS) Medicare Diabetes Prevention Program (MDPP) expansion of CDC's National DPP was announced in early 2016, when the Secretary of Health and Human Services determined that the Diabetes Prevention Program met the statutory criteria for inclusion in Medicare's expanded list of healthcare services for beneficiaries (<https://innovation.cms.gov/initiatives/medicare-diabetes-prevention-program/>). This is the first time a preventive service model from the CMS Innovation (CMMI) Center has been expanded. After extensive testing of the DPP model in 17 sites across the U.S. in 2014–2016, CMS proposed the MDPP in Sections 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh § 424.59), authorizing CDC-recognized organizations to prepare for enrollment as MDPP suppliers beginning in January 2018 in order to bill CMS for these services. Only organizations in good standing with the CDC DPRP are eligible as MDPP suppliers. CDC continues to work with CMS to support the MDPP.

CDC requests an additional three years of OMB approval to continue collecting the information needed to administer the DPRP and information

needed by CMS to support the MDPP benefit. Based on experience with the DPRP from 2011–2020, including data analysis, and feedback from applicant organizations and internal and external partners, CDC plans to revise the DPRP Standards and the associated information collection.

Key changes are a direct result of DPRP data analyses and discussion with National DPP stakeholders, including those serving vulnerable populations. Key changes allow for the optional collection of Hemoglobin A1C levels, and for weight/physical activity minutes to be combined (a new method), to determine Full recognition; the required collection of Application Delivery Mode questions; revised organizational type information; program enrollment motivation/enrollment source information; adding Gender; and the removal of Session ID. Three data elements have been minimally revised and no other data elements have been added to the one-time application form;

and, three have been revised, one has been deleted, and four have been added to the evaluation data elements, as per below:

**Application Form**

- (1) Delivery Mode- follow-up questions (revised)
- (2) Class Type (revised)
- (3) Organization Type (revised)

**Evaluation Data Elements**

- (4) Enrollment Motivation (new)
- (5) Enrollment Source (revised)
- (6) Session ID (deleted)
- (7) HBA1C Value (new)
- (8) Participant’s Gender (new)

During the period of this Revision, CDC estimates receipt of approximately 300 DPRP application forms per year. The estimated burden per one-time, up-front application response is one hour. CDC further estimates receipt of semi-annual evaluation data (two hours at each submission) from the new 300 organizations per year plus existing organizations who also submit semi-

annual evaluation data. The total estimated average annualized evaluation burden to respondents is 8,700 hours. This includes an estimate of the time needed to extract and compile the required data records and fields from an existing electronic database, review the data, create or enter a data file in the required format (*i.e.*, CSV file), and submit the data file via the National DPP website for upload into the DPRP Data Portal. The estimated burden per response is modest since the information requested for DPRP recognition is routinely collected by most organizations that deliver lifestyle change programs for their own internal evaluation and possible insurance reimbursement purposes, including Medicare under the MDPP benefit. Participation in the DPRP is voluntary, data are de-identified, no Personally Identifiable Information (PII) is collected by CDC, and there are no costs to respondents other than their time. CDC is requesting a three-year approval.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Public sector organizations that deliver type 2 diabetes prevention programs.	DPRP Application Form .....	90	1	1
	DPRP Evaluation Data .....	630	2	2
Private sector organizations that deliver type 2 diabetes prevention programs.	DPRP Application Form .....	210	1	1
	DPRP Evaluation Data .....	1470	2	2

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2021-01915 Filed 1-27-21; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Requirement for Negative Pre-Departure COVID-19 Test Result or Documentation of Recovery From COVID-19 for all Airline or Other Aircraft Passengers Arriving Into the United States From Any Foreign Country**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of Agency Order.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and

Human Services (HHS) announces an Agency Order requiring negative pre-departure COVID-19 test results or documentation of recovery from COVID-19 for all airline or other aircraft passengers arriving into the United States from any foreign country. This Order was signed by the CDC Director on January 25, 2021 and supersedes the previous Order signed by the CDC Director on January 12, 2021.

**DATES:** This Order was effective January 26, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Buigut, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H16-4, Atlanta, GA 30329. Email: *dgmqpolicyoffice@cdc.gov*.

**SUPPLEMENTARY INFORMATION:** This Order prohibits the introduction into the United States of any aircraft passenger departing from any foreign country unless the passenger: (1) Has a negative pre-departure test result for SARS-CoV-2, the virus that causes COVID-19 (Qualifying Test); or (2)

written or electronic documentation of recovery from COVID-19 after previous SARS-CoV-2 infection in the form of a positive viral test result and a letter from a licensed health care provider or public health official stating that the passenger has been cleared for travel (Documentation of Recovery).

This Order supersedes the previous Order signed by the CDC Director on January 12, 2021. This Order further clarifies the exemption categories for federal law enforcement and U.S. Department of Defense (DOD) personnel observing DOD precautions to prevent the transmission of COVID-19 during travel. This Order also replaces the previous language concerning the ability of airlines and aircraft operators to request specific waivers and replaces it with a limited humanitarian exemption category allowing individuals and organizations to request an exemption. To be eligible for this limited humanitarian exemption, the individual or organization must demonstrate both: (1) Exigent circumstances where emergency travel is required to preserve health and safety (*e.g.*, emergency

medical evacuations); and (2) that predeparture testing cannot be accessed or completed before travel. No changes were made to the Passenger Attestation.

This Order constitutes a controlled free pratique to any airline or other aircraft operator with an aircraft arriving into the United States. Pursuant to this controlled free pratique, the airline or other aircraft operator must comply with the conditions outlined in the Order.

A copy of the Order is provided below. A copy of the signed Order and Passenger Attestation can be found at <https://www.cdc.gov/quarantine/fr-proof-negative-test.html>.

### Centers for Disease Control and Prevention, Department of Health and Human Services

#### Order Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 71.20 & 71.31(b)

#### Requirement for Negative Pre-Departure COVID-19 Test Result or Documentation of Recovery From COVID-19 for all Airline or Other Aircraft Passengers Arriving Into the United States From any Foreign Country<sup>1</sup>

##### Summary

Pursuant to 42 CFR 71.20 and as set forth in greater detail below, this Notice and Order prohibit the introduction into the United States of any aircraft passenger departing from any foreign country unless the passenger: (1) Has a negative pre-departure test result for SARS-CoV-2, the virus that causes COVID-19 (Qualifying Test); or (2) written or electronic documentation of recovery from COVID-19 after previous SARS-CoV-2 infection in the form of a positive viral test result and a letter from a licensed health care provider or public health official stating that the passenger has been cleared for travel (Documentation of Recovery).

The negative pre-departure test must be a viral test that was conducted on a specimen collected during the 3 days preceding the flight's departure from a foreign country (Qualifying Test). Alternatively, if the passenger has recovered from COVID-19, the passenger may instead travel with written or electronic documentation of a positive viral test result that confirms previous SARS-CoV-2 infection and a letter from a licensed health care provider or public health official stating that the passenger has been cleared for

travel (Documentation of Recovery). A passenger must retain written or electronic documentation reflecting the negative Qualifying Test result or Documentation of Recovery presented to the airline or other aircraft operator. A passenger must also produce such Qualifying Test result or Documentation of Recovery upon request to any U.S. government official or a cooperating state or local public health authority.

Pursuant to 42 CFR 71.31(b) and as set forth in greater detail below, this Notice and Order constitute a controlled free pratique to any airline or other aircraft operator with an aircraft arriving into the United States. Pursuant to this controlled free pratique, the airline or other aircraft operator must comply with the following conditions to receive permission for the aircraft to enter and disembark passengers in the United States:

- Airline or other aircraft operator must verify that every passenger—2 years of age or older—onboard the aircraft has attested to receiving a negative Qualifying Test result or to having recovered from COVID-19 after previous SARS-CoV-2 infection and being cleared to travel by a licensed health care provider or public health official.

- Airline or other aircraft operator must confirm that every passenger onboard the aircraft has documentation of a negative Qualifying Test result or Documentation of Recovery from COVID-19.

##### Statement of Intent

This Order shall be interpreted and implemented to achieve the following paramount objectives:

- Preservation of human life;
- Preventing the further introduction, transmission, and spread of the virus that causes COVID-19 into the United States, including new virus variants;
- Preserving the health and safety of crew members, passengers, airport personnel, and communities; and
- Preserving hospital, healthcare, and emergency response resources within the United States.

##### Definitions

*Aircraft* shall have the same definition as under 42 U.S.C. 40102(a)(6). "Aircraft" includes, but is not limited to, commercial, general aviation, and private aircraft destined for the United States from a foreign country.

*Aircraft Operator* means an individual or organization causing or authorizing the operation of an aircraft.

*Airline* shall have the same definition as under 42 CFR 71.1(b).

*Attest/Attestation* means having completed the attestation in Attachment A. Such attestation may be completed in written or electronic form. The attestation is a statement, writing, entry, or other representation under 18 U.S.C. 1001.<sup>2</sup>

*Confirm that every passenger onboard the aircraft has documentation reflecting a negative Qualifying Test result* means confirmation that:

(1) The personal identifiers (e.g., name and date of birth) on the negative Qualifying Test result match the personal identifiers on the passenger's passport or other travel documents;

(2) if the passenger is arriving on a direct flight to the United States, the specimen was collected within the 3 days preceding the flight's departure;

(3) if the passenger is arriving via one or more connecting flights the specimen was collected within the 3 days preceding the departure of the initial flight;

(4) the test performed was a viral test (as defined below); and

(5) the test result states "NEGATIVE," "SARS-CoV-2 RNA NOT DETECTED," "SARS-CoV-2 ANTIGEN NOT DETECTED," or "COVID-19 NOT DETECTED." A test marked "invalid" is not acceptable.

*Confirm that a passenger alternatively has written or electronic documentation of recovery from COVID-19* means confirmation that:

(1) The passenger has presented documentation of a positive test result and a signed letter on official letterhead that contains the name, address, and phone number of a licensed healthcare provider or public health official stating that the passenger has been cleared for travel;<sup>3</sup>

(2) the positive test result occurred within the last three months (90 days) preceding the passenger's flight to the United States, or at such other intervals as specified in CDC guidance;<sup>4</sup>

(3) the personal identifiers (e.g., name and date of birth) on the positive test result and signed letter match the personal identifiers on the passenger's passport or other travel documents;

(4) the test performed was a viral test (as defined below); and

<sup>2</sup> CDC encourages airline or aircraft operator to incorporate the attestation into paperless check-in processes. Airline or aircraft operator may use a third party (including a third-party application) to collect attestations, including to provide translations. But airline or aircraft operator has sole legal responsibility to provide and collect attestations, to ensure the accuracy of any translation, and to comply with all other obligations under this Order. Airline or aircraft operator is responsible for any failure of a third party to comply with this Order. Airline or aircraft operator may not shift any legal responsibility to a third party.

<sup>3</sup> Health care providers and public health officials should follow CDC guidance in clearing patients for travel to the United States. Applicable guidance is available at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>.

<sup>4</sup> <https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html>.

<sup>1</sup> This Order supersedes the previous order signed by the U.S. Centers for Disease Control and Prevention (CDC) Director on January 12, 2021.

(5) the test result states “POSITIVE,” “SARS-CoV-2 RNA DETECTED,” “SARS-CoV-2 ANTIGEN DETECTED,” or “COVID-19 DETECTED.” A test marked “invalid” is not acceptable.

*Foreign country* means anywhere that is not a state, territory, or possession of the United States.

*Negative Pre-departure Test Result for COVID-19 or negative Qualifying Test result* means documentation of a negative COVID-19 test taken within the 3 days preceding a flight’s departure. Such documentation may be in paper or electronic format as required by this Order. Testing must be performed using a viral test. The documentation must also include sufficient verification information—such as the name and contact information for the laboratory or healthcare personnel who performed the test.

*Viral test* means a viral detection test for current infection (*i.e.*, a nucleic acid amplification test or a viral antigen test) approved or authorized by the relevant national authority for the detection of SARS-CoV-2.

*United States* has the same meaning as “State” and “U.S. Territory” in 42 CFR 71.1(b).

#### Exemptions

The following categories of individuals and organizations are exempt from the requirements of this Order:

- Crew members of airlines or other aircraft operators provided that they follow industry standard protocols for the prevention of COVID-19 as set forth in relevant Safety Alerts for Operators (SAFOs) issued by the Federal Aviation Administration (FAA).<sup>5</sup>
- Airlines or other aircraft operators transporting passengers with COVID-19 pursuant to CDC authorization and in accordance with CDC guidance.<sup>6</sup>
- Federal law enforcement personnel on official orders who are traveling for the purpose of carrying out a law enforcement function, provided they are covered under an occupational health and safety program in accordance with CDC guidance. Those traveling for training or other business purposes remain subject to the requirements of this Order.

<sup>5</sup> [https://www.faa.gov/other\\_visit/aviation\\_industry/airline\\_operators/airline\\_safety/safo/all\\_safos/media/2020/SAFO20009.pdf](https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/media/2020/SAFO20009.pdf). Airlines, aircraft operators, and their crew members may follow even stricter protocols for safety, including testing protocols.

<sup>6</sup> Interim Guidance for Transporting or Arranging Transportation by Air into, from, or within the United States of People with COVID-19 or COVID-19 Exposure available at <https://www.cdc.gov/quarantine/interim-guidance-transporting.html>.

- U.S. Department of Defense (DOD) personnel, including military personnel and civilian employees, dependents, contractors (including whole aircraft charter operators), and other U.S. government employees when traveling on DOD assets, provided that such individuals are under competent military or U.S. government travel orders and observing DOD precautions to prevent the transmission of COVID-19 as set forth in *Force Protection Guidance Supplement 14—Department of Defense Guidance for Personnel Traveling During the Coronavirus Disease 2019 Pandemic* (December 29, 2020) including its testing guidance.

- Individuals and organizations for which the issuance of a humanitarian exemption is necessary based on both (1) exigent circumstances where emergency travel is required to preserve health and safety (*e.g.*, emergency medical evacuations) and (2) where pre-departure testing cannot be accessed or completed before travel. Additional conditions may be placed on those granted such exemptions, including but not limited to, observing precautions during travel, providing consent to post-arrival testing, and/or self-quarantine after arrival in the United States, as may be directed by federal, state, territorial, tribal or local public health authorities to reduce the risk of transmission or spread.

#### Background

The COVID-19 pandemic has spread throughout the world. Individuals who travel may be at risk for exposure to SARS-CoV-2 before, during, and after travel. This could result in U.S.-bound travelers further spreading the virus to others during travel, upon arrival in the United States, and at their destinations.

Over the last few weeks, the United Kingdom (UK) has faced a rapid increase in COVID-19 cases in South East England, leading to enhanced epidemiological and virological investigations. On December 14, 2020, Public Health England announced that a new variant of SARS-CoV-2 had been identified across the southeast of England.<sup>7</sup> Preliminary analysis in the UK suggests that this SARS-CoV-2 variant may be more transmissible than previously circulating variants, with an estimated potential to increase the reproductive number ( $R_0$ ) by 0.4–0.7 or greater with an estimated increased transmissibility of up to 70 percent.<sup>8</sup>

<sup>7</sup> <https://www.gov.uk/government/news/phe-investigating-a-novel-variant-of-covid-19>.

<sup>8</sup> <https://www.ecdc.europa.eu/en/publications-data/threat-assessment-brief-rapid-increase-sars-cov-2-variant-united-kingdom>.

On December 19, 2020, in response to the emergence of the UK variant, the countries comprising the UK announced stricter measures to be applied from December 20 and over the coming weeks, with affected areas entering a ‘Tier 4’ level with movement restrictions within and between more and less heavily affected areas. These measures have included recommendations for residents of the most affected areas to restrict movements and travel, including international travel, outside of these areas. The government of Scotland announced a travel ban between Scotland and the rest of the UK. In addition, the Netherlands issued a travel ban from the UK effective through January 1, 2021, and Belgium temporarily halted flight and train travel from the UK. Other countries took similar measures to restrict travel from the UK.

A second new variant of SARS-CoV-2 was reported in the Republic of South Africa (RSA) on December 18, 2020, that also appears to spread more rapidly than earlier variants of the virus. The RSA variant is distinct from the UK variant but shares a mutation in the spike protein that appears to increase transmissibility. Since being identified, the new variant has spread inland from coastal regions of RSA and has become the predominant variant in some areas of the country.

During December 21–26, 2020, several countries implemented restrictions on travel from South Africa, including China, El Salvador, Germany, Guatemala, Israel, Panama, Sudan, Switzerland, Turkey, and the UK. The Netherlands imposed a ban on travel from RSA on December 21 but lifted the ban for both the UK and RSA on December 23, stating that travelers will instead need to present a negative COVID-19 test result obtained within 72 hours of their scheduled arrival in the Netherlands, followed by 10 days of self-quarantine. On December 28, Japan imposed a ban on entry of all foreign nationals through the end of January 2021. On December 28, the Government of South Africa announced new restrictions on businesses and public movement. As of January 7, 2021, Canada requires air passengers 5 years of age or older to test negative for COVID-19 before arrival. On January 8, the United Kingdom announced a pre-departure testing requirement for all inbound international travelers with limited exceptions; a 10-day post-arrival quarantine will still be required.

On December 25, 2020, CDC issued an Order requiring proof of a negative Qualifying Test result for all airline

passengers arriving from the UK to the United States. Since then, cases of the UK and RSA variants have been discovered in four Canadian provinces, including in individuals with no travel history indicating spread in Canada. The UK variant has also been found in at least 50 countries and the RSA variant has also been detected in at least 15 countries. The first case of the UK variant in the United States was found in Colorado on December 29, in an individual with no known travel history. On December 30, a second case was reported in California. Since then, the UK variant strain has accounted for 144 cases in 20 U.S. states. Another new variant strain of concern initially detected in South America in March 2020 has been detected in at least 19 countries on 5 continents through late December and has mutations in the spike protein that raise concerns of increased infectivity.

While it is known and expected that viruses constantly change through mutation leading to the emergence of new variants, these new variants have emerged at a time when numbers of new cases in the United States have continued to increase at alarming rates. Additional new virus variants are also likely to emerge as the virus continues to evolve and mutate. Accordingly, further action is needed to help mitigate the spread of these and other new virus variants into the United States.

Based on increased transmissibility and spread of these new variants of SARS-CoV-2, and to reduce introduction and spread of these and future SARS-CoV-2 variants into the United States, expanding current UK pre-departure testing requirements to all foreign countries and U.S.-bound passengers is warranted. This approach to testing-based risk assessment has been addressed in CDC guidance and the Runway to Recovery guidance jointly issued by the Departments of Transportation, Homeland Security, and Health and Human Services.<sup>9</sup> Testing for SARS-CoV-2 infection is a proactive approach and not dependent on the infecting strain. Approximately 120 countries now use testing in some form to monitor risk and control introduction and spread. With case counts and deaths due to COVID-19 continuing to increase around the globe and the high proportion of infected people with asymptomatic or pre-symptomatic infections, the United States must take a dual approach to combatting the virus. This means concurrently mitigating and

slowing the introduction and spread of SARS-CoV-2 and controlling transmission within U.S. communities that are currently being overwhelmed by a surge in infections, hospitalizations, and deaths.

Pre-departure testing may detect travelers infected with SARS-CoV-2 before they initiate their travel. CDC recommends viral testing and receipt of results 1–3 days<sup>10</sup> before departure for international travelers, particularly those traveling long distances or passing through transportation hubs such as airports where social distancing may be challenging. CDC modeling indicates that pre-departure testing is most effective when combined with self-monitoring.<sup>11</sup> Testing before departure results in the greatest reduction of transmission risk during travel when the specimen is collected close to the time of departure. Earlier testing (*i.e.*, more than 3 days before travel) provides little benefit beyond what self-monitoring alone can provide.

For persons previously diagnosed with COVID-19 who remain asymptomatic after recovery, CDC does not recommend retesting within 3 months after the date of symptom onset (or the date of first positive viral diagnostic test if their infection was asymptomatic) for the initial SARS-CoV-2 infection.<sup>12</sup> Persons who develop any symptoms of COVID-19 during this time period should not travel and seek care for testing and evaluation. This guidance may be updated as additional information about people who have recovered from COVID-19 becomes available.

Pre-departure testing does not eliminate all risk. However, when pre-departure testing is combined with other measures such as self-monitoring for symptoms of COVID-19, wearing masks, social distancing, and hand hygiene, it can make travel safer by reducing spread on conveyances, in transportation hubs, and at destinations. For international air travelers and others with higher risk of exposure, CDC additionally recommends a post-arrival test 3–5 days after arrival at destination, combined with self-monitoring and a 7-day period of staying home (or in a comparable location such as a hotel room) to further reduce the risk of

translocating the virus into destination communities.<sup>13</sup>

As cases of COVID-19 continue to rise across the globe and travel volume increases, routine pre-departure testing of all U.S.-bound aircraft passengers is needed not only to reduce introduction of the two known SARS-CoV-2 variants from UK and RSA, but also future variants that might be more transmissible and cause more severe illness.

#### Action

For these reasons, I hereby determine that passengers covered by this Order are at risk of transmitting the new SARS-CoV-2 virus variants or other potential variants and that requiring such passengers to demonstrate either negative COVID-19 test results or recovery from COVID-19 after previous SARS-CoV-2 infection is needed as a public health measure to protect the health of fellow travelers and U.S. communities.

#### 1. Requirements for Airlines & Other Aircraft Operators

Any airline or other aircraft operator with passengers arriving into the United States from a foreign country, for each passenger onboard the aircraft arriving into the United States, shall—

a. Verify that each passenger has attested to having received either a negative Qualifying Test result or to recovery from COVID-19 after previous SARS-CoV-2 infection and clearance to travel. Airlines or other aircraft operators must retain a copy of each passenger attestation for 2 years. The attestation is attached to this order as Attachment A.

b. Confirm that each passenger aged 2 years or older has documentation of a negative Qualifying Test result or Documentation of Recovery from COVID-19.

c. Not board any passenger without verifying the attestation and confirming the documentation as set forth in 1.a–b.

Any airline or other aircraft operator that fails to comply with section 1, “Requirement for Airlines & Other Aircraft Operators,” may be subject to criminal penalties under, *inter alia*, 42 U.S.C. 271 and 42 CFR 71.2, in conjunction with 18 U.S.C. 3559 and 3571.

#### 2. Requirements for Aircraft Passengers

Any aircraft passenger departing from any foreign country with a destination in the United States shall—

(a) Provide an attestation to the CDC, through the airline or other aircraft

<sup>10</sup> <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-air-travel.html>.

<sup>11</sup> Johansson MA, Wolford H, Paul P, et al. Reducing travel-related SARS-CoV-2 transmission with layered mitigation measures: Symptom monitoring, quarantine, and testing, available at <https://www.medrxiv.org/content/10.1101/2020.11.23.20237412v1>.

<sup>12</sup> <https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html>.

<sup>13</sup> <https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html>.

<sup>9</sup> Runway to Recovery 1.1, December 21, 2020, available at <https://www.transportation.gov/briefing-room/runway-recovery-11>.

operator, of having received a negative Qualifying Test result or of recovery from COVID-19 after previous SARS-CoV-2 infection and clearance to travel. The attestation is attached to this order as Attachment A. Unless otherwise permitted by law, a parent or other authorized individual should attest on behalf of a passenger aged 2 to 17 years. An authorized individual may attest on behalf of any passenger who is unable to attest on his or her own behalf (*e.g.*, by reason of physical or mental impairment).

(b) Retain a copy of the negative Qualifying Test result or Documentation of Recovery from COVID-19 in his/her possession and present it for inspection to the airline and upon request by an agent of the U.S. government or a cooperating state or local public health authority.

Any passenger who fails to comply with the requirements of section 2, "Requirements for Aircraft Passengers," may be subject to criminal penalties under, *inter alia*, 42 U.S.C. 271 and 42 CFR 71.2, in conjunction with 18 U.S.C. 3559 and 3571. Willfully giving false or misleading information to the government may result in criminal penalties under, *inter alia*, 18 U.S.C. 1001.

CDC may modify this Order by an updated publication in the **Federal Register** or by posting an advisory to follow at [www.cdc.gov](http://www.cdc.gov).

This Order shall be enforceable through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 271; and 42 CFR 71.2.

#### Effective Date

This Order shall enter into effect on January 26, 2021 and shall remain in effect until the earliest of (1) the expiration of the Secretary of Health and Human Services' declaration that COVID-19 constitutes a public health emergency; (2) the CDC Director rescinds or modifies the order based on specific public health or other considerations; or (3) December 31, 2021.

#### Authority

The authority for these orders is Sections 361 and 365 of the Public Health Service Act (42 U.S.C. 264) and 42 CFR 71.20 & 71.31(b).

Dated: January 26, 2021.

**Sherri Berger,**

*Acting Chief of Staff, Centers for Disease Control and Prevention.*

[FR Doc. 2021-01977 Filed 1-26-21; 4:15 pm]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH); Correction

Notice is hereby given of a change in the meeting of the Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH); February 24, 2021, 10:30 a.m. to 4:00 p.m., EST which was published in the **Federal Register** on December 23, 2020, Volume 85, Number 247, page 83964.

The *Matters to be Considered* should read as follows:

#### SUPPLEMENTARY INFORMATION:

*Matters to be Considered:* The agenda will include discussions on: Work Group and Subcommittee Reports; Update on the Status of SEC Petitions; and plans for the April 2021 Advisory Board Meeting. Agenda items are subject to change as priorities dictate.

**FOR FURTHER INFORMATION CONTACT:** Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C-24, Cincinnati, Ohio 45226, Telephone (513) 533-6800, Toll Free 1(800)CDC-INFO, Email [ocas@cdc.gov](mailto:ocas@cdc.gov).

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2021-01889 Filed 1-27-21; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day-21-20QJ]

#### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC)

has submitted the information collection request titled National Survey of Community-Based Survey of Supports for Healthy Eating and Active Living (CBS HEAL) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a "Proposed Data Collection Submitted for Public Comment and Recommendations" notice on July 20, 2020 to obtain comments from the public and affected agencies. CDC received three comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

National Survey of Community-Based Survey of Supports for Healthy Eating and Active Living (CBS HEAL)—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

Currently, little is known about the environmental and policy supports for healthful diets and regular physical activity within a community across the U.S. and how these supports are changing across time. As a result, CDC plans to conduct a survey to address this gap in knowledge. The survey will be administered to a nationally representative sample of 4,417 communities. Respondents will be city planners/managers in these communities. Information will be collected about the following topics: Community-wide planning efforts for healthy eating and active living, the built environment and policies that

support physical activity, zoning that supports healthy eating and active living, public transportation policies that support healthy eating and active living, other policies and practices that support access to healthy food and healthy eating and policies that support employee breastfeeding. Data will be collected using a secure, web-based survey data collection system, with telephone and mail follow-up for non-response.

The proposed survey content and data collection procedures incorporate lessons learned during an initial pilot study (OMB Control No. 0920–0934, “Pilot Study of Community-Based Surveillance and Supports for Healthy Eating/Active Living”, Expiration 5/31/2013) as well as the 2014 baseline study (OMB Control Number 0920–1007, “National Survey of Community Based Policy and Environmental Supports for Healthy Eating and Active Living”, Expiration 1/1/2015).

Assessment of policy and environmental supports for healthful

eating and physical activity will serve multiple uses. First, the collected data will describe the characteristics of communities that have specific policy and practice supports favorable for healthy diets and regular physical activity and progress since 2014. Second, the collected data will help identify the extent to which communities implement strategies consistent with current national recommendations. Third, local agencies may use the data collected to consider how they compare nationally or with other municipalities of a similar geography, population size, or urban status. Finally, this information can help guide communities and researchers in local efforts to implement and evaluate policies and practices that support healthy behaviors and choices.

OMB approval is requested for two years. Participation is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours is 1693.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
City or Town Planner or Manager ...	National Survey of Community-Based Policy and Environmental Support for Healthy Eating and Active Living.	2,650	1	30/60
City or Town Planner or Manager ...	Telephone Non-response Follow-up Contact Script .....	4,417	1	5/60

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2021–01913 Filed 1–27–21; 8:45 am]

**BILLING CODE 4163–18–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Advisory Board on Radiation and Worker Health (ABRWH), Subcommittee on Dose Reconstruction Review (SDRR), National Institute for Occupational Safety and Health (NIOSH); Correction**

Notice is hereby given of a change in the meeting of the Advisory Board on Radiation and Worker Health (ABRWH), Subcommittee on Dose Reconstruction Review (SDRR), National Institute for Occupational Safety and Health (NIOSH); February 25, 2021, 10:30 a.m. to 2:30 p.m., EST which was published

in the **Federal Register** on December 23, 2020, Volume 85, Number 247, pages 83965–83966.

The *Matters to be Considered* should read as follows:

**SUPPLEMENTARY INFORMATION:**

*Matters to be Considered:* The agenda will include discussions on the following dose reconstruction program quality management and assurance activities: Dose reconstruction cases under review from Set 28, possibly including cases involving, Rocky Flats Plant (RFP), Hanford, Los Alamos National Laboratory (LANL), Mound, Lawrence Livermore National Laboratory (LLNL), Savannah River Site (SRS), Oak Ridge National Laboratory (X–10), and Y–12 Plant. Dose reconstruction cases under review from Sets 14 through 21, possibly including cases involving, Uranium Mill in Monticello, GE Vallecitos, and Texas City Chemicals; and Tracking of decision points requiring professional judgement (time permitting). Agenda items are subject to change as priorities dictate.

**FOR FURTHER INFORMATION CONTACT:**

Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226, Telephone (513) 533–6800, Toll Free 1 (800) CDC–INFO, Email [ocas@cdc.gov](mailto:ocas@cdc.gov).

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2021–01888 Filed 1–27–21; 8:45 am]

**BILLING CODE 4163–18–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[30Day–21–20PR]

**Agency Forms Undergoing Paperwork Reduction Act Review**

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Improving Safety of Human-Robot Interaction to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on August 26, 2020 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

- (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (c) Enhance the quality, utility, and clarity of the information to be collected;
- (d) 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; and

(e) Assess information collection costs. To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Improving Safety of Human-Robot Interaction—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. NIOSH has initiated a study among manufacturing workers to improve safety of workers that work in close proximity with robots. Study results will be used to improve safety standards and lead to better design guidelines for industrial robots.

Rapid growth of advanced collaborative and mobile robots warrants investigation on safe human-robot interaction for their potential injurious energy transmission from a robot to a worker. Traditional safety measures for industrial robots, such as protective barriers, are no longer valid for the emerging collaborative and mobile robots. Physical contacts between human workers and robots are inevitable and even desired when they share a common workspace or work directly with each other under

collaborative operations. Therefore, NIOSH is proposing a study to evaluate the effects of different characteristics of robots on human behaviors, perceived safety, workload, and trust.

The study will take advantage of virtual reality technology to simulate human-robot interaction during data collection sessions. Participants will conduct two related experiments that will involve performing simulated warehouse tasks (e.g., loading/unloading boxes from shelves) in a virtual reality laboratory. Participants will interact with a mobile robot in the first experiment and a collaborative robot arm in the second. They will wear glasses that will allow them to see virtual 3D images of the robots and other objects in the environment. During each experiment task, we will use motion capture technology to track the movement and location of the participants and the virtual robots. This will allow us to track movement speed and separation distance from the virtual robots. After each experiment task, we will administer three questionnaires to the participants that will ask them about their perceived safety, mental workload, and trust in the robots. We will analyze how these measures change based on the virtual robot’s operating speed, size, and movement trajectory.

Data collections will occur at the NIOSH facility in Morgantown, West Virginia. The target study population will be workers who currently work or had worked in the manufacturing industry, with varying job experiences. The burden table below accounts for 111 respondents over a three-year data collection period. Respondents will complete all forms only once, besides the Virtual Reality Sickness Questionnaire, which will be administered at the beginning and end of the data collection, and the three questionnaires (NASA Task Load Index, Perceived Safety Questionnaire, and Robot Trust Questionnaire), which will be administered after each of the 63 combined experiment trials for Experiments 1 and 2. The total estimated burden hours is 216.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Manufacturing Workers .....	Simulator Sickness Susceptibility Questionnaire .....	37	1	1/60
	Consent Form .....	37	1	10/60
	Participant Data Collection Form .....	37	1	1/60
	Virtual Reality Sickness Questionnaire .....	37	2	1/60
	Robot Experience Questionnaire .....	37	1	6/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
	Actual Experiment 1—Mobile Robot .....	37	1	70/60
	Actual Experiment 2—Collaborative Robot .....	37	1	70/60
	NASA Task Load Index .....	37	63	1/60
	Perceived Safety Questionnaire .....	37	63	1/60
	Robot Trust Questionnaire .....	37	63	1/60

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2021-01692 Filed 1-27-21; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[30Day-21-20QS]

**Agency Forms Undergoing Paperwork Reduction Act Review**

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Proposed Data Collection Multi-Site Clinical Assessment of Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (MCAM)” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a 60-day notice titled “Proposed Data Collection Submitted for Public Comment and Recommendations” on August 3, 2020 to obtain comments from the public and affected agencies. CDC received three comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by

fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Multi-Site Clinical Assessment of Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (MCAM)—Existing collection in use without an OMB Control Number—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

This Multi-site Clinical Assessment of Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (MCAM) study uses a standardized approach for data collection to examine the heterogeneity of patients with Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (ME/CFS) using a clinical epidemiologic longitudinal study with a retrospective and prospective rolling cohort design. The study also aims to address the issue of ME/CFS case definition and improve measures of illness domains by using evidence-based data from multiple clinical practices in the United States. Healthy adults and those with illnesses that share some features with ME/CFS were enrolled in comparison groups. Children and adolescents with ME/CFS and healthy participants were also enrolled.

The MCAM study has been conducted in multiple stages following multiple study protocols. The time burden estimates are based on the 2012-2019 data collection, which is the most recent stage of data collection completed.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of participants	Number of responses per participant	Average burden per response (in hrs.)
Adult .....	CDC Symptom Inventory (CDC-SI)/Form A .....	45	1	12/60
Adult .....	CDC Symptom Inventory (CDC-SI)/Form B .....	20	1	10/60
Adult .....	CDC Symptom Inventory (CDC-SI) .....	20	1	8/60
Adult .....	Short Form CDC-SI/Checklist .....	85	1	10/60
Adult .....	Medical Outcomes Study Short Form 36 .....	85	1	7/60

## ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of participants	Number of responses per participant	Average burden per response (in hrs.)
Adult	Multidimensional Fatigue Inventory (MFI-20)	85	1	5/60
Adult	DePaul Symptom Questionnaire (DSQ)	45	1	24/60
Adult	DSQ, 26 selected questions	65	1	12/60
Adult	DSQ, 18 selected questions	85	1	6/60
Adult	PROMIS Short Form (PROMIS SF—Fatigue, SD, SRI, PB, PI) & Sleep Data Collection Form.	85	1	5/60
Adult	PROMIS SF—Fatigue, SD, SRI, PB, PI	85	1	4/60
Adult	Brief Pain Inventory (BPI)	85	1	13/60
Adult	Patient Health Questionnaire (PHQ-8), Generalized Anxiety Disorder (GAD-7), CDC Health-Related Quality of Life (HRQoL-4).	85	1	10/60
Adult	CDC HRQoL-4	85	1	3/60
Adult	CDC HRQoL-4 with activity limitation questions	85	1	4/60
Adult	Self-Rating Depression Scale (SDS)	45	1	7/60
Adult	Illness Impact Questionnaire	85	1	3/60
Adult	Saliva Data Collection Sheet	85	1	5/60
Adult	Orthostatic Grading Scale (OGS)	85	1	3/60
Adult	COMPOSITE Autonomic Symptom Score 31 (COMPASS-31)	85	1	5/60
Adult	CDC Symptom Inventory (CDC-SI)/Form A	24	1	42/60
Adult	CDC Symptom Inventory (CDC-SI)/Form B	30	1	20/60
Adult	CDC Symptom Inventory (CDC-SI)	15	1	10/60
Adult	Short Form CDC-SI/Checklist	69	1	20/60
Adult	Medical Outcomes Study Short Form 36	69	1	17/60
Adult	Multidimensional Fatigue Inventory (MFI-20)	69	1	10/60
Adult	DePaul Symptom Questionnaire (DSQ)	24	1	36/60
Adult	DSQ, 26 selected questions	45	1	18/60
Adult	DSQ, 18 selected questions	69	1	20/60
Adult	PROMIS Short Form (PROMIS SF—Fatigue, SD, SRI, PB, PI) & Sleep Data Collection Form.	24	1	6/60
Adult	PROMIS SF—Fatigue, SD, SRI, PB, PI	69	1	5/60
Adult	Brief Pain Inventory (BPI)	24	1	13/60
Adult	Patient Health Questionnaire (PHQ-8), Generalized Anxiety Disorder (GAD-7), CDC Health-Related Quality of Life (HRQoL-4).	24	1	10/60
Adult	CDC HRQoL-4	69	1	4/60
Adult	CDC HRQoL-4 with activity limitation questions	69	1	7/60
Adult	Self-Rating Depression Scale (SDS)	24	1	7/60
Adult	Illness Impact Questionnaire	69	1	3/60
Adult	Saliva Data Collection Sheet	69	1	5/60
Adult	Orthostatic Grading Scale (OGS)	69	1	5/60
Adult	COMPOSITE Autonomic Symptom Score 31 (COMPASS-31)	69	1	7/60
Pediatric	CDC Symptom Inventory: For Baseline Subjects Pediatrics	36	1	8/60
Pediatric	CDC Symptom Inventory: For the Follow-Up Subjects Pediatrics.	29	1	6/60
Pediatric	SF-36 Health Survey	64	1	5/60
Pediatric	Multidimensional Fatigue Inventory (MFI-20)	64	1	2/60
Pediatric	Selected Questions from DePaul Pediatric Health Questionnaire (DPHQ), 19 Questions.	64	1	5/60
Pediatric	PROMIS Pediatric Instruments (Fatigue & Pain)	64	1	2/60
Pediatric	Pediatric Pain Questionnaire (PPQ)	64	1	7/60
Pediatric	Visual Analogue Scale	64	1	6/60
Pediatric	Hospital Anxiety and Depression Scale	64	1	5/60
Pediatric	Pediatric Daytime Sleepiness Scale	64	1	2/60
Pediatric	Social Participation Form Pediatric	64	1	7/60
Pediatric	Sociability Form	64	1	3/60
Pediatric	Saliva Collection Form	64	1	5/60
Pediatric	CDC Symptom Inventory: For Baseline Subjects Pediatrics	3	1	20/60
Pediatric	CDC Symptom Inventory: For the Follow-Up Subjects Pediatrics.	3	1	9/60
Pediatric	SF-36 Health Survey	3	1	9/60
Pediatric	Multidimensional Fatigue Inventory (MFI-20)	3	1	7/60
Pediatric	Selected Questions from DePaul Pediatric Health Questionnaire (DPHQ), 19 Questions.	3	1	10/60
Pediatric	PROMIS Pediatric Instruments (Fatigue & Pain)	3	1	3/60
Pediatric	Pediatric Pain Questionnaire (PPQ)	3	1	15/60
Pediatric	Visual Analogue Scale	3	1	8/60
Pediatric	Hospital Anxiety and Depression Scale	3	1	7/60
Pediatric	Pediatric Daytime Sleepiness Scale	3	1	3/60
Pediatric	Social Participation Form Pediatric	3	1	10/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of participants	Number of responses per participant	Average burden per response (in hrs.)
Pediatric	Sociability Form	3	1	5/60
Pediatric	Saliva Collection Form	3	1	5/60
Adult	CogState Practice Section	109	1	17/60
Adult	CogState Baseline Section	109	1	27/60
Adult	WAIS IV DS F+B, TOPF	109	1	10/60
Adult	Exercise (Bike) Testing	64	1	30/60
Adult	CogState Time 1 Section	109	1	22/60
Adult	CogState Time 2 Section	109	1	12/60
Adult	CogState Time 3 Section	109	1	12/60
Adult	CogState Time 4 Section	109	1	12/60
Adult	Visual Analogue Scale for CFS Symptoms	60	1	8/60
Adult	EQ-5D-Y Health Questionnaire	60	1	6/60
Adult	PROMIS SF v1—Physical Function	60	1	5/60
Adult	Physical Fitness and Exercise Activity Levels of Scale	60	1	2/60
Adult	International Physical Activity Questionnaire (Self-Administered Long Form).	60	1	5/60
Adult	Physical Activity Readiness Questionnaire	60	1	5/60
Adult	Visual Analogue Scale for CFS Symptoms	49	1	8/60
Adult	EQ-5D-Y Health Questionnaire	49	1	6/60
Adult	PROMIS SF v1—Physical Function	49	1	5/60
Adult	Physical Fitness and Exercise Activity Levels of Scale	49	1	2/60
Adult	International Physical Activity Questionnaire (Self-Administered Long Form).	49	1	5/60
Adult	Physical Activity Readiness Questionnaire	49	1	5/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021-01914 Filed 1-27-21; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[30Day-21-1129]

**Agency Forms Undergoing Paperwork Reduction Act Review**

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Improving Fetal Alcohol Spectrum Disorders Prevention and Practice through National Partnerships to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on October 13, 2020 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project.

The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Improving Fetal Alcohol Spectrum Disorders Prevention and Practice through National Partnerships (OMB Control No. 0920-1129, Exp. 8/31/2019)—Reinstatement with Change—National Center for Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The National Center on Birth Defects and Developmental Disabilities (NCBDDD) seeks to collect training evaluation data from healthcare practitioners and staff in health systems where FASD-related practice and systems changes are implemented, and from grantees of national partner organizations related to prevention, identification, and treatment of fetal alcohol spectrum disorders (FASDs).

Prenatal exposure to alcohol is a leading preventable cause of birth defects and developmental disabilities.

The term “fetal alcohol spectrum disorders” describes the full continuum of effects that can occur in an individual exposed to alcohol in utero. These effects include physical, mental, behavioral, and learning disabilities. All of these have lifelong implications. The purpose of this program is to build upon previous efforts from FASD training programs and shift the perspective from individual training for practicing healthcare professionals to one that capitalizes on prevention opportunities and the ability to impact health care practice at the systems level.

Since 2002, CDC funded FASD Regional Training Centers (RTCs) to provide education and training to healthcare professionals and students about FASD prevention, identification, and treatment. In July 2013, CDC convened an expert review panel to evaluate the effectiveness of the RTC program overall and to make recommendations about the program. The panel highlighted several accomplishments of the RTCs and proposed several changes for future

programming: (1) The panel identified a need for more comprehensive coverage nationally with discipline-specific trainings, increased use of technology, greater collaboration with medical societies, and stronger linkages with national partner organizations to increase the reach of training opportunities, and (2) The panel suggested that the training centers focus on demonstrable practice change and sustainability and place a stronger emphasis on primary prevention of FASDs. In addition, it was recommended that future initiatives have stronger evaluation components.

Based on the recommendations of the expert review panel, CDC is placing increased focus on prevention, demonstrating practice change, achieving national coverage, and strengthening partnerships between medical societies and national partner organizations. While a major focus of the grantees’ work will be national, regional approaches will be used to develop new content and “test out” feasibility and acceptability of materials,

especially among healthcare providers and medical societies.

CDC requests OMB approval to collect program evaluation information from (1) healthcare practitioners from disciplines targeted by each grantee, including training participants, and (2) health system staff.

Healthcare practitioners will complete surveys to provide information on whether project trainings impacted their knowledge and practice behavior regarding FASD identification, prevention, and treatment. The information will be used to improve future trainings and assess whether knowledge and practice changes occurred. Some participants will also complete qualitative key informant interviews to gain additional information on practice change. Health system employees will be interviewed or complete surveys as part of activities to assess readiness of healthcare systems to implement recommended practice changes.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Health Professionals .....	Health Professionals Survey .....	4,013	1	9/60
FASD Core Training Participants .....	FASD Core Training Survey—Pre-Test .....	4,013	1	9/60
FASD Core Training Participants .....	FASD Core Training Survey—Post-Test .....	4,013	1	5/60
Nurses .....	Health Professionals Survey (Nursing) .....	667	1	9/60
Nurses .....	Key Informant Interviews with Champions .....	14	2	45/60
Certified Medical Assistants and students.	Medical Assistant—Pre-Test Survey .....	334	1	10/60
Certified Medical Assistants and students.	Medical Assistant—Post-Test Survey .....	334	1	10/60
Certified Medical Assistants and students.	Medical Assistants Change in Practice Survey .....	250	1	15/60
Pediatricians .....	Pre-Test Screening, Assessment, and Diagnosis .....	120	1	10/60
Pediatricians .....	Post-Test Screening, Assessment, and Diagnosis .....	120	1	10/60
Pediatricians .....	Pre-Test ND—PAE .....	120	1	10/60
Pediatricians .....	Post-Test ND—PAE .....	120	1	10/60
Pediatricians .....	Pre-Test Treatment Across the Lifespan .....	120	1	7/60
Pediatricians .....	Post-Test Treatment Across the Lifespan .....	120	1	7/60
Family medicine physicians, social workers, social work students.	Social Work and Family Physicians Pre-training Survey.	1,167	1	8/60
Family medicine physicians, social workers, social work students.	Social Work and Family Physicians 6-Month Follow Up Survey.	1,167	1	8/60
Health Systems Professionals .....	TCU Organizational Readiness Survey .....	246	2	10/60

#### Jeffrey M. Zirger,

Lead, Information Collection Review Office,  
Office of Scientific Integrity, Office of Science,  
Centers for Disease Control and Prevention.

[FR Doc. 2021-01916 Filed 1-27-21; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day–21–0234; Docket No. CDC–2020–0125]

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled the National Ambulatory Medical Care Survey (NAMCS). The goal of the project is to assess the health of the population through patient use of physician offices, community health centers (CHCs), and to monitor the characteristics of physician practices.

**DATES:** CDC must receive written comments on or before March 29, 2021.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2020–0125 by any of the following methods:

- *Federal eRulemaking Portal:* [Regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to [Regulations.gov](https://www.regulations.gov).

*Please note:* Submit all comments through the Federal eRulemaking portal ([regulations.gov](https://www.regulations.gov)) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: [omb@cdc.gov](mailto:omb@cdc.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
  2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
  3. Enhance the quality, utility, and clarity of the information to be collected; and
  4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.
5. Assess information collection costs.

#### Proposed Project

National Ambulatory Medical Care Survey (NAMCS) (OMB Control No. 0920–0234, Exp. 05/31/2022)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

The National Ambulatory Medical Care Survey (NAMCS) was conducted intermittently from 1973 through 1985, and annually since 1989. The survey is conducted under authority of Section 306 of the Public Health Service Act (42 U.S.C. 242k).

NAMCS is part of the ambulatory care component of the National Health Care Surveys (NHCS), a family of provider-based surveys that capture health care utilization from a variety of settings, including hospital in-patient and long-

term care facilities. NCHS surveys of health care providers include NAMCS, the National Hospital Ambulatory Medical Care Survey (NHAMCS) (OMB Control No. 0920–0278, Exp. 09/30/2023), the National Hospital Care Survey (OMB Control No. 0920–0212, Exp. 03/31/2022), and National Post-acute and Long-term Care Study (OMB Control No. 0920–0943, Exp. 09/30/2023).

An overarching purpose of NAMCS is to meet the needs and demands for statistical information about the provision of ambulatory medical care services in the United States; this fulfills one of NCHS missions, to monitor the nation's health. In addition, NAMCS provides ambulatory medical care data to study: (1) The performance of the U.S. health care system, (2) care for the rapidly aging population, (3) changes in services such as health insurance coverage change, (4) the introduction of new medical technologies, and (5) the use of electronic health records (EHRs). Ongoing societal changes have led to considerable diversification in the organization, financing, and technological delivery of ambulatory medical care. This diversification is evidenced by the proliferation of insurance and benefit alternatives for individuals, the development of new forms of physician group practices and practice arrangements (such as office-based practices owned by hospitals), and growth in the number of alternative sites of care.

Ambulatory services are rendered in a wide variety of settings, including physician offices and hospital outpatient and emergency departments. Since more than 65% of ambulatory medical care visits occur in physician offices, NAMCS provides data on the majority of ambulatory medical care services.

In addition to health care provided in physician offices and outpatient and emergency departments, community health centers (CHCs) play an important role in the health care community by providing care to people who might not be able to afford it, otherwise. CHCs are local, non-profit, community-owned health care settings, which serve approximately 28 million individuals throughout the United States.

This revision seeks approval to adjust the CHC sample size. In 2021, the sample size will be reduced to 50 CHCs, and in 2022 allocated funds will cover a sample size of 110 CHCs. In 2023 the sample size will increase to 115 CHCs. There will be no modification to the office-based physician sample. In the 2021 survey year we will include the supplemental sample of physicians from

which visit data are collected through submission of EHRs with the approved 2019 sample size, and for subsequent survey years when deemed necessary. The annualized 2021–2023 NAMCS sample size is projected to be 6,000 office-based physicians and 92 CHCs. Questions on the traditional office-based physician survey will be modified for clarification and to keep current with medical practice and terminology. In

2020 we are also seeking to include the potential for experiments involving physician incentives for some office-based physicians. In 2021, data collection for CHCs will transition from manual abstraction to be sent through EHRs. A set-up fee will be allotted to sampled CHCs to offset the cost of this new data collection method. With this transition, a new CHC facility interview will be implemented and personally

identifiable information (PII) will be collected from both the CHCs, and physicians who submit EHR data. For both the traditional office-based physicians and CHCs, we will continue COVID–19 questions in 2021 and for subsequent data years where information is pertinent. We will also begin to conduct methodological work to improve upon the survey. Estimated annualized burden is 9,272 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Office-based Physicians or Staff (Abstraction) ...	Physician Induction Interview (2020) .....	500	1	30/60	250
	Pulling, re-filing medical record forms (FR abstracts) (2020).	500	30	1/60	250
CHC Executive/Medical Directors .....	CHC Facility Induction Interview (2020) .....	17	1	30/60	9
CHC Providers .....	Provider Induction Interview (2020) .....	52	1	30/60	26
CHC Provider Staff .....	Pulling, re-filing medical record forms (FR abstracts).	52	30	1/60	26
Office-based Physicians (Abstraction) and CHC Providers.	Reinterview Study (2020) .....	33	1	15/60	8
Office-based Physicians or Staff (Abstraction) ...	Physician Induction Interview (2021–2023) .....	3,000	1	30/60	1,500
	Pulling, re-filing medical record forms (FR abstracts) (2021–2023).	3,000	30	1/60	1,500
Office-based Physician Staff (EHR Submission)	Physician Facility Interview (PFI) (2021–2023) ..	3,000	1	45/60	2,250
	Pulling, re-filing medical record forms (EHR Onboarding) (2021–2023).	3,000	1	60/60	3,000
CHC Staff .....	CHC Facility Interview (2021–2023) .....	92	1	15/60	23
	Prepare and transmit EHR for Visit Data (quarterly) (2021–2023).	92	4	60/60	368
Office-based Physicians (Abstraction) .....	Reinterview Study (2021–2023) .....	250	1	15/60	63
Total .....	.....	.....	.....	.....	9,272

**Jeffrey M. Zirger,**

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–01691 Filed 1–27–21; 8:45 am]

BILLING CODE 4163–18–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[30Day–21–20PM]

**Agency Forms Undergoing Paperwork Reduction Act Review**

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *Oral Health Basic Screening Survey for Children* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on July 2, 2020 to obtain comments from the public and affected agencies. CDC received three comments

related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Oral Health Basic Screening Survey for Children—Existing Collection in use without an OMB Control Number—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

Dental caries (tooth decay) is one of the most common chronic diseases among children in the United States and can lead to pain, infection, and diminished quality of life throughout the lifespan. Dental sealants are a cost-effective measure to prevent caries but remain underutilized.

To address states' critical need for state-level oral health surveillance data on dental caries and sealants, the Association of State and Territorial Dental Directors (ASTDD) developed and released an oral health screening survey protocol referred to as the Basic Screening Survey (BSS) in 1999 in collaboration with the Ohio Department of Health and with technical assistance from the CDC's Division of Oral Health.

BSS is a non-invasive visual observation of the mouth performed by trained screeners including dental and non-dental health professionals (e.g., dentists, hygienists, school nurses). The BSS data collection is not duplicative of any other federal collection. Though the National Health and Nutrition Examination Survey (NHANES) collects national data on oral health status including dental caries and sealants based on clinical examination, it is not designed to provide state-level data. BSS is designed to be easy to perform while being consistent and aligned with the oral health Healthy People objectives, which are based on NHANES measures. BSS is the only data source

that provides state-representative data on oral health status based on clinical examination. BSS is also used to monitor state progress toward key national oral health objectives.

The BSS is a state-tailored survey administered and conducted by individual states. CDC has supported some of the 50 states to build and maintain their oral health surveillance system and ASTDD to provide technical assistance to states through state and partner cooperative agreements since 2001. Conducting BSS for third graders is a key component of that support.

The target populations include school children in grades K–3 and children enrolled in Head Start in 50 states and Washington, DC. ASTDD and CDC recommend that states conduct BSS at minimum for third graders at least once every five years. Individual states determine how often to conduct BSS and which grade or grades to target based on their program needs and available resources. Forty-seven states have conducted BSS for children, and all 47 conducted Third Grade BSS. Thirty-two states also have conducted BSS in one or more other grades (K–2) or in Head Start Programs. CDC estimates that approximately 34 states, including 20 states currently funded by CDC, will conduct one BSS, at least for third grade, during the period for which this approval is being sought.

State health departments administer the survey by determining probability

samples, arranging logistics with selected schools or Head Start sites, gaining consent, obtaining demographic data, training screeners, conducting the oral health screening at schools or Head Start sites. Screeners record four data points either electronically or on a paper form: (1) Presence of treated caries, (2) presence of untreated tooth decay, (3) urgency of need for treatment, and (4) presence of dental sealants on at least one permanent molar tooth.

State programs enter, clean and analyze the data; de-identify it; and respond to ASTDD's annual email request for state-aggregated prevalence of dental caries and sealants. ASTDD reviews the data to ensure that both survey design and data meet specific criteria before sending it to CDC for publication on the CDC's public-facing Oral Health Data website ([www.cdc.gov/oralhealthdata](http://www.cdc.gov/oralhealthdata)).

BSS for children serves as a key state oral health surveillance data source and facilitates state capacity to (1) monitor children's oral health status, trends, and disparities, and compare with other states; (2) inform planning, implementation and evaluation of effective oral health programs and policies; (3) measure state progress toward Healthy People objectives; and (4) educate the public and policy makers regarding cross-cutting public health programs. CDC also uses the data to evaluate performance of CDC oral health funding recipients.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Child .....	Screening form .....	150,370	1	5/60
Parent/caretaker .....	Consent .....	150,370	1	1/60
Screener .....	Screening form .....	301	1	666/60
School/site .....	Participation form .....	2,890	1	68/60
State Official .....	Data Submission form .....	34	1	32,742/60

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2021-01912 Filed 1-27-21; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**[30Day-21-1243]**

**Agency Forms Undergoing Paperwork Reduction Act Review**

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled "Rapid Response Suicide Investigation Data

Collection" to the Office of Management and Budget (OMB) for review and approval. CDC previously published a "Proposed Data Collection Submitted for Public Comment and Recommendations" notice on October 13, 2020 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget

is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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](http://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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Rapid Response Suicide Investigation Data Collection (OMB Control No. 0920-1243, Exp. 09/30/2021)—Extension—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

CDC is frequently called upon to respond to urgent requests from one or more external partners (e.g., local, state, territory, and tribal health authorities; other federal agencies; local and state leaders; schools; or other partner organizations) to conduct investigations of suicide. Supporting rapid investigations to inform the implementation of effective suicide prevention strategies is one of the most important ways CDC can serve to protect and promote the health of the public.

Rapid Response Suicide Investigation Data Collections are specifically designed to inform the implementation of prevention strategies in a state, county, community, or vulnerable population where a possible suicide cluster or increasing trend has been observed. This generic clearance will not be used to conduct research studies or to collect data designed to draw conclusions about the United States or areas beyond the defined geographic location or vulnerable population that is the focus of the investigation. CDC in collaboration with external partners (e.g., local, state, territory, and tribal health authorities; other federal agencies; local and state leaders; schools; or other partner organizations) will identify the respondent universe for each Rapid Response Suicide Investigation Data Collection. The respondent universe will be determined based on the information needed to understand potential suicide clusters, significant increases in suicidal behavior and suicide, risk and protective factors, and vulnerable populations in order to inform the implementation of suicide prevention strategies. When the goal is generalizability, CDC will submit the sampling methods to OMB as part of the GenIC package. The estimated annual burden hours are 1,000. There are no costs to respondents other than their time.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Rapid Response Suicide Investigation Data Collection Participants.	Rapid Response Suicide Investigation Protocol.	2,000	1	30/60

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2021-01917 Filed 1-27-21; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

[Document Identifier: CMS-10332]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request**

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect

information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use

of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by March 1, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS’ website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

2. Call the Reports Clearance Office at (410) 786-1326.

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786-4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Disclosure Requirement for the In-Office Ancillary Services Exception; *Use:* Section 6003 of the Affordable Care Act (ACA) established a new disclosure requirement that a physician must perform for certain imaging services to meet the in-office ancillary services

exception to the prohibition of the physician self-referral law. This section of the ACA amended section 1877(b)(2) of the Act by adding a requirement that the referring physician informs the patient, at the time of the referral and in writing, that the patient may receive the imaging service from another supplier.

Physicians who provide certain imaging services (MRI, CT, and PET) under the in-office ancillary services exception to the physician self-referral prohibition are required to provide the disclosure notice as well as the list of other imaging suppliers to the patient. The patient will then be able to use the disclosure notice and list of suppliers in making an informed decision about his or her course of care for the imaging service.

CMS would use the collected information for enforcement purposes. Specifically, if we were investigating the referrals of a physician providing advanced imaging services under the in-office ancillary services exception, we would review the written disclosure in order to determine if it satisfied the requirement. *Form Number:* CMS-10332 (OMB control number: 0938-1133); *Frequency:* Occasionally; *Affected Public:* Private Sector, Business or other for-profits, Not-for-profits institutions; *Number of Respondents:* 2,239; *Total Annual Responses:* 989,971; *Total Annual Hours:* 18,694. (For questions regarding this collection contact Laura Dash at 410-786-8623.)

Dated: January 25, 2021.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2021-01896 Filed 1-27-21; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Meeting of the Advisory Committee on Childhood Vaccines

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice announces that the Advisory Committee on Childhood Vaccines (ACCV) will hold public meetings for the 2021 calendar year (CY). Information about the ACCV, agendas, and materials for these meetings can be

found on the ACCV website at <https://www.hrsa.gov/advisory-committees/vaccines>.

**DATES:** ACCV meetings will be held on:

- March 4, 2021, 10:00 a.m. Eastern Time (ET)–4:00 p.m. ET;
- June 3, 2021, 10:00 a.m. ET–4:00 p.m. ET;
- September 2, 2021, 10:00 a.m. ET–4:00 p.m. ET;
- December 2, 2021, 10:00 a.m. ET–4:00 p.m. ET.

**ADDRESSES:** Meetings may be held in-person or by teleconference and webinar. For updates on how the meeting will be held, visit the ACCV website 30 business days before the date of the meeting, where instructions for joining meetings either in-person and remotely will also be posted. In-person ACCV meetings will be held at 5600 Fishers Lane, Rockville, Maryland 20857. For meeting information updates, go to the ACCV website listed above.

**FOR FURTHER INFORMATION CONTACT:**

Annie Herzog, Division of Injury Compensation Programs, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; 301-443-6634; or *ACCV@HRSA.gov*.

**SUPPLEMENTARY INFORMATION:** The ACCV provides advice and recommendations to the Secretary of HHS on policy, program development, and other issues related to implementation of the National Vaccine Injury Compensation Program (VICP) and concerning other matters as described under section 2119 of the Public Health Service Act (42 U.S.C. 300aa-19).

Since priorities dictate meeting times, be advised that times and agenda items are subject to change. Refer to the ACCV website listed above for any meeting updates that may occur. For CY 2021 meetings, agenda items may include, but are not limited to updates from the Division of Injury Compensation Programs, Department of Justice, Office of Infectious Disease and HIV/AIDS Policy (HHS), Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases (National Institutes of Health) and Center for Biologics, Evaluation and Research (Food and Drug Administration). Refer to the ACCV website listed above for all current and updated information concerning the CY 2021 ACCV meetings, including draft agendas and meeting materials that will be posted 5 calendar days before the meeting(s).

Members of the public will have the opportunity to provide comments.

Public participants may submit written statements in advance of the scheduled meeting(s). Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to ACCV should be sent to Annie Herzog using the contact information above at least 5 business days before the meeting date(s).

Individuals who need special assistance or another reasonable accommodation should notify Annie Herzog using the contact information listed above at least 10 business days before the meeting(s) they wish to attend.

If an in-person meeting is held, it will occur in a federal government building and all attendees must go through a security check to enter. Non-U.S. Citizen attendees must notify HRSA of their planned attendance to an in-person meeting at least 20 business days prior to the meeting in order to facilitate their entry into the building. All attendees are required to present government-issued identification prior to entry.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2021-01879 Filed 1-27-21; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-NPS0031389; PPWOCRADN0-PCU00RP14.R50000]

#### Notice of Intent To Repatriate Cultural Items: Geneva Historical Society, Geneva, NY

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Geneva Historical Society, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that one cultural item listed in this notice meets the definition of unassociated funerary object and 103 cultural items listed in this notice meet the definition of objects of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Geneva Historical Society. If no additional claimants come forward, transfer of control of the cultural items 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 these cultural items should submit a written request with information in support of the claim to the Geneva Historical Society at the address in this notice by March 1, 2021.

**ADDRESSES:** Kerry Lippincott, Geneva Historical Society, 543 South Main Street, Geneva, NY 14456, telephone (315) 789-5151, email *director@genevahistoricalociety.com*.

**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 cultural items under the control of the Geneva Historical Society, Geneva, NY, that meet the definition of unassociated funerary objects and objects 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 items. The National Park Service is not responsible for the determinations in this notice.

#### History and Description of the Cultural Items

In the mid-1800s, 104 cultural items were removed from White Springs Farm, Ontario County, NY. According to printed accounts, two burial mounds near the farm's manor house were disturbed around 1840, when the land was graded for a lawn and roadway. The artifacts stayed with the farm and were transferred to subsequent owners until Mrs. Katherine Lewis purchased the property in 1898. Lewis kept the artifacts in her family. In 1962, her daughter, Mrs. Henry Wheat, loaned them to the Geneva Historical Society, and in 1978, the Wheats converted the loan to a gift. The one unassociated funerary object is a wooden hair comb. The 103 objects of cultural patrimony are 90 assorted beads of bloodstone, glass, shell, bone, and clay; one rifle trigger; two metal trade arrowheads; two metal fragments; three metal buttons; four 17th-century religious trade medals; and one clay pipe.

There is archeological evidence to show that from around 1688 to 1715, the Seneca town of Ganechstage was located in proximity to White Springs Farm. During consultation, the Seneca Nation

of Indians identified the hair comb as a funerary object. Given the location and time period, the other items are consistent with Seneca production and European trade goods.

#### Determinations Made by the Geneva Historical Society

Officials of the Geneva Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the one cultural item described above 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 and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

- Pursuant to 25 U.S.C. 3001(3)(D), the 103 cultural items described above have 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 unassociated funerary object, and objects of cultural patrimony and the Seneca Nation of Indians (previously listed as Seneca Nation of New York).

#### 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 these cultural items should submit a written request with information in support of the claim to Kerry Lippincott, Geneva Historical Society, 543 South Main Street, Geneva, NY 14456, telephone (315) 789-5151, email *director@genevahistoricalociety.com*, by March 1, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary object and objects of cultural patrimony to the Seneca Nation of Indians (previously listed as Seneca Nation of New York) may proceed.

The Geneva Historical Society is responsible for notifying the Seneca Nation of Indians (previously listed as Seneca Nation of New York) that this notice has been published.

Dated: January 14, 2021.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2021-01899 Filed 1-27-21; 8:45 am]

**BILLING CODE 4312-52-P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS-WASO-NAGPRA-NPS0031386;  
PPWOCRADNO-PCU00RP14.R50000]

**Notice of Inventory Completion:  
Museum of Ojibwa Culture and  
Marquette Mission Park—City of St.  
Ignace, St. Ignace, MI**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Museum of Ojibwa Culture and Marquette Mission Park—City of St. Ignace, Michigan 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 no cultural affiliation between the human remains and 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 human remains and associated funerary objects should submit a written request to the Museum of Ojibwa Culture and Marquette Mission Park—City of St. Ignace. If no additional requestors come forward, transfer of control of the human remains and 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 human remains and associated funerary objects should submit a written request with information in support of the request to the Museum of Ojibwa Culture and Marquette Mission Park—City of St. Ignace at the address in this notice by March 1, 2021.

**ADDRESSES:** Shirley Sorrels, Director, Museum of Ojibwa Culture and Marquette Mission Park, c/o Bernstein & Associates, 1041 N Lafayette Street, Denver, CO 80218, telephone (303) 894-0648, email [jan@nagpra.info](mailto:jan@nagpra.info).

**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 Museum of Ojibwa Culture and Marquette Mission Park—City of St. Ignace, St. Ignace, MI. The human remains and associated funerary objects

were removed from the Marquette Mission Site (20MK82 and 20MK82–99), Mackinac County, MI.

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 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 of Ojibwa Culture and Marquette Mission Park—City of St. Ignace professional staff in consultation with representatives of the Bay Mills Indian Community, Michigan; Forest County Potawatomi Community, Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Peoria Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shawnee Tribe; and the Wyandotte Nation (hereafter referred to as “The Consulted Tribes”).

An invitation to consult was extended to the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six

component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; and two non-federally recognized Indian groups, the Burt Lake Band of Ottawa and Chippewa Indians, and the Grand River Band of Ottawa Indians (hereafter referred to as “The Invited Tribes and Groups”).

**History and Description of the Remains**

In 1987–1988, human remains representing, at minimum, one individual (excavator's catalog number 3.2) were removed from the Marquette Mission Site (20MK82–99) in St. Ignace, Mackinac County, MI. The human remains were discovered during the installation of a wastewater treatment system beneath the roadway. Onsite cultural resource monitoring of subsurface construction activities was provided. During the excavation, the partial human remains of a single individual representing an adult female were found in a round-bottomed pit feature identified as Area 3. According to the project report, the partial skeletal remains reflected by the collection of materials from Area 3 strongly suggests that the remainder of the burial was intact in the Area 3 zone. No known individual was identified. The 14 associated funerary objects are the faunal remains of one *Acipense Fulvescenes* (lake sturgeon), two *Alces alces* (moose), three *Canis* species (large dog/wolf), one *Canis cf. familiaris* (domestic dog), four *Castor canadensis* (American beaver), two unidentified mammals, and one *Osteichthyes* species (bony fish).

On an unknown date, human remains representing, at minimum, one individual were removed from the Marquette Mission Site (20MK82) in St. Ignace, Mackinac County, MI. The human remains (2019.01.079a; 2019.01.099a; 2019.01.100a) were found during documentation of the Museum of Ojibwa Culture collection. On August 13, 2020, the human remains were identified as belonging to a child of less than 14 years of age and of an

indeterminate sex. No known individual was identified. The 33 associated funerary objects are two ceramic vessel fragments (2019.01.079g), two clay pipe stem fragments (2019.01.079b), one medicine bottle (2019.01.079d), three glass fragments (2019.01.079c), one lot of marbles (2019.01.079f), one lot of metal fragments (2019.01.079e), one nail (2019.01.099b), one fragment of an unknown material stamped “ED FRUIT JA” (2019.01.079i), and 21 porcelain fragments (2019.01.079h; 2019.01.099c; 2019.01.100b).

The Marquette Mission Site (20MK82) and (20MK82–99) is located within Marquette Mission Park. The Museum of Ojibwa Culture manages the Park, and both the Park and the Museum are under the auspices of the City of St. Ignace. Based on the archeological context, the human remains from 20MK82 date to the 17th or 18th century, when Native Americans representing many different cultures, including, but not limited to, the Anishinaabek [Ojibwa/Ojibwe (Chippewa) and Odawa (Ottawa)] and Wendat (Huron) lived in proximity to or visited the Marquette Mission Site. Based on the archeological context, the human remains from 20MK82–99 may pre-date contact with European material culture, at a time when many different cultures inhabited and visited the area.

#### **Determinations Made by the Museum of Ojibwa Culture and Marquette Mission Park, City of St. Ignace**

Officials of the Museum of Ojibwa Culture and Marquette Mission Park—City of St. Ignace have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on archeological context.

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(3)(A), the 47 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 Native American human remains and associated funerary objects and any present-day Indian Tribe.

- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the

Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy’s Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy’s Reservation, Montana); Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Ottawa Tribe of Oklahoma; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota.

- 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 Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy’s Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy’s Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of

Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Wyandotte Nation.

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy’s Reservation, Montana (previously listed as Chippewa-Cree Indians of the Rocky Boy’s Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the

Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Wyandotte Nation (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 human remains and associated funerary objects should submit a written request with information in support of the request to Shirley Sorrels, Director, Museum of Ojibwa Culture and Marquette Mission Park, c/o Bernstein & Associates, 1041 N Lafayette Street, Denver, CO 80218, telephone (303) 894-0648, email [jan@nagpra.info](mailto:jan@nagpra.info), by March 1, 2021. 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. If joined to a request from one or more of The Tribes, the non-federally recognized Burt Lake Band of Ottawa and Chippewa Indians, may also receive transfer of control of the human remains and associated funerary objects.

The Museum of Ojibwa Culture and Marquette Mission Park—City of St. Ignace is responsible for notifying The Consulted Tribes, The Invited Tribes

and Groups, and The Tribes that this notice has been published.

Dated: January 14, 2021.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2021-01900 Filed 1-27-21; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS-WASO-NAGPRA-NPS0031387;  
PPWOCRADNO-PCU00RP14.R50000]**

#### Notice of Inventory Completion: U.S. Department of Interior, Fish and Wildlife Service, Alaska Region, Anchorage, AK

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Interior, Fish and Wildlife Service, Alaska Region, Anchorage, AK (Alaska Region USFWS), 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 Alaska Region USFWS. 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 Tribes or Native Hawaiian organizations 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 Alaska Region USFWS at the address in this notice by March 1, 2021.

**ADDRESSES:** Jeremy M. Karchut, Regional Historic Preservation Officer, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS-235, Anchorage, AK 99503, telephone (907) 786-3399, email [Jeremy\\_Karchut@fws.gov](mailto:Jeremy_Karchut@fws.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 under the control of the U.S. Department of Interior, Fish and Wildlife Service, Alaska Region, Anchorage, AK. The human remains and associated funerary objects were removed from Chernabura Island, Aleutians East Borough, AK.

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 Vassar College, Department of Anthropology staff and the Alaska Region USFWS professional staff in consultation with the Agdaagux Tribe of King Cove; Native Village of Belkofski; Native Village of Unga; Pauloff Harbor Village; Pribilof Islands Aleut Communities of St. Paul & St. George Islands; Qagan Tayagungin Tribe of Sand Point (previously listed as Qagan Tayagungin Tribe of Sand Point Village) Qawalangin Tribe of Unalaska; and the Aleut Corporation, a non-federally acknowledged Indian group (hereafter referred to as "The Consulted Entities").

#### History and Description of the Remains

Between 1986 and 1994, human remains representing, at minimum, 11 individuals were removed from site XSI-007 (as recorded in the Alaska Heritage Resource Survey database) on Chernabura Island, Aleutians East Borough, AK, by Dr. Lucy Johnson, a faculty member in the Department of Anthropology at Vassar College. Dr. Johnson was investigating an archeological site she named "Periwinkle Mound," located on Chernabura Island. As the land in question is part of the Alaska Maritime National Wildlife Refuge, this investigation was conducted under several Archaeological Resources Protection Act (ARPA) permits issued by the US Fish & Wildlife Service. Dr. Johnson observed numerous human remains eroding from the site and collected the remains from the surface. During her investigations, Dr. Johnson collected more than 200 human bones and teeth. Dr. Johnson recovered most of the human remains in 1986 and 1988, near the shore. They have been in the physical custody of Vassar College since Dr. Johnson completed her fieldwork at the site in 1994.

A preliminary inventory was completed by Dr. Johnson in 2013. Bioarcheologist Dr. Jess Beck conducted a detailed analysis of the human remains for Vassar College in 2020 and identified the minimum number of individuals. The individuals include eight adults and three subadults of unknown sex. No individuals have been identified. Although Unangan Aleut burials are often associated with a small number of utilitarian objects such as wedges and knives, as the human remains came from eroded contexts, no associated funerary objects have been identified.

Radiocarbon dates from charcoal samples found at XSI-007 indicate that the site was occupied shortly before 2000 years ago. The Chernabura Island human remains are more likely than not Native American, and they are most closely affiliated with the modern Aleut people.

#### **Determinations Made by the U.S. Department of Interior, Fish and Wildlife Service, Alaska Region**

Officials of the U.S. Department of Interior, Fish and Wildlife Service, Alaska Region have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 11 individuals 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 Agdaagux Tribe of King Cove; Native Village of Belkofski; Native Village of Unga; Pauloff Harbor Village; and the Qagan Tayagungin Tribe of Sand Point (previously listed as Qagan Tayagungin Tribe of Sand Point Village) Qawalangin Tribe of Unalaska (hereafter referred to as "The Indian 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 Jeremy M. Karchut, Regional Historic Preservation Officer, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS-235, Anchorage, AK 99503, telephone (907) 786-3399, email [Jeremy\\_Karchut@fws.gov](mailto:Jeremy_Karchut@fws.gov), by March 1, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Indian Tribes may proceed.

The U.S. Department of Interior, Fish and Wildlife Service, Alaska Region is responsible for notifying The Consulted Entities and The Indian Tribes that this notice has been published.

Dated: January 14, 2021.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2021-01902 Filed 1-27-21; 8:45 am]

**BILLING CODE 4312-52-P**

## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

**[NPS-WASO-NAGPRA-NPS0031388; PPWOCRADNO-PCU00RP14.R50000]**

#### **Notice of Inventory Completion: Geneva Historical Society, Geneva, NY**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Geneva Historical Society 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 Geneva Historical Society. 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 Geneva Historical Society at the address in this notice by March 1, 2021.

**ADDRESSES:** Kerry Lippincott, Geneva Historical Society, 543 South Main Street, Geneva, NY 14456, telephone (315) 789-5151, email [director@genevahistoricalsociety.com](mailto:director@genevahistoricalsociety.com).

**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 Geneva Historical Society, Geneva, NY. The human remains were removed

from the Reed Farm, Ontario County, NY.

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 Geneva Historical Society professional staff in consultation with representatives of the Seneca Nation of Indians (previously listed as Seneca Nation of New York).

### **History and Description of the Remains**

In the spring of 1969, human remains representing, at minimum, one individual were removed from Reed Farm in Ontario County, NY. Two boys, James and Thomas Reed, discovered the human remains in a sand mound eight miles south of Geneva, NY, along Seneca Lake. They found the remains of one individual, possibly female, buried in a seated position with crossed arms and crossed legs, and facing east. In May 1969, the Reed family placed the human remains on loan with the Geneva Historical Society, and since 1995, the human remains have been under the Society's control. No known individuals were identified. No associated funerary objects were present.

A written description of the burial at the time of discovery stated that no artifacts were discovered with the human remains. In 1995, Peter Jemison, NAGPRA coordinator for the Seneca Nation of Indians, opined that the human remains were of pre-historic date, as a Haudenosaunee burial would have included a beaded necklace. Along the eastern shore of Seneca Lake seasonal settlements established for fishing marked the periphery of Seneca Nation territory. A few miles to the west of these settlements, archeological evidence exists for the associated Seneca towns. Based on the totality of the information, the Geneva Historical Society has determined that the human remains listed in this notice are ancestral to the Seneca people.

### **Determinations Made by the Geneva Historical Society**

Officials of the Geneva Historical 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 Seneca Nation of Indians (previously listed as Seneca Nation of New York).

#### 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 Kerry Lippincott, Geneva Historical Society, 543 South Main Street, Geneva, NY 14456, telephone (315) 789-5151, email [director@genevahistoricalociety.com](mailto:director@genevahistoricalociety.com), by March 1, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Seneca Nation of Indians (previously listed as Seneca Nation of New York) may proceed.

The Geneva Historical Society is responsible for notifying the Seneca Nation of Indians (previously listed as Seneca Nation of New York) that this notice has been published.

Dated: January 14, 2021.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2021-01897 Filed 1-27-21; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-NPS0031390;  
PPWOCRADN0-PCU00RP14.R50000]

#### Notice of Intent To Repatriate Cultural Items: Tennessee Valley Authority, Knoxville, TN

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Tennessee Valley Authority (TVA), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the TVA. If no additional claimants come forward, transfer of control of the cultural items 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 these cultural items should submit a written request with information in support of the claim to the TVA at the address in this notice by March 1, 2021.

**ADDRESSES:** Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902-1401, telephone (865) 632-7458, email [tomaher@tva.gov](mailto:tomaher@tva.gov).

**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 cultural items under the control of the Tennessee Valley Authority, Knoxville, TN, that meet the definition of unassociated funerary objects 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 items. The National Park Service is not responsible for the determinations in this notice.

#### Consultation

A detailed assessment of the unassociated funerary objects was made by TVA professional staff in consultation with representatives of the Cherokee Nation; Coshatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Shawnee Tribe; The Chickasaw Nation; and The Muscogee (Creek) Nation (hereafter referred to as "The Consulted Tribes").

#### History and Description of the Cultural Items

On June 25, 1937, 47 cultural items were removed from burial 15 at 1MS32, the McKee Island site, in Marshall County, AL. The McKee Island site was excavated as part of TVA's Guntersville Reservoir project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor and funds provided by the Works Progress Administration (WPA). Details regarding these excavations may be found in "An Archaeological Survey of Guntersville Basin on the Tennessee River in Northern Alabama," by William S. Webb and Charles G. Wilder. TVA acquired the site on November 12, 1936. The 47 unassociated funerary objects are sherds of a Mississippi Plain vessel.

Site 1MS32 was a midden-rich village that extended 800 feet along a ridge of the now-inundated McKee Island. Although there are no radiocarbon dates from this site, ceramics recovered from 1MS32 indicate occupations during the Colbert (300 B.C.–A.D. 100), Flint River (A.D. 500–1000), and Crow Creek (A.D. 1500–1650) phases. Burial 15 is from the Mississippian Crow Creek phase. Chronicles from Spanish explorers of the 16th century and French explorers of the 17th and 18th century indicate the presence of chiefdom-level tribal entities in the southeastern United States that resemble the historic Native American chiefdoms. Linguistic analysis of place names noted by multiple Spanish explorers indicates that Koasati-speaking Muskogean groups inhabited northeastern Alabama. Early maps and research into the historic Native American occupation of northeastern Alabama indicate that the Koasati (as called by the English) or the Kaskinampo (as called by the French) were found at multiple sites in Jackson and Marshall Counties in the 17th and 18th centuries. Oral history, traditions, and expert opinions of Koasati/Kaskinampo and Muscogee (Creek) descendants indicate that this portion of the Tennessee River valley was their tribal homeland. Oral tradition also indicates that by the middle 1700s, the Koasati/Kaskinampo were leaving the Tennessee River valley and moving south.

Based on the totality of the evidence, TVA has determined that the items from the Mississippian burials at 1MS32 are culturally affiliated with descendants of the Koasati/Kaskinampo. These descendants include the Alabama-Coshatta Tribe of Texas (previously listed as the Alabama-Coshatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coshatta Tribe of Louisiana; and The Muscogee (Creek) Nation.

#### Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

• Pursuant to 25 U.S.C. 3001(3)(B), the 47 cultural items described above 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 and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), these items are culturally affiliated with the Alabama-Coshatta Tribe of Texas (previously listed as the Alabama-Coshatta Tribes of Texas); Alabama-

Quassarte Tribal Town; Coushatta Tribe of Louisiana; and The Muscogee (Creek) Nation (hereafter referred to as “The Tribes”).

- Pursuant to 25 U.S.C. 3005(a)(2), repatriation of these cultural items may be to 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 claim these cultural items should submit a written request with information in support of the claim to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902-1401, telephone (865) 632-7458, email [tomaher@tva.gov](mailto:tomaher@tva.gov), by March 1, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to The Tribes may proceed.

The Tennessee Valley Authority is responsible for notifying The Tribes and The Consulted Tribes that this notice has been published.

Dated: January 14, 2021.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2021-01898 Filed 1-27-21; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-NPS0031392;  
PPWOCRADNO-PCU00RP14.R50000]

#### Notice of Inventory Completion: Indiana University, Bloomington, IN; Correction

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice; correction.

**SUMMARY:** Indiana University has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on December 2, 2016. This notice corrects the minimum number of individuals and the number of associated funerary objects. 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 Indiana University NAGPRA Office. 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 Indiana University NAGPRA Office at the address in this notice by March 1, 2021.

**ADDRESSES:** Dr. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 E. Kirkwood Avenue, Bloomington, IN 47405, telephone (812) 856-5315, email [thomajay@indiana.edu](mailto:thomajay@indiana.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 correction of an inventory of human remains and associated funerary objects under the control of Indiana University, Bloomington, IN. The human remains and associated funerary objects were removed from North Dakota.

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.

This notice corrects the minimum number of individuals and number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (81 FR 87064-87065, December 2, 2016). The correction is being made due to a reassessment of the human remains and the discovery of additional human remains and funerary objects. Transfer of control of the items in this correction notice has not occurred.

#### Correction

In the **Federal Register** (81 FR 87064, December, 2, 2016), column 2, paragraph 4, sentence 2 is corrected by substituting the following sentence:

Human remains, representing a minimum of 69 individuals, were recovered from this site.

In the **Federal Register** (81 FR 87064, December 2, 2016), column 2, paragraph 5, sentence 4 is corrected by substituting the following sentence:

Human remains, representing a minimum of 35 individuals, were recovered.

In the **Federal Register** (81 FR 87064, December 2, 2016}), column 2, paragraph 5, sentence 6 is corrected by substituting the following sentence:

The 11 associated funerary objects are 10 blue glass beads and one mammal bone.

In the **Federal Register** (81 FR 87064, December 2, 2016}), column 3, paragraph 3, inserting the following sentences at the end of the paragraph:

Notes indicate that this collection is likely from North Dakota, with ID designations of Ar-34, Ar-3, and Ar-37. Four of these individuals are specifically labeled 'Arikara' or 'Mandan'. It is interpreted that the 'Ar' is indicative of 'Arikara'.

In the **Federal Register** (81 FR 87064, December 2, 2016), column 3, paragraph 4, the following sentences are added to the beginning of the paragraph:

Found with these collections were four additional boxes containing human remains representing four individuals. Three of the boxes were labeled as 'Arikara' and the fourth was labeled 'Ar-6', which is interpreted as 'Arikara'.

In the **Federal Register** (81 FR 87065, December 2, 2016), column 1, paragraph 1, sentence 1 is corrected by substituting the following sentence:

Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 157 individuals of Native American ancestry.

In the **Federal Register** (81 FR 87065, December 2, 2016), column 1, paragraph 1, sentence 2 is corrected by substituting the following sentence:

Pursuant to 25 U.S.C. 3001(3)(A), the 94 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.

#### 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. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 E Kirkwood Avenue, Bloomington, IN 47405, telephone (812) 856-5315, email [thomajay@indiana.edu](mailto:thomajay@indiana.edu), by March 1, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota may proceed.

Indiana University is responsible for notifying the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota that this notice has been published.

Dated: January 14, 2021.

**Melanie O'Brien,**

Manager, National NAGPRA Program.

[FR Doc. 2021-01901 Filed 1-27-21; 8:45 am]

BILLING CODE 4312-52-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-NPS0031391;  
PPWOCRADNO-PCU00RP14.R50000]

### Notice of Intent To Repatriate Cultural Items: Tennessee Valley Authority, Knoxville, TN

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Tennessee Valley Authority (TVA), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the TVA. If no additional claimants come forward, transfer of control of the cultural items 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 these cultural items should submit a written request with information in support of the claim to the TVA at the address in this notice by March 1, 2021.

**ADDRESSES:** Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902-1401, telephone (865) 632-7458, email [tomaher@tva.gov](mailto:tomaher@tva.gov).

**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 cultural items under the control of the Tennessee Valley Authority, Knoxville, TN, that meet the definition of unassociated funerary objects 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 items. The National Park Service is not responsible for the determinations in this notice.

### Consultation

A detailed assessment of the unassociated funerary objects was made by TVA professional staff in consultation with representatives of the Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Shawnee Tribe; The Chickasaw Nation; and The Muscogee (Creek) Nation (hereafter referred to as "The Consulted Tribes").

### History and Description of the Cultural Items

From May 21 to July 28, 1937, 1,644 cultural items were removed from historic Native American burials at site 1MS32, on McKee Island, in Marshall County, AL. The McKee Island site was excavated as part of TVA's Guntersville Reservoir project by the Alabama Museum of Natural History (AMNH) at the University of Alabama, using labor and funds provided by the Works Progress Administration (WPA). Details regarding these excavations may be found in "*An Archaeological Survey of Guntersville Basin on the Tennessee River in Northern Alabama*," by William S. Webb and Charles G. Wilder. TVA acquired the site on November 12, 1936. The 1,644 unassociated funerary objects are two black glass beads and 1,642 blue glass beads.

Site 1MS32 was a midden-rich village that extended 800 feet along a ridge of the now-inundated McKee Island. Although there are no radiocarbon dates from this site, Jon Marcoux's study of glass beads from 1MS32 indicates a historic occupation in the range of A.D. 1650-1750. Analysis of the brass bells recovered from this site suggests an occupation range from the late 1600s through the 1700s. During this period multiple tribes were using the Guntersville Reservoir area. Chronicles from Spanish explorers of the 16th century and French explorers of the 17th and 18th century indicate the presence of chiefdom-level tribal entities in the southeastern United States that resemble the historic Native American chiefdoms. Linguistic analysis of place names noted by multiple Spanish explorers indicates that Koasati-speaking Muskogean groups inhabited northeastern Alabama. Early maps and research into the historic Native American occupation of northeastern Alabama indicate that the Koasati (as called by the English) or the Kaskinampo (as called by the French) were found at multiple sites in Jackson and Marshall Counties in the 17th and

18th centuries. Oral history, traditions, and expert opinions of Koasati/Kaskinampo and Muscogee (Creek) descendants indicate that this portion of the Tennessee River valley was their tribal homeland. Oral tradition also indicates that by the middle 1700s, the Koasati/Kaskinampo were leaving the Tennessee River valley and moving south.

Both British and American historians indicate that in the 1700s, some Cherokee were leaving their traditional tribal lands in the Appalachian Mountains and the Little Tennessee River watershed. In the 1770s, a group of Cherokee, often designated as the Chickamauga in historical documents, had relocated to areas northeast of the current city of Chattanooga, Tennessee. Reprisals by American militia for Cherokee support of the British during the American Revolution forced these Cherokee farther down the Tennessee River. By 1785-1790 there were named Cherokee villages in the Guntersville Reservoir area. The Koasati, Muscogee (Creek), and Cherokee all hunted in the Tennessee Valley. Based on the totality of the evidence, TVA has determined that the cultural items from historic burials at 1MS32 are culturally affiliated with Native American descendants of the Koasati/Kaskinampo or the Cherokee. These descendants include the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

### Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 1,644 cultural items described above 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 and are believed, by a preponderance of the evidence, to have been removed from specific burial sites of Native American individuals.

- Pursuant to 25 U.S.C. 3001(2), these items are culturally affiliated with the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee

Indians in Oklahoma (hereafter referred to as “The Tribes”).

- Pursuant to 25 U.S.C. 3005(a)(2), repatriation of these cultural items may be to 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 claim these cultural items should submit a written request with information in support of the claim to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902-1401, telephone (865) 632-7458, email [tomaher@tva.gov](mailto:tomaher@tva.gov), by March 1, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to The Tribes may proceed.

The Tennessee Valley Authority is responsible for notifying The Tribes and The Consulted Tribes that this notice has been published.

Dated: January 14, 2021.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2021-01903 Filed 1-27-21; 8:45 am]

**BILLING CODE 4312-52-P**

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1070A (Third Review)]

### Crepe Paper From China; Scheduling of Expedited Five-Year Review

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the antidumping duty order on crepe paper from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

**DATES:** November 6, 2020.

**FOR FURTHER INFORMATION CONTACT:** Tyler Berard (202-205-3354), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these reviews may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—On November 6, 2020, the Commission determined that the domestic interested party group response to its notice of institution (85 FR 46715, August 3, 2020) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.<sup>1</sup> Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Please note the Secretary’s Office will accept only electronic filings at this time. Filings must be made through the Commission’s Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

**Staff report.**—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on January 22, 2021, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission’s rules.

**Written submissions.**—As provided in section 207.62(d) of the Commission’s rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,<sup>2</sup> and any party other than an interested party to the review may file written comments with the Secretary on what determination the

<sup>1</sup> A record of the Commissioners’ votes is available from the Office of the Secretary and at the Commission’s website.

<sup>2</sup> The Commission has found the response to its notice of institution from a domestic producer of certain crepe paper, Seaman Paper Company of Massachusetts, Inc. (“domestic interested party”), to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

Commission should reach in the review. Comments are due on or before January 29, 2021 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by January 29, 2021. However, should the Department of Commerce (“Commerce”) extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce’s final results is three business days after the issuance of Commerce’s results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s *Handbook on Filing Procedures*, available on the Commission’s website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates upon the Commission’s procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Determination.**—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission’s rules.

By order of the Commission.

Issued: January 22, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021-01845 Filed 1-27-21; 8:45 am]

**BILLING CODE 7020-02-P**

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-644 and 731-TA-1494 (Final)]

### Non-Refillable Steel Cylinders from China; Revised Schedule for the Subject Investigations

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**DATES:** January 22, 2021

**FOR FURTHER INFORMATION CONTACT:**

Kristina Lara (202–205–3386), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** Effective October 30, 2020, the Commission published its schedule for the final phase of these investigations (85 FR 84367, December 28, 2020). The Commission is revising its schedule.

The Commission's revised dates in the schedule are as follows: The prehearing staff report will be placed in the nonpublic record on February 25, 2021. The deadline for filing prehearing briefs is March 4, 2021. Requests to appear at the hearing must be filed with the Secretary to the Commission not later than March 5, 2021. If deemed necessary, the prehearing conference will be held on March 9, 2021. The hearing will be held on March 11, 2021 at 9:30 a.m. The deadline for filing posthearing briefs is March 18, 2021.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: January 22, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021–01800 Filed 1–27–21; 8:45 am]

**BILLING CODE 7020–02–P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337–TA–1242]

**Certain IP Camera Systems Including Video Doorbells and Components Thereof; Notice of Institution**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 18, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of SkyBell Technologies, Inc. of Irvine, California; SB IP Holdings, LLC of Irvine, California; and Eyetalk365, LLC of Cornelius, North Carolina. A supplement was filed on January 6, 2021. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain IP camera systems including video doorbells and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,432,638 (“the ‘638 patent”); U.S. Patent No. 9,485,478 (“the ‘478 patent”); U.S. Patent No. 10,097,796 (“the ‘796 patent”); U.S. Patent No. 10,097,797 (“the ‘797 patent”); U.S. Patent No. 10,200,660 (“the ‘660 patent”); U.S. Patent No. 10,523,906 (“the ‘906 patent”); and U.S. Patent No. 10,674,120 (“the ‘120 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Katherine Hiner, Office of Docket

Services, U.S. International Trade Commission, telephone (202) 205–1802.

**SUPPLEMENTARY INFORMATION:**

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on January 25, 2021, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claim 6 of the ‘638 patent; claims 9–11 and 17 of the ‘478 patent; claims 3 and 7 of the ‘796 patent; claims 6, 8, and 9 of the ‘797 patent; claims 9, 13, 14, 16, and 18 of the ‘660 patent; claims 9, 13, and 18 of the ‘906 patent; and claim 1 of the ‘120 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “Video Doorbells and IP Cameras including components and internal software that comprise a camera and motion sensor and interface with a software application used on smartphones and/or remote devices”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:  
SkyBell Technologies, Inc., 1 Jenner #100, Irvine, CA 92618  
SB IP Holdings, LLC, 1 Jenner #100, Irvine, CA 92618  
Eyetalk365, LLC, 12213 Potts Plantation Circle, Cornelius, NC 28031

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Vivint Smart Home, Inc., 4931 North 300 West, Provo, UT 84604  
SimpliSafe, Inc., 294 Washington Street, 9th Floor, Boston, MA 02108  
Arlo Technologies Inc., 3030 Orchard Parkway, San Jose, CA 95134

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 25, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021-01892 Filed 1-27-21; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Portable Battery Jump Starters and Components Thereof, DN 3526*; the Commission is soliciting comments on any public interest issues

raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov).

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.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:** The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of The NOCO Company on January 19, 2021. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain portable battery jump starters and components thereof. The complaint names as respondents: Advance Auto Parts, Inc. of Raleigh, NC; Anker Innovations Ltd. of Hong Kong; Anker Technology Co., Ltd. of Hong Kong; Anker Technology (UK) Ltd. of the United Kingdom; Antigravity Batteries LLC of Gardena, CA; Artech Electronic Co., Ltd. of China; ATD Tools, Inc. of Wentzville, MO; Autogen Technology Co., Ltd. of China; Aukey Technology Co., Ltd. of China; AutoZone, Inc. of Memphis, TN; Baccus Global LLC of Boca Raton, FL; Best Buy Co, Inc. of South Richfield, MN; Best Parts, Inc. of Memphis, TN; CarAIDE USA of Bala Cynwyd, PA; Chao Fung Trading Co. Ltd. of China (Taiwan); Circus Link, Inc. of Ontario, CA; Clore Automotive, LLC, Lenexa, KS; Deltona U.S.A. of DeLand, FL; Deltran USA, LLC of DeLand, FL; Dongguan Hangchebao Energy Technology Co., Ltd. of China; Dongguan Zhongkang Technology Electronics Co., Ltd. of China; Ecoliving Pty. Ltd. of Australia; Energen, Inc. of City of Industry, CA; FlyLink Tech Co.,

Ltd. of China; Gooloo Technologies LLC d/b/a Shenzhen Gooloo E-Commerce Co., Ltd. of China; Great Neck Global, Inc. (Taiwan) of Taiwan; Great Neck Saw Manufacturers, Inc. of Mineola, NY; Guangdong Boltpower Energy Co., Ltd. of China; Dongguan Boltpower Co. Ltd. of China; Hunan Boltpower New Energy Co., Ltd. of China; Guangdong Marshall Electric Vehicle Co., Ltd. of China; Guangzhou Autolion Electronic Technology Co., Ltd. of China; Guangzhou Unique Electronics Co., Ltd. of China; Hairishen Electric (Shenzhen) Co., Ltd. of China; Halo2Cloud, LLC of Hartford, CT; Horizon Tool, Inc. of Greensboro, NC; Huizhou Grepo E-Commerce of China; Huizhou Roypow Technology Co., Ltd. of China; Integrated Supply Network, LLC of Lakeland, FL; Just Quality Battery Industries Co. of Hong Kong; Just Quality Battery Industrial Co., Ltd. of China; K-Tool International of Plymouth, MI; Le Long Vietnam Co., Ltd. of Vietnam; Lowe's Companies, Inc. of Mooresville, NC; Matco Tools Corporation of Stow, OH; Medcursor, Inc. of Las Vegas, NV; Mizco International, Inc. of Avenel, NJ; MonoPrice, Inc. Brea, CA; National Automotive Parts Association, LLC (d/b/a NAPA) of Atlanta, GA; Genuine Parts Company of Atlanta, GA; National Resources USA, Inc. of Wilmington, New Castle, DE; Nekteck, Inc. of Anaheim, CA; Nex Digitronix LLP of India, Nice Team Enterprise Limited of Hong Kong; Nice Well Enterprise Limited of Hong Kong; Ningo Geostar Electronics Co., Ltd. of China; Ningbo Zenon Electrical Co., Ltd. of China; O'Reilly Automotive, Inc. of Springfield, MO; Paris Corporation of Wesamton, NJ; Pep Boys of Philadelphia, PA; PowerMax Battery (U.S.A.), Inc. of Ontario, CA; Prime Global Products, Inc. of Ball Ground, GA; QVC, Inc. of West Chester, PA; Schumacher Power Technology Ltd. of China; Schumacher Electric Corp of Mount Prospect, IL; Shenzhen Aojie Technology Co., Ltd. of China; Shenzhen BenRong Technology Co., Ltd. of China; Shenzhen Carku Technology Co., Ltd. of China; MigOwatt Group LLC (Russia Agent) of Russia; Shenzhen Chic Electrics., Ltd. of China; Shenzhen Dingjiang Technology Co. Ltd. LLC of China; Shenzhen Geilimei Technology Co., Ltd. of China; Shenzhen Gulin Power Technology Co. of China; Shenzhen Jiahongjing Technology Co., Ltd. of China; Shenzhen Jieqi Digital Technology Co., Ltd. of China; Shenzhen Jieruijia Technology Co., Ltd. of China; Shenzhen Lianfatong Technology Co., Ltd. of China; Shenzhen Lianke Electron

Technology Co., Ltd. of China; Shenzhen Li Feng Maoyiyouxiangongsi of China; Shenzhen Mediatek Tong Technology Co., Ltd. of China; Shenzhen Moock Technology Co., Ltd. of China; Shenzhen Muke Technology Co., Ltd. of China; Shenzhen Pengfenghe Trading Co., Ltd. of China; Shenzhen PuChengWeiLai Technology of China; Shenzhen Shi Shenai Dianzishangwu Youxian Gongsi of China; Shenzhen Take Tools Co., Ltd. of China; Shenzhen Topdon Technology Co., Ltd. of China; Shenzhen Valuelink E-Commerce Co., Ltd. of China; Shenzhen Vigor PowerBatter Co., Ltd. of China; Shenzhen Winplus Technology Co., Ltd. of China; Shenzhen Xinxing E-Commerce of China; Shenzhen Yike Electronics Co., Ltd. of China; Sitect Instruments Co., Ltd. of Hong Kong; Smartech Products, Inc. of Savage, MD; Smart Well International Development Limited of Hong Kong; Stanley Black & Decker, Inc. of New Britain, CT; Stanley Black & Decker Precision Manufacturing (Shenzhen) Co., Ltd. of China; Substanbo Innovations Technology, Ltd. of Hong Kong; Sunlux Mfg. Co., Ltd. (Vietnam) of Vietnam; Sun Tech Ltd. of Hong Kong; ThiEYE Technologies Co., Ltd. of China; Tii Trading Inc. of Baldwin Park, CA; Walmart Inc. of Bentonville, AR; Wal-Mart Stores, Inc. of Bentonville, AR; Sam's West, Inc. (d/b/a Sam's Club) of Little Rock, AR; Sam's East, Inc. (d/b/a Sam's Club) of Little Rock, AR; Wilmar Corporation of Tukwila, WA; Winplus North America, Inc. of Costa Mesa, CA; Yuyao Keen New Power Co., Ltd. LLC of China; Zagg Co. Rrd Gst of Plainfield, IN; Zhejiang Quingyou Electronic Commerce Co., Ltd. of China; and 70mai Co., Ltd. of China. The complainant requests that the Commission issue a general exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation 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 requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3526") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures<sup>1</sup>). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions

<sup>1</sup> Handbook for Electronic Filing Procedures: [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf).

regarding filing should contact the Secretary at [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. 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,<sup>2</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.<sup>3</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: January 19, 2021.

**William Bishop**,  
Supervisory Hearings and Information  
Officer.

[FR Doc. 2021-01607 Filed 1-27-21; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1000 (REMAND)]

### Certain Motorized Self-Balancing Vehicles; Notice of a Commission Determination To Terminate the Investigation on Remand Due to Mootness

**AGENCY:** U.S. International Trade  
Commission.

**ACTION:** Notice.

<sup>2</sup> All contract personnel will sign appropriate nondisclosure agreements.

<sup>3</sup> Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to terminate the investigation on remand from the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) due to mootness.

**FOR FURTHER INFORMATION CONTACT:**

Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.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:** The Commission instituted this investigation on May 26, 2016, based on a complaint filed on behalf of Razor USA LLC of Cerritos, California; and Inventist, Inc. and Shane Chen, both of Camas, Washington (collectively, “Razor”). 81 FR 33548–49. The complaint alleged, *inter alia*, violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent No. 8,738,278 (“the ’278 patent”). The Commission’s notice of investigation named twenty-eight respondents. The Office of Unfair Import Investigations (“OUII”) also participated in the investigation. *Id.* Nine respondents (“the remaining respondents”) remained active in the investigation after every other respondent had been terminated from the investigation based on a consent order, good cause, or else had been found in default. These remaining respondents included Hangzhou Chic Intelligent Co., Ltd. (“Chic”) of Hangzhou, China; Swagway, LLC (“Swagway”) of South Bend, Indiana; Modell’s Sporting Goods, Inc. (“Modell’s”) of New York City, New York; Powerboard a.k.a. Optimum Trading Co. (“Powerboard”) of Hebron, Kentucky; United Integral, Inc. dba Skque Products of Irwindale, California; Alibaba Group Holding Ltd. of Causeway Bay, Hong Kong and Alibaba.com Ltd. of Hangzhou, China (collectively, “Alibaba”); Jetson Electric Bikes LLC (“Jetson”) of New York City, New York; and Newegg, Inc. (“Newegg”) of City of Industry, California. On the same day that the Commission instituted this

investigation, Razor sought reissue of the asserted ’278 patent.

On May 26, 2017, the presiding administrative law judge (“ALJ”) issued a final ID finding no violation of section 337. The ID found that none of the remaining respondents’ accused products infringes the asserted ’278 patent claims, but that all of the defaulting respondents’ accused products infringe the asserted claims based on allegations in the complaint. The ID also found that the technical prong of the domestic industry requirement was not satisfied.

On July 28, 2017, the Commission determined to review (1) the ID’s finding that the Commission has no jurisdiction over Alibaba, and (2) the ID’s analysis of infringement by the defaulting respondents. *See* Comm’n Notice of Review (July 28, 2017). On review, the Commission determined to (1) take no position on the ID’s finding that it has no jurisdiction over Alibaba; and (2) vacate the ID’s infringement finding as to the defaulting respondents as moot in view, *inter alia*, of the domestic industry determination. *Id.* at 3–4. The Commission determined not to review the remainder of the ID and therefore issued its final determination of no Section 337 violation and terminated the investigation. *Id.*

Razor timely appealed the Commission’s final determination to the Federal Circuit. During the appeal, the reissue application was allowed with amended claims that the Commission and Intervenor/respondent Chic argued, via a motion to dismiss, were not “substantially identical” to the original claims on appeal, and therefore the appeal should be dismissed as moot under 35 U.S.C. 252.

On October 16, 2018, the Federal Circuit issued an order and mandate that remanded the investigation to the Commission for further proceedings consistent with its ruling. *See Razor USA LLC v. ITC*, Case No. 2017–2591, Remand Order at 4 (Oct. 16, 2018). Specifically, the Court deemed it appropriate for the Commission to have the first opportunity to determine whether the post-investigation events have rendered the case moot or whether the case may continue either on the original patent claims or reissued claims and to conduct any additional proceedings as necessary. *Id.*

On November 13, 2018, the Commission issued an Order requesting the parties to provide comments concerning what further proceedings are appropriate consistent with the Court’s judgment, including whether the matter should be referred to the ALJ. On November 27, 2018, Razor submitted

comments, six respondents (Chic, Swagway, Modell’s, Jetson, Powerboard, and New Egg) filed a joint submission, and Alibaba filed a separate submission. On December 4, 2018, OUII submitted comments. On December 10, 2018, these parties submitted response comments.

On September 19, 2019, the Commission issued an Order requesting the parties to provide written responses regarding specific questions concerning the effect of the patent reissue. Razor, Jetson, four respondents (Chic, Swagway, Modell’s, and Newegg), and OUII each filed a submission. Each of these parties, except Jetson, filed a reply. On November 18, 2019, Jetson filed a reply to Razor’s reply, but which also addressed Razor’s initial submission. The Commission has determined to accept that submission, but only as to the portion that responds to Razor’s initial submission.

Having examined the record of this investigation, including the Federal Circuit’s Remand Order and the parties’ subsequent briefing, the Commission terminates this investigation as moot pursuant to the Remand Order. The Commission has issued an opinion explaining the basis for the Commission’s determination.

The Commission vote for this determination took place on January 22, 2021.

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: January 22, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021–01844 Filed 1–27–21; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Subcutaneous Drug Development & Delivery Consortium, Inc.

Notice is hereby given that, on January 08, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Subcutaneous Drug Development & Delivery Consortium, Inc. (“Subcutaneous Drug Development &

Delivery Consortium, Inc.”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Sanofi, Paris, FRANCE, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Subcutaneous Drug Development & Delivery Consortium, Inc. intends to file additional written notifications disclosing all changes in membership.

On October 26, 2020, Subcutaneous Drug Development & Delivery Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 3, 2020 (85 FR 78148).

**Suzanne Morris,**

*Chief, Premerger and Division Statistics Antitrust Division.*

[FR Doc. 2021–01895 Filed 1–27–21; 8:45 am]

**BILLING CODE 4410–11–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODVA, Inc.

Notice is hereby given that, on January 14, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), ODVA, Inc. (“ODVA”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, KOFLOC Corp., Kyoto, JAPAN; Carlo Gavazzi Ltd., Zejtun, MALTA; Acuity Brands, Inc., Conyers, GA; BBH Products GmbH, Weiden, GERMANY; Thermo Gamma-Metrics LLC, San Diego, CA; IDEM Safety Switches Ltd., Wigan, UNITED KINGDOM; Rexnord Industries, LLC, Milwaukee, WI; Caterpillar, Inc., Deerfield, IL; and AQ M–TECH AB,

Uppsala, SWEDEN, have been added as parties to this venture.

Also, SAMWON ACT Co., Ltd., Busan, SOUTH KOREA; and The Controls Group, Inc. dba Logix, Kirkland, WA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODVA intends to file additional written notifications disclosing all changes in membership.

On June 21, 1995, ODVA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on September 17, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 15, 2020 (85 FR 65424).

**Suzanne Morris,**

*Chief, Premerger and Division Statistics Antitrust Division.*

[FR Doc. 2021–01894 Filed 1–27–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Border Security Technology Consortium

Notice is hereby given that, on January 12, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Border Security Technology Consortium (“BSTC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Carahsoft Technology Corporation, Reston, VA; JANTEQ Corporation, Irvine, CA; STRAX Intelligence Group, Boca Raton, FL; goTenna, Inc., Brooklyn, NY; International Electronic Machines Corporation, Troy, NY; CellAntenna Corp., Coral Springs, FL; and Shield AI Inc., San Diego, CA, have been added as parties to this venture.

Also, Bruker Detection Corporation, Billerica, MA; Innovative Signal

Analysis, Richardson, TX; Copious Imaging LLC, Lexington, MA; IDEMIA National Security Solutions, LLC, Alexandria, VA; Passport Systems, N. Billerica, MA; Planck Aerosystems, Inc., San Diego, CA; JANTEQ Corporation, Irvine, CA; SRC, Inc., North Syracuse, NY; CUBRC, Inc., Buffalo, NY; and Tribalco, LLC, Bethesda, MD have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and BSTC intends to file additional written notifications disclosing all changes in membership.

On May 30, 2012, BSTC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 18, 2012 (77 FR 36292).

The last notification was filed with the Department on October 21, 2020. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 19, 2020 (85 FR 73751).

**Suzanne Morris,**

*Chief, Premerger and Division Statistics Antitrust Division.*

[FR Doc. 2021–01890 Filed 1–27–21; 8:45 am]

**BILLING CODE 4410–11–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. DEA–767]

#### Importer of Controlled Substances Application: Indigenous Peyote Conservation Initiative

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** Indigenous Peyote Conservation Initiative has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTAL INFORMATION** listed below for further drug information.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 1, 2021. Such persons may also file a written request for a hearing on the application on or before March 1, 2021.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal

Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on October 15, 2020, Indigenous Peyote Conservation Initiative, 826 North FM 649, Hebronville, Texas 78361, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Peyote .....	7415	I

The company plans to import Peyote plants for research, analytical purposes, and improving conservation of South Texas Cacti in situ. This Peyote is listed under drug code 7415. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

**William T. McDermott,**  
Assistant Administrator.

[FR Doc. 2021-01885 Filed 1-27-21; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

[OMB Number 1110-0073]

#### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Crime Data Explorer Feedback Survey

**AGENCY:** Federal Bureau of Investigation, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services

Division, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until March 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; [acblasher@fbi.gov](mailto:acblasher@fbi.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

#### Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Crime Data Explorer Feedback Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no form number for this collection. The applicable component within the Department of Justice is the Criminal Justice Information Services

Division, in the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Law enforcement, academia, and the general public.

Abstract: This survey is needed to collect feedback on the functionality of the Crime Data Explorer in order to make improvements to the application.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The Federal Bureau of Investigation Uniform Crime Reporting Program's Crime Data Explorer Burden Estimation: It is estimated the Crime Data Explorer will generate 200 feedback responses per year with an estimated response time of two minutes per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately seven hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: January 25, 2021.

**Melody Braswell,**

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-01882 Filed 1-27-21; 8:45 am]

**BILLING CODE 4410-02-P**

## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

[OMB Number 1110-0015]

#### Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Hate Crime Incident Report

**AGENCY:** Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

**ACTION:** 30-Day notice.

**SUMMARY:** The DOJ, FBI, Criminal Justice Information Services (CJIS) Division, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act (PRA) of 1995.

**DATES:** Comments are encouraged and will be accepted for 30 days until March 1, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the FBI, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether, and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

### Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.
2. *The Title of the Form/Collection:* Hate Crime Incident Report.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1–700. The applicable component within the DOJ is the CJIS Division of the FBI.
4. Affected public who will be asked or required to respond, as well as a brief abstract:
  - Primary: Federal, state, local, and tribal law enforcement agencies (LEAs).
  - Abstract: Under Title 28, United States Code (U.S.C.), Section (§) 534; the Hate Crime Statistics Act, 34 U.S.C., § 41305, modified by the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act (2009), Public Law, § 4708; and the Uniform Federal Crime Reporting Act of 1988, 34 U.S.C.,

§ 41303, this information collection requests hate crime data from LEAs in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of hate crime data and to publish these statistics annually in *Hate Crime Statistics* and the *National Incident-Based Reporting System*. The hate crime data provide information about the bias motivation, offenses, victims, offenders, and locations of hate crime incidents.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated number of LEAs submitting monthly data to the FBI UCR Program is 15,588. Annually, those LEAs submit a total of 187,056 responses (15,588 LEAs × 12 months = 187,056 annual responses). The estimated time it takes for an average respondent to respond is seven minutes. Therefore, the estimated annual public burden associated with the Hate Crime Data Collection is 21,823 hours [(187,056 annual responses × 7 minutes per response)/60 minutes per hour = 21,823.2 total annual hours]. If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: January 25, 2021.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2021–01884 Filed 1–27–21; 8:45 am]

**BILLING CODE 4410–02–P**

### DEPARTMENT OF JUSTICE

#### **Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Water Act (CWA), and the Oil Pollution Act (OPA) and Notice of Availability of Draft Restoration Plan/Environmental Assessment of Restoration Project Incorporated Into Proposed Consent Decree**

On January 14, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States of America, State of Washington, Suquamish Tribe, and Muckleshoot Indian Tribe v. Vigor Industrial, LLC and Exxon Mobil Corp.*, Civil Action No. 21–44 (W.D. Wash.).

The complaint asserts claims against Vigor Industrial, LLC and Exxon Mobil Corp. (Defendants) for natural resource damages by the United States on behalf of the National Oceanic and Atmospheric Administration and the Department of the Interior; the State of Washington; the Suquamish Tribe; and the Muckleshoot Indian Tribe (collectively, the Natural Resource Trustees) pursuant to the section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a); section 311 of the Clean Water Act (CWA), 33 U.S.C. 1321; section 1002(b) of the Oil Pollution Act (OPA), 33 U.S.C. 2702(b); and the Washington Model Toxics Control Act (MTCA), RCW 70.105D.

The proposed Consent Decree resolves claims alleged against the Defendants for natural resource damages caused by releases and discharges of hazardous substances and oil from the Vigor Shipyards facility, currently owned and operated by Vigor Industrial, LLC, and formerly owned and operated by Exxon Mobil Corp., to the Lower Duwamish River in and near Seattle, Washington. The settlement requires Defendants to construct, monitor, and maintain in perpetuity two habitat restoration projects at the Vigor Shipyards facility, creating more than three acres of off-channel habitat for injured natural resources. The settlement also requires Defendants to pay their equitable share of assessment costs incurred by the Natural Resource Trustees, totaling \$815,816.59. The Defendants will receive covenants not to sue under the statutes listed in the complaint and proposed Consent Decree for specified natural resource damages.

The Natural Resource Trustees have developed a Draft Restoration Plan and Environmental Assessment (“RP/EA”) for the Vigor Shipyards habitat restoration projects, the two restoration projects incorporated into the Consent Decree. The Draft RP/EA proposes to select the Vigor Shipyards habitat restoration projects as two of the projects to address injuries to natural resources in the Lower Duwamish River.

The publication of this notice opens a period for public comment on the proposed Consent Decree and the Draft RP/EA. Comments on the proposed Consent Decree should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, and should refer to *United States of America, State of Washington, Suquamish Tribe, and Muckleshoot Indian Tribe v. Vigor Industrial, LLC and Exxon Mobil Corp.*, Civil Action No. 21–44 (W.D. Wash.). 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 mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the 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 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.

When requesting a copy of the Consent Decree please enclose a check or money order in the amount of \$44.75 (25 cents per page reproduction cost) payable to the United States Treasury.

The publication of this notice also opens a period for public comment on the Draft RP/EA. The Trustees will receive comments relating to the Draft RP/EA for a period of thirty (30) days from the date of this publication. A copy of the Draft RP/EA is available electronically at <https://www.fws.gov/wafwo/>. A copy of the Draft RP/EA may also be obtained by mail from: Assistant Solicitor, Environmental Restoration Branch, Office of the Solicitor, U.S. Department of the Interior, 1849 C Street NW, Washington, DC 20240.

Please reference: Draft RP/EA related to *United States et al. v. Vigor Consent Decree*. When requesting a copy of the Draft RP/EA please enclose a check in the amount of \$9.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Comments on the draft RP/EA may be submitted electronically to [jeff\\_krausmann@fws.gov](mailto:jeff_krausmann@fws.gov). Additionally, written comments on the Draft RP/EA should be addressed to: Jeff Krausmann, Washington Fish and Wildlife Office, U.S. Fish and Wildlife Service, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503–1263, [jeff\\_krausmann@fws.gov](mailto:jeff_krausmann@fws.gov).

**Susan M. Akers,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2021–01862 Filed 1–27–21; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Modification Under the Comprehensive Environmental Response, Compensation, and Liability Act

On January 16, 2021, the Department of Justice lodged a proposed consent decree modification with the United States District Court for the District of New Jersey in the lawsuit entitled *United States v. The Sherwin-Williams Company*, Civil Action No. 1:19–cv–01907–JHR–KMW, an action brought under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. 9601 *et seq.* On April 16, 2019, the Court entered a consent decree in this action which resolved the United States’ claim against The Sherwin-Williams Company (“Sherwin-Williams”) for certain past costs incurred by the United States relating to the Sherwin-Williams/Hilliards Creek Site, Route 561 Dump Site, and United States Avenue Burn Site (the “Sites”). The Sites are located in Gibbsboro and Voorhees, New Jersey.

The consent decree entered in this action also provides for Sherwin-Williams’ performance of the soils and sediments operable unit remedy selected by the U.S. Environmental Protection Agency (“EPA”) for the United States Avenue Burn Site. In addition, the consent decree provides that, after EPA selects a remedy in a Record of Decision (“ROD”) for an additional operable unit at the Sites, the decree may be modified to add Sherwin-Williams’ performance of the additional operable unit remedy to the work required under the decree. On August 4, 2020, EPA issued a ROD selecting the remedy for the soils, sediments, and light non-aqueous phase liquid (“LNAPL”) operable unit at the Sherwin-Williams/Hilliards Creek Site (“SW/HC OU2”). The selected remedy includes contaminated soil and sediment removal, cap installation, and bioremediation work. The SW/HC OU2 ROD is accessible at <https://semspub.epa.gov/work/02/598791.pdf>.

The proposed consent decree modification lodged with the Court on January 16, 2021, provides for Sherwin-Williams’ performance of the remedy selected in the SW/HC OU2 ROD in accordance with the decree and the statement of work attached to the proposed consent decree modification.

The publication of this notice opens a period for public comment on the consent decree modification. Comments should be addressed to the Assistant

Attorney General, Environment and Natural Resources Division, and should refer to *United States v. The Sherwin-Williams Company*, D.J. Ref. No. 90–11–3–09023/2. 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 .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree modification, with attached statement of work, 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 consent decree modification, with attached statement of work, 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 \$8.50 (25 cents per page reproduction cost), payable to the United States Treasury.

**Henry S. Friedman,**

*Assistant Section Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

[FR Doc. 2021–01605 Filed 1–27–21; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under The Clean Air Act

On January 19, 2021, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Louisiana in the lawsuit entitled *United States and the Louisiana Department of Environmental Quality v. The Dow Chemical Company, Union Carbide Corp. and Performance Materials, NA, Inc.*, Civil Action No. 2:21–cv–00114–MLCF–JVM.

The United States and Louisiana Department of Environmental Quality filed this lawsuit under the Clean Air Act and Louisiana Environmental Quality Act. The complaint seeks injunctive relief and civil penalties based on violations of the Clean Air

Act's New Source Review requirements, New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, "Title V" program requirements and operating permits, and related Texas and Louisiana state implementation plan requirements. The alleged violations involve flares used at petrochemical manufacturing plants owned and operated by the defendants, The Dow Chemical Company, Union Carbide Corp. and Performance Materials, NA, Inc., in Hahnville and Plaquemine, Louisiana, and Freeport and Orange, Texas. The consent decree requires the defendants to perform injunctive relief, pay a \$3,000,000 civil penalty, and perform three state-authorized and negotiated beneficial environmental projects in Louisiana.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the Louisiana Department of Environmental Quality v. The Dow Chemical Company, Union Carbide Corp. and Performance Materials, NA, Inc.*, Civil Action No. 2:21-cv-00114-MLCF-JVM, DOJ reference number 90-5-2-1-11114. All comments must be submitted no later than THIRTY days after the publication date of this notice. Comments may be submitted either by email or by first-class mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By first-class 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 \$36.00 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy

without the exhibits and signature pages, the cost is \$23.25.

**Kenneth G. Long,**  
*Acting Assistant Section Chief,  
Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 2021-01806 Filed 1-27-21; 8:45 am]  
**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Clean Air Act**

On January 19, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Illinois in the lawsuit entitled *United States v. Midwest Can Company*, Civil Action No. 21 C 299.

The United States filed this lawsuit under the Clean Air Act. The complaint seeks civil penalties and injunctive relief for violations of the Act pertaining to Defendant's applications for certificates of conformity that were issued to the Defendant authorizing the sale and manufacture of portable fuel containers ("PFCs"). Among other things, the Consent Decree requires the Defendant to conduct additional testing of PFCs manufactured by the Defendant and to report the results of those tests to EPA. The Defendant will also pay a civil penalty of \$1.7 million to the United States.

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 and Illinois v. Midwest Can Company*, D.J. Ref. No. 90-5-2-1-12397. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the 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 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 \$8.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Patricia A. McKenna,**  
*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*  
[FR Doc. 2021-01829 Filed 1-27-21; 8:45 am]  
**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Clean Air Act**

On January 15, 2021, the Department of Justice lodged a proposed Consent Decree ("Consent Decree") with the United States District Court for the District of New Jersey in the lawsuit entitled *United States and the State of New Jersey, Department of Environmental Protection v. Atlantic County Utilities Authority*, Civil Action No. 3:21-cv-00800.

In a Complaint, the United States, on behalf of the U.S. Environmental Protection Agency ("EPA"), and the State of New Jersey, on behalf of the Department of Environmental Protection, alleges that the Atlantic County Utilities Authority ("ACUA") violated the Clean Air Act (the "Act"), 42 U.S.C. 7413, by violating: (1) The Solid Waste Combustion provisions in Section 129 of the Clean Air Act, 42 U.S.C. 7429, and (2) the Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010, 40 CFR part 62, subpart LLL ("Subpart LLL"). The proposed Consent Decree in this case requires that ACUA pay a civil penalty of \$75,000 to be divided evenly between the United States and the State of New Jersey, establish operating parameter limits based on performance test results, conduct root cause analyses and corrective actions for operating parameter deviations exceeding a specified threshold, establish and comply with standard operating procedures designed to minimize bypass events, and pay stipulated penalties for violations of Consent Decree requirements. In addition, the Consent Decree requires a New Jersey-sponsored supplemental project, to be overseen by the state, involving the installation of electric vehicle charging stations in Atlantic County.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of New Jersey, Department of Environmental Protection v. Atlantic County Utilities Authority*, D.J. Ref. No. 90–5–2–1–11392/1. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
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 \$14.50 (25 cents per page reproduction cost), payable to the United States Treasury.

**Henry Friedman,**

*Assistant Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

[FR Doc. 2021–01538 Filed 1–27–21; 8:45 am]

BILLING CODE 4410–15–P

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Information Collection Activities; Comment Request

**AGENCY:** Bureau of Labor Statistics, Department of Labor.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of

information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the “National Longitudinal Survey of Youth 1997.” A copy of the proposed information collection request can be obtained by contacting the individual listed in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the Addresses section below on or before March 29, 2021.

**ADDRESSES:** Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to *BLS\_PRA\_Public@bls.gov*.

**FOR FURTHER INFORMATION CONTACT:** Carol Rowan, BLS Clearance Officer, 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The National Longitudinal Survey of Youth 1997 (NLSY97) is a nationally representative sample of persons who were born in the years 1980 to 1984. These respondents were ages 12–17 when the first round of annual interviews began in 1997; starting with round sixteen, the NLSY97 is conducted on a biennial basis. Round twenty interviews will occur from September 2021 to June 2022. The Bureau of Labor Statistics (BLS) contracts with a vendor to conduct the NLSY97. The primary objective of the survey is to study the transition from schooling to the establishment of careers and families. The longitudinal focus of this survey requires information to be collected from the same individuals over many years in order to trace their education, training, work experience, fertility, income, and program participation.

One of the goals of the Department of Labor (DOL) is to produce and disseminate timely, accurate, and relevant information about the U.S. labor force. The BLS contributes to this goal by gathering information about the labor force and labor market and disseminating it to policymakers and the public so that participants in those

markets can make more informed, and thus more efficient, choices.

Research based on the NLSY97 contributes to the formation of national policy in the areas of education, training, work experience, fertility, income, and program participation. In addition to the reports that the BLS produces based on data from the NLSY97, members of the academic community publish articles and reports based on NLSY97 data for the DOL and other funding agencies. To date, approximately 795 articles examining NLSY97 data have been published in scholarly journals.

The survey design provides data gathered from the same respondents over time to form the only dataset that contains this type of information for this important population group. Without the collection of these data, an accurate longitudinal dataset could not be provided to researchers and policymakers, thus adversely affecting the DOL’s ability to perform its policy- and report-making activities.

#### II. Current Action

The BLS seeks approval to conduct round 20 of biennial interviews of the NLSY97. Respondents of the NLSY97 will undergo an interview of approximately 75 minutes during which they will answer questions about schooling and labor market experiences, family relationships, and community background. During the fielding period for the main round 20 interviews, no more than 2 percent of respondents will be asked to participate in a brief validation interview a few weeks after the initial interview. The purpose of the validation interview is to verify that the initial interview took place as the interviewer reported and to assess the data quality of selected questionnaire items.

The BLS plans to record randomly selected segments of the main interviews during round 20. Recording interviews helps the BLS and its contractors to ensure that the interviews actually took place and interviewers are reading the questions exactly as worded and entering the responses properly. Recording also helps to identify parts of the interview that might be causing problems or misunderstanding for interviewers or respondents. Each respondent will be informed that the interview may be recorded for quality control, testing, and training purposes. If the respondent objects to the recording of the interview, the interviewer will confirm to the respondent that the interview will not be recorded and then proceed with the interview.

Round 20 will be a predominantly telephone survey. We anticipate that approximately 90 percent of interviews will be completed by telephone, with the remaining interviews being conducted in person.

The round 20 questionnaire will resemble the round 19 questionnaire with few modifications. New questions for the round 20 questionnaire include questions on hours worked from home, on the value of a job, on labor market volatility due to Coronavirus pandemic, on contracting of Coronavirus, on vaccines, on applications for Unemployment Compensation, on criminal background checks, on internet access and on the respondents' previous on experience with NLSY97's Coronavirus supplemental survey. In addition, we have made attempts to

streamline the questionnaire so that it will be shorter and less burdensome for respondents. To this end, fewer questions will be asked about college enrollment, non-compete agreements, device ownership, chronic pain, and the use of pain killers.

**III. Desired Focus of Comments**

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*Title:* National Longitudinal Survey of Youth 1997.

*OMB Number:* 1220-0157.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Individuals or households.

Form	Total respondents	Frequency	Total responses	Average time per response (minutes)	Estimated total burden (hours)
Main NLSY97: September 2021–June 2022 .....	6,650	One-time .....	6,650	75	8,312.5
Validation interview: October 2021–June 2022 .....	133	One-time .....	133	4	8.9
Totals * .....	6,650	.....	6,783	.....	8,321

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, January 19, 2021.

**Eric Molina,**

*Acting Chief, Division of Management Systems.*

[FR Doc. 2021-01696 Filed 1-27-21; 8:45 am]

**BILLING CODE 4510-24-P**

**DEPARTMENT OF LABOR**

**Bureau of Labor Statistics**

**Information Collection Activities; Comment Request**

**AGENCY:** Bureau of Labor Statistics, Department of Labor.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This

program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the "Occupational Requirements Survey." A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before March 29, 2021.

**ADDRESSES:** Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to [BLS\\_PRA\\_Public@bls.gov](mailto:BLS_PRA_Public@bls.gov).

**FOR FURTHER INFORMATION CONTACT:** Nora Kincaid, BLS Clearance Officer, at 202-691-7628 (this is not a toll free number). (See **ADDRESSES** section.)

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Occupational Requirements Survey (ORS) is a nationwide survey that the Bureau of Labor Statistics (BLS) is conducting at the request of the Social Security Administration (SSA). Three years of data collection and capture for the ORS will start in 2021 and end in mid-2024.

Estimates produced from the data collected by the ORS will be used by the SSA to update occupational requirements data for administering the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs.

The ORS occupational information will allow SSA adjudicators to clearly associate the assessment of a claimant's physical and mental functional capacity and vocational profile with work requirements. BLS will compute percentages of workers with various characteristics, such as skill and strength level. SSA will use this information to provide statistical support for the medical-vocational rules used at step 5 of sequential evaluation regarding the number of unskilled jobs that exist at each level of exertion in the national economy.

The Social Security Administration, Members of Congress, and representatives of the disability community have all identified collection of updated information on the

requirements of work in today's economy as crucial to the equitable and efficient operation of the Social Security Disability (SSDI) program.

The ORS collects data from a sample of employers. These requirements of work data consist of information about the duties, responsibilities, and critical job tasks for a sample of occupations for each sampled employer.

**II. Current Action**

Office of Management and Budget clearance is being sought for the Occupational Requirements Survey.

The ORS collects data on the requirements of work, as defined by the SSA's disability program:

(1) An indicator of "time to proficiency," defined as the amount of time required by a typical worker to learn the techniques, acquire the information, and develop the facility needed for average job performance, comparable to the Specific Vocational Preparation (SVP) used in the Dictionary of Occupational Titles (DOT).

(2) Physical Demand characteristics/factors of occupations, measured in such a way to support SSA disability determination needs, comparable to measures in Appendix C of the Selected Characteristics of Occupations (SCO).

(3) Environmental Conditions, measured in such a way to support SSA disability determination needs, comparable to measures in Appendix D of the SCO.

(4) Data elements that describe the mental and cognitive demands of work.

(5) Occupational task lists of occupations, defined as the critical job function and key job tasks, to validate the reported requirements of work, comparable to data identified in the Employment and Training Administration's (ETA's) O\*NET Program.

The ORS data is collected using a two-stage stratified design and includes sample cell definitions and allocations to accommodate the goal to produce estimates for as many occupations as possible. Occupations for private industry establishments are selected before the sample is fielded. Occupational selection for government units generally occurs after establishment contact. The probability of an occupation being selected after the sample is fielded will be proportionate to its employment within the establishment.

BLS will disseminate the data from the ORS on the BLS public website ([www.bls.gov/ors](http://www.bls.gov/ors)). The design uses a five-year rotation with complete estimates published after the full sample has been collected. Interim results will be produced and disseminated on an annual basis.

ORS collection uses several forms (having unique private industry and government collection versions). For those sampled establishments that are in the current National Compensation Survey (NCS), ORS uses NCS data and forms for those data elements that overlap.

ORS data are defined to balance SSA's adjudication needs with the ability of

the respondent to provide data. With this clearance, BLS is continuing collection of existing data.

**III. Desired Focus of Comments**

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*Title of Collection:* Occupational Requirements Survey.

*OMB Number:* 1220-0189.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profit; not-for-profit institutions; and State, local, and tribal government.

All figures in the table below are based on a three-year average.

	Respondents	Average responses per year	Total number of responses	Average minutes	Total hours
Three-year average .....	11,200	1.04	11,700	107	20,947

**COLLECTION FORMS**

Occupational Requirements Survey (Private Industry Sample).	List form numbers, ORS Form 15-1P, ORS Form 4 PPD-4PF, ORS Form 4 PPD-4PAF.	Name form, Establishment Collection Forms for Private Industry.
Occupational Requirements Survey (State and local government sample).	List form numbers, ORS Form 15-1G, ORS Form 4 PPD-4GF, ORS Form 4 PPD-4GAF.	Name form, Establishment Collection Forms for Governments.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 22nd day of January 2021.

**Mark Staniorski,**

*Chief, Division of Management Systems.*

[FR Doc. 2021-01855 Filed 1-27-21; 8:45 am]

**BILLING CODE 4510-24-P**

**OFFICE OF MANAGEMENT AND BUDGET**

**OMB Final Sequestration Report to the President and Congress for Fiscal Year 2021**

**AGENCY:** Executive Office of the President, Office of Management and Budget.

**ACTION:** Notice of availability of the OMB Final Sequestration Report to the President and Congress for FY 2021.

**SUMMARY:** OMB is issuing the *OMB Final Sequestration Report to the President and Congress for Fiscal Year 2021* to report on status of 2021 discretionary caps and compliance of enacted 2021 discretionary appropriations legislation with those caps.

**DATES:** January 19, 2021.

**ADDRESSES:** The OMB Sequestration Reports to the President and Congress are available on-line on the OMB home page at: <https://www.whitehouse.gov/omb/legislative/sequestration-reports-orders/>.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Tobasko, 6202 New Executive Office Building, Washington, DC 20503, Email address: [ttobasko@omb.eop.gov](mailto:ttobasko@omb.eop.gov), telephone number: (202) 395-5745, FAX number: (202) 395-4768. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

**SUPPLEMENTARY INFORMATION:** Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 requires the Office of Management and Budget (OMB) to issue a Final Sequestration Report 15 calendar days after the end of a congressional session. This report meets that requirement and finds that, for fiscal year 2021, enacted appropriations are at or below the defense and non-defense caps after accounting for cap adjustments. As a result, a sequestration of discretionary budget authority is not required in 2021.

**Russell T. Vought,**  
*Director.*

[FR Doc. 2021-01568 Filed 1-27-21; 8:45 am]

**BILLING CODE 3110-01-P**

**OFFICE OF MANAGEMENT AND BUDGET**

**Memorandum for the Heads of Executive Departments and Agencies**

January 20, 2021.

FROM: Ronald A. Klain, Assistant to the President and Chief of Staff.  
SUBJECT: Regulatory Freeze Pending Review.

The President has asked me to communicate to each of you his plan for managing the Federal regulatory process at the outset of his Administration. In order to ensure that the President's appointees or designees have the opportunity to review any new or

pending rules, at the direction of the President, I ask that you immediately take the following steps:

1. Subject to any exceptions the Director of the Office of Management and Budget (the "OMB Director") allows for emergency situations or other urgent circumstances relating to health, safety, environmental, financial, or national security matters, or otherwise, propose or issue no rule in any manner—including by sending a rule to the Office of the Federal Register (the "OFR")—until a department or agency head appointed or designated by the President after noon on January 20, 2021, reviews and approves the rule. The department or agency head may delegate this power of review and approval to any other person so appointed or designated by the President, consistent with applicable law.

2. With respect to rules that have been sent to the OFR but not published in the **Federal Register**, immediately withdraw them from the OFR for review and approval as described in paragraph 1, subject to the exceptions described in paragraph 1. This withdrawal must be conducted consistent with OFR procedures.

3. With respect to rules that have been published in the **Federal Register**, or rules that have been issued in any manner, but have not taken effect, consider postponing the rules' effective dates for 60 days from the date of this memorandum, consistent with applicable law and subject to the exceptions described in paragraph 1, for the purpose of reviewing any questions of fact, law, and policy the rules may raise. For rules postponed in this manner, during the 60-day period, where appropriate and consistent with applicable law, consider opening a 30-day comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by those rules, and consider pending petitions for reconsideration involving such rules. As appropriate and consistent with applicable law, and where necessary to continue to review these questions of fact, law, and policy, consider further delaying, or publishing for notice and comment proposed rules further delaying, such rules beyond the 60-day period. Following the 60-day delay in effective date:

a. For those rules that raise no substantial questions of fact, law, or policy, no further action needs to be taken; and

b. for those rules that raise substantial questions of fact, law, or policy, agencies should notify the OMB Director and take further appropriate

action in consultation with the OMB Director.

4. Exclude from the actions requested in paragraphs 1 through 3 any rules subject to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.

5. Notify the OMB Director promptly of any rules that, in your view, should be excluded from the directives in paragraphs 1 through 3 because those rules affect critical health, safety, environmental, financial, or national security matters, or for some other reason. The OMB Director will review any such notifications and determine whether such exclusion is appropriate under the circumstances.

6. Comply in all circumstances with any applicable Executive Orders concerning regulatory management.

As used in this memorandum, "rule" has the definition set forth in section 551(4), title 5, United States Code. It also includes any "regulatory action," as defined in section 3(e) of Executive Order 12866 of September 30, 1993, as amended, and any "guidance document" as defined in section 3(g) of Executive Order 13422 of January 18, 2007, when that order was in effect. Thus, the requirements of this memorandum apply not only to "rules" as defined in section 551(4) of title 5, but also to:

a. Any substantive action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; and

b. any agency statement of general applicability and future effect that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.

The OMB Director will implement this regulatory review, and any communications regarding any matters pertaining to this review should be addressed to the OMB Director. The OMB Director is also authorized to establish a process to review pending collections of information under the Paperwork Reduction Act of 1995, as codified in chapter 35, title 44, United States Code, and to take actions that the OMB Director deems appropriate based on that review, consistent with applicable law.

Should actions be identified that were undertaken before noon on January 20, 2021, to frustrate the purpose underlying this memorandum, I may modify or extend this memorandum, pursuant to the direction of the President, to request that agency heads

consider taking steps to address those actions.

The OMB Director is authorized and directed to publish this memorandum in the **Federal Register**.

[FR Doc. 2021-01868 Filed 1-27-21; 8:45 am]

BILLING CODE 3110-01-M

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## OFFICE OF PERSONNEL MANAGEMENT

### Submission for Review: 3206-0194, Annuity Supplement Earnings Report, RI 92-22

**AGENCY:** Office of Personnel Management.

**ACTION:** 30-Day notice and request for comments.

**SUMMARY:** Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR), RI 92-22—Annuity Supplement Earnings Report.

**DATES:** Comments are encouraged and will be accepted until March 1, 2021.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to: [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:** A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316-L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to [Cyrus.Benson@opm.gov](mailto:Cyrus.Benson@opm.gov) or faxed to (202) 606-0910 or via telephone at (202) 606-4808.

**SUPPLEMENTARY INFORMATION:** As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206-0194) was previously published in the **Federal Register** on April 7, 2020 at 85 FR 19518, allowing for a 60-day public comment period. Comments were received; however, they were not related to this Information Collection Request. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Form RI 92-22, Annuity Supplement Earnings Report, is used to annually obtain the earned income of Federal Employees Retirement System (FERS) annuitants receiving an annuity supplement. The annuity supplement is paid eligible FERS annuitants who are not retired on disability and are not yet age 62. The supplement approximates the portion of a full career Social Security benefits earned while under FERS and ends at age 62. Like Social Security benefits, the annuity supplement is subject to an earnings limitation.

#### Analysis

*Agency:* Retirement Operations, Retirement Services, Office of Personnel Management.

*Title:* Annuity Supplement Earnings Report.

*OMB Number:* 3206-0194.

*Frequency:* On occasion.

*Affected Public:* Individuals or Households.

*Number of Respondents:* 13,000.

*Estimated Time per Respondent:* 15 minutes.

*Total Burden Hours:* 3,250.

Office of Personnel Management.

**Alexys Stanley,**

*Regulatory Affairs Analyst.*

[FR Doc. 2021-01826 Filed 1-27-21; 8:45 am]

BILLING CODE 6325-38-P

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## OFFICE OF PERSONNEL MANAGEMENT

### Submission for Review: 3206-0226, It's Time To Sign Up for Direct Deposit or Direct Express, RI 38-128

**AGENCY:** Office of Personnel Management.

**ACTION:** 30-Day notice and request for comments.

**SUMMARY:** Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR), RI 38-128—It's Time to Sign Up for Direct Deposit or Direct Express.

**DATES:** Comments are encouraged and will be accepted until March 1, 2021.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to: [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:** A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316-L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to [Cyrus.Benson@opm.gov](mailto:Cyrus.Benson@opm.gov) or faxed to (202) 606-0910 or via telephone at (202) 606-4808.

**SUPPLEMENTARY INFORMATION:** As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206-0226) was previously published in the **Federal Register** on April 27, 2020 at 85 FR 23383, allowing for a 60-day public comment period. One comment was received: "*Recommend that paragraph 4 (page 1) be updated for the Direct Debit program. (The provided hyperlink for Direct Express cards—[www.godirect.org](http://www.godirect.org)—is not a valid URL. The correct URL is [www.godirect.gov](http://www.godirect.gov).)*". Our response is: "*We have updated the hyperlink as requested*". The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Form RI 38–128, It's Time to Sign Up for Direct Deposit or Direct Express, provides the opportunity for the annuitant to elect Direct Deposit or Direct Express. This election is required only once: When a person is first put on our rolls.

#### Analysis

*Agency:* Retirement Operations, Retirement Services, Office of Personnel Management.

*Title:* It's Time to Sign Up for Direct Deposit or Direct Express.

*OMB Number:* 3206–0226.

*Frequency:* On occasion.

*Affected Public:* Individuals or Households.

*Number of Respondents:* 20,000.

*Estimated Time per Respondent:* 30 minutes.

*Total Burden Hours:* 10,000.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–01861 Filed 1–27–21; 8:45 am]

BILLING CODE 6325–38–P

## OFFICE OF PERSONNEL MANAGEMENT

### Federal Prevailing Rate Advisory Committee; Cancellation of Upcoming Virtual Public Meeting

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** The Federal Prevailing Rate Advisory Committee is issuing this notice to cancel the February 18, 2021, public meeting scheduled to be held via teleconference, beginning at 10:00 a.m. (EDT). The **Federal Register** notice announcing this virtual public meeting was published Wednesday, January 13, 2021, at 86 FR 2709.

**FOR FURTHER INFORMATION CONTACT:** Mark Allen, 202–606–2858, or email [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov).

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–01825 Filed 1–27–21; 8:45 am]

BILLING CODE 6325–49–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90966; File No. SR–C2–2021–001]

### Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Opening Process for Simple Orders

January 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on January 11, 2021, Cboe C2 Exchange, Inc. (the “Exchange” or “C2”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b–4(f)(6) thereunder.<sup>4</sup> 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 C2 Exchange, Inc. (the “Exchange” or “C2”) proposes to amend its opening process for simple orders. 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/options/regulation/rule\\_filings/ctwo/](http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/)), at the Exchange's Office of the Secretary, 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.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b–4(f)(6).

#### 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 Rule 6.11 regarding its opening process for simple orders. Currently, following the occurrence of an opening rotation trigger pursuant to Rule 6.11(d), the System conducts an opening rotation for an option series. Following the opening rotation trigger, the System conducts the Maximum Composite Width Check pursuant to Rule 6.11(e)(1) to determine if a series is eligible to open. If the Composite Market<sup>5</sup> of a series is not crossed, and the Composite Width<sup>6</sup> of the series is less than or equal to the Maximum Composite Width (as defined in Rule 6.11(a)), the series is eligible to open. Additionally, if the Composite Market of a series is not crossed, and the Composite Width of the series is greater than the Maximum Composite Width, but there are (i) no non-M Capacity (a) market orders or (b) buy (sell) limit orders with prices higher (lower) than the Composite Market midpoint and (ii) no orders or quotes marketable against each other, the series is eligible to open. Once a series become eligible to open, the System conducts the opening auction for the series (*i.e.*, determines the opening trade price pursuant to Rule 6.11(e)(2) and opens the series pursuant to Rule 6.11(e)(3)). The Exchange may also determine to compel a series to open in the interest of fair and orderly markets, including if the opening width is wider than the Maximum Composite Width, pursuant to Rule 6.11(h).

Currently, if a series cannot satisfy these conditions described above (and thus is not eligible to open), the series is ineligible to open.<sup>7</sup> When that occurs,

<sup>5</sup> The term “Composite Market” means the market for a series comprised of (1) the higher of the then-current best appointed Market-Maker bulk message bid on the Exchange and the away best bid (“ABB”) (if there is an ABB) and (2) the lower of the then-current best appointed Market-Maker bulk message offer on the Exchange and the away best offer (“ABO”) (if there is an ABO). The term “Composite Bid (Offer)” means the bid (offer) used to determine the Composite Market. *See* Rule 6.11(a).

<sup>6</sup> The term “Composite Width” means the width of the Composite Market (*i.e.*, the width between the Composite Bid and the Composite Offer) of a series. *See* Rule 6.11(a).

<sup>7</sup> *See* Rule 6.11(e)(1)(C). The proposed rule change codifies in this provision that a series is not eligible to open if there is no Composite Market or if the Composite Market is crossed. This is true today and implied by the current rule text. Rule 6.11(e)(1)(A) and (B) both state that the Maximum Composite Width Check is only satisfied if the Composite Market of a series is not crossed, and the proposed rule change merely adds the same language to subparagraph (C) (*i.e.*, if the Composite Market of a series is crossed, then neither of the

the Queuing Period<sup>8</sup> for the series continues (including the dissemination of opening auction updates) until the Maximum Composite Width Check is satisfied or the Exchange determines to open the series pursuant to Rule 6.11(h). The proposed rule change adds that such a series may open pursuant to a forced opening as set forth in proposed Rule 6.11(f).<sup>9</sup> Specifically, as proposed, if a series in an equity or exchange-traded product (“ETP”) option class<sup>10</sup> is unable to open because it does not satisfy the Maximum Composite Width Check described above within a time period (which the Exchange determines for all equity and ETP option classes)<sup>11</sup> after the occurrence of the opening rotation trigger for the class pursuant to Rule 6.11(d), and the Composite Market is not crossed, the System forces the series to open after that time period upon the System’s observation of an away best bid and offer (“ABBO”) (with a non-zero offer)<sup>12</sup> for the series.<sup>13</sup> For a series subject to a forced opening, the opening trade price determination and series open set forth in Rule 6.11(e)(2) and (3) (*i.e.*, the opening auction) do not occur; instead, the System opens the series without a trade. This will permit a series to open for trading on the Exchange if the series is open for trading on at least one other options exchange, even though the market for the series on the Exchange may be wide.

The proposed change to Rule 6.11(f) provides that in the event of a forced opening of a series pursuant to proposed Rule 6.11(e)(4) or a compelled opening of a series pursuant to paragraph (h), the

conditions in subparagraph (A) or (B) could be satisfied, and the series would be ineligible to open). Additionally, if there were no Composite Market or if it were crossed, the System would be unable to perform the Maximum Composite Width Check, thus meaning the series could not satisfy that check and thus would not be eligible to open. This proposed change merely adds detail to the Rules for additional transparency.

<sup>8</sup> The term “Queuing Period” means the time period prior to the initiation of an opening rotation during which the System accepts orders and quotes in the Queuing Book (the book into which Users may submit orders for participation in the opening rotation) for participation in the opening rotation for the applicable trading session. *See* Rule 6.11(a).

<sup>9</sup> The proposed forced opening process has no impact on the modified opening auction process set forth in Rule 6.11(j).

<sup>10</sup> The proposed rule change is limited to series in equity and ETP option classes because these classes are eligible for listing on all U.S. options exchanges.

<sup>11</sup> *See* Rule 1.2 (which permits the Exchange to announce determinations by, among other things, notice, regulatory circular, and specification).

<sup>12</sup> Such an ABBO would indicate that an away exchange is open, as it would have disseminated an opening quote.

<sup>13</sup> The Exchange currently has a similar forced opening after a specified amount of time for complex order strategies. *See* Rule 6.13(c)(2)(C).

System enters all of a User’s orders in that series in the Queuing Book into the Book in the manner set forth in current Rule 6.11(f), unless a User instructs the System to cancel its market orders or all of its orders, in which case the System enters only the non-cancelled orders into the Book in this manner. Specifically, they will be processed in accordance with Rule 6.12 (as unexecuted orders and quotes are handled following the conclusion of the opening rotation), which describes how the System processes, handles, and executes orders. If any order or quote in the Queuing Book is marketable upon the forced opening (and the User does not instruct the System to cancel it as proposed), the System would execute marketable orders subject to the priority rules set forth in Rule 6.12. If an order is marketable against away interest and is eligible for routing, the System may route the order for execution to an away exchange. Any non-marketable order would enter the Book or cancel, subject to the User instructions. This proposed change provides Users with flexibility for automated handling of their orders in the event a series opens with a wide market or is otherwise manually opened when the opening conditions may not otherwise be standard.

If a series satisfies the Maximum Composite Width Check prior to the System’s observation of an ABBO for the series, the series opens pursuant to Rule 6.11(d)(2) and (3) (*i.e.*, the standard opening auction process occurs for the series). For example, suppose the Exchange determined the “forced opening” timer to be three minutes. If the opening trigger for a series occurs at 9:30:05 Eastern time but the series does not satisfy the Maximum Composite Width Check after the trigger, the System will force the series open after 9:33:05 Eastern time if it has received an ABBO by that time. However, if the series satisfies the Maximum Composite Width Check at 9:32:30, the series will open in accordance with the normal opening auction process.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>14</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>15</sup> requirements that the rules of an exchange be designed to prevent

fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>16</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed forced opening process for simple orders will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors. The proposed rule change will provide for series to open for trading on the Exchange sooner than they may open currently, as long as they are open for trading on other options exchanges. The Exchange believes the proposed rule change will benefit investors, because it may permit these options to open sooner and increase the times during which investors may conduct trading in these options. Additionally, this may increase liquidity in the market for a series that is otherwise open on another options exchange. While the market on the Exchange for a series may be wider than the Maximum Composite Width,<sup>17</sup> the Exchange believes it is reasonable to open the series if it opened for trading on another options exchange pursuant to that exchange’s Commission-approved rules. Options exchanges have varying opening processes and have made separate determinations on what constitutes separate, reasonable opening market widths. The Exchange believes if other options exchanges opened a series with a market width, it is reasonable to open the series for trading on the Exchange as well (as orders submitted to other exchanges may be trading at those widths). Since orders may not trade outside of the disseminated NBBO (which defines the then-current market for the series), any orders resting in the Queuing Book that may execute following the forced opening will receive protection against executions at potentially erroneous prices. Additionally, the proposed ability of

<sup>16</sup> *Id.*

<sup>17</sup> The Exchange notes pursuant to Rule 6.11(e)(1)(B), there are currently instances in which the Exchange will open for trading despite the Composite Market Width being larger than the Maximum Composite Width.

<sup>14</sup> 15 U.S.C. 78f(b).

<sup>15</sup> 15 U.S.C. 78f(b)(5).

Users to cancel orders in the event of a forced opening will provide Users with additional protection. Additionally, the Exchange believes opening series for trading on the Exchange that are open for trading on other options exchanges will put Exchange Users on equal footing with other market participants, as it will provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution.

The Exchange currently has the authority to deviate from the standard opening process, including to temporarily increase the Maximum Composite Width amounts (*i.e.*, widen the permissible opening market) and to compel a series open, even if the Maximum Composite Width check is not satisfied, but that may only happen manually if the Exchange determines it is necessary in the interests of a fair and orderly market.<sup>18</sup> Currently, if a series is open on another exchange but not on the Exchange, the Exchange generally manually increases the Maximum Composite Width for the series until the series opens. Manually increasing the Maximum Composite Width for a series until the series open is a different manual process than compelling the series to open, but ultimately achieves the same result of causing a series that does not satisfy the Maximum Composite Width check to otherwise open. The Exchange believes it is in the interests of a fair and orderly market to deviate from the opening process to systematically force a series to open, despite a wide Exchange market, if the series is open for trading on another exchange to provide investors with orders in that series resting on the Exchange's Queuing Book to have the same execution opportunities as other investors who submitted orders to other options exchanges with different opening conditions. The proposed rule change is consistent with this authority and creates an automated compelled opening in certain circumstances to replace the manual process currently used. This will benefit investors by providing additional transparency to the Rules regarding when a series may open despite not satisfying the Maximum Composite Width check as well as remove impediments to and perfect the mechanism of a free and open market and a national market system by automating an otherwise manual process.

<sup>18</sup> See Rule 6.11(h); *see also* definition of Maximum Composite Width and Opening Collar in Rule 6.11(a).

The Exchange believes the proposed rule change to permit Users to give the System a standing instruction regarding how to handle their orders when a forced or manually compelled (for simple orders) opening of series occurs will benefit investors, as it will give them an additional tool to manage their orders in connection with the opening of series. Users may currently cancel any of their orders resting in the Queuing Book prior to the opening of a series, and they may cancel any orders that do not execute at the open once those orders are in the Book or COB, as applicable. Because the Exchange market may be wider in these situations, the Exchange believes it is appropriate to provide Users with the ability to cancel market orders so they don't execute at the wider market prices once in the Book or cancel all of their orders if they prefer.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all Users may trade in any series that opens subject to the proposed forced opening process. The Exchange believes it is appropriate to limit the forced opening to equity and ETP options, as those may be multiply listed on exchanges. Additionally, all Users will have the opportunity to instruct the System to cancel its market orders or all open orders in the event of a forced or otherwise manual opening. Cancellation of some or all of a User's orders in the event of such an opening would be voluntary and completely within the User's discretion.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed forced opening process will permit series to open on the Exchange that are otherwise open for trading on other options Exchange, which may increase liquidity and competition in those series sooner. Additionally, the Exchange believes opening series for trading on the Exchange that are open for trading on other options exchanges will put Exchange Users on equal footing with other market participants, as it will provide Users' orders that are otherwise

resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution. The proposed flexibility for Users to instruct the System how to handle their orders in the event of a forced or manual opening applies only to how a Users' orders on the Exchange will be handled in such a circumstance.

#### *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 Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)<sup>19</sup> of the Act and Rule 19b-4(f)(6)<sup>20</sup> thereunder. Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.<sup>21</sup>

A proposed rule change filed under Rule 19b-4(f)(6)<sup>22</sup> normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>23</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. Waiver of the operative delay will immediately permit series to open for trading on the Exchange when those series are already open for trading on other options exchanges pursuant to their respective rules, and provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution, thereby putting such Users on equal footing

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>20</sup> 17 CFR 240.19b-4(f)(6).

<sup>21</sup> In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>22</sup> *Id.*

<sup>23</sup> 17 CFR 240.19b-4(f)(6)(iii).

with other market participants as soon as possible. In addition, the proposal automates an aspect of the opening process that the Exchange currently has the authority to perform manually. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission hereby designates the proposed rule change to be operative upon filing.<sup>24</sup>

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 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](mailto:rule-comments@sec.gov). Please include File Number SR-C2-2021-001 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-C2-2021-001. 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 20549-1090 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-C2-2021-001 and should be submitted on or before February 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>25</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-01830 Filed 1-27-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90967; File No. SR-CBOE-2021-005]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Opening Process for Simple Orders

January 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 11, 2021, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> 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 Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend its opening process for simple orders. 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://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, 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 Rule 5.31 regarding its opening process for simple orders. Currently, following the occurrence of an opening rotation trigger pursuant to Rule 5.31(d), the System conducts an opening rotation for an option series. Following the opening rotation trigger, the System conducts the Maximum Composite Width Check pursuant to Rule 5.31(e)(1) to determine if a series is eligible to open. If the Composite Market<sup>5</sup> of a series is not crossed, and the Composite Width<sup>6</sup> of

<sup>5</sup> The term "Composite Market" means the market for a series comprised of (1) the higher of the then-current best appointed Market-Maker bulk message bid on the Exchange and the away best bid ("ABB") (if there is an ABB) and (2) the lower of the then-current best appointed Market-Maker bulk message offer on the Exchange and the away best offer ("ABO") (if there is an ABO). The term "Composite Bid (Offer)" means the bid (offer) used to determine the Composite Market. See Rule 5.31(a).

<sup>6</sup> The term "Composite Width" means the width of the Composite Market (*i.e.*, the width between

<sup>24</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>25</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

the series is less than or equal to the Maximum Composite Width (as defined in Rule 5.31(a)), the series is eligible to open. Additionally, if the Composite Market of a series is not crossed, and the Composite Width of the series is greater than the Maximum Composite Width, but there are (i) no non-M Capacity (a) market orders or (b) buy (sell) limit orders with prices higher (lower) than the Composite Market midpoint and (ii) no orders or quotes marketable against each other, the series is eligible to open. Once a series become eligible to open, the System conducts the opening auction for the series (*i.e.*, determines the opening trade price pursuant to Rule 5.31(e)(2) and opens the series pursuant to Rule 5.31(e)(3)). The Exchange may also determine to compel a series to open in the interest of fair and orderly markets, including if the opening width is wider than the Maximum Composite Width, pursuant to Rule 5.31(h).

Currently, if a series cannot satisfy these conditions described above (and thus is not eligible to open), or if the Composite Market of a series is crossed, the series is ineligible to open.<sup>7</sup> When that occurs, the Queuing Period<sup>8</sup> for the series continues (including the dissemination of opening auction updates) until the Maximum Composite Width Check is satisfied or the Exchange determines to open the series pursuant to Rule 5.31(h). The proposed rule change adds that such a series may open pursuant to a forced opening as set forth in proposed Rule 5.31(f).<sup>9</sup> Specifically, as proposed, if a series in an equity or exchange-traded product (“ETP”) option class<sup>10</sup> is unable to open because it does not satisfy the Maximum Composite Width Check described above within a time period (which the Exchange determines for all equity and

ETP option classes)<sup>11</sup> after the occurrence of the opening rotation trigger for the class pursuant to Rule 5.31(d), and the Composite Market is not crossed, the System forces the series to open after that time period upon the System’s observation of an away best bid and offer (“ABBO”) (with a non-zero offer)<sup>12</sup> for the series.<sup>13</sup> For a series subject to a forced opening, the opening trade price determination and series open set forth in Rule 5.31(e)(2) and (3) (*i.e.*, the opening auction) do not occur; instead, the System opens the series without a trade. This will permit a series to open for trading on the Exchange if the series is open for trading on at least one other options exchange, even though the market for the series on the Exchange may be wide.

The proposed change to Rule 5.31(f) provides that in the event of a forced opening of a series pursuant to proposed Rule 5.31(e)(4) or a compelled opening of a series pursuant to paragraph (h), the System enters all of a User’s orders in that series in the Queuing Book into the Book in the manner set forth in current Rule 5.31(f), unless a User instructs the System to cancel its market orders or all of its orders, in which case the System enters only the non-cancelled orders into the Book in this manner. Specifically, they will be processed in accordance with Rule 5.32 (as unexecuted orders and quotes are handled following the conclusion of the opening rotation), which describes how the System processes, handles, and executes orders. If any order or quote in the Queuing Book is marketable upon the forced opening (and the User does not instruct the System to cancel it as proposed), the System would execute marketable orders subject to the priority rules set forth in Rule 5.32. If an order is marketable against away interest and is eligible for routing, the System may route the order for execution to an away exchange. Any non-marketable order would enter the Book or cancel, subject to the User instructions. This proposed change provides Users with flexibility for automated handling of their orders in the event a series opens with a wide market or is otherwise manually opened when the opening conditions may not otherwise be standard.

If a series satisfies the Maximum Composite Width Check prior to the

System’s observation of an ABBO for the series, the series opens pursuant to Rule 5.31(d)(2) and (3) (*i.e.*, the standard opening auction process occurs for the series). For example, suppose the Exchange determined the “forced opening” timer to be three minutes. If the opening trigger for a series occurs at 9:30:05 Eastern time but the series does not satisfy the Maximum Composite Width Check after the trigger, the System will force the series open after 9:33:05 Eastern time if it has received an ABBO by that time. However, if the series satisfies the Maximum Composite Width Check at 9:32:30, the series will open in accordance with the normal opening auction process.

Finally, the proposed rule change amends the definitions of “Maximum Composite Width” and “Opening Collar” in Rule 5.31(a). The term “Maximum Composite Width” means the amount that the Composite Width of a series may generally not be greater than for the series to open (subject to certain exceptions set forth in Rule 5.31(e)(1)). The term “Opening Collar” means the price range that establishes limits at or inside which the System determines the Opening Trade Price for a series. The Opening Collar is determined by determining the midpoint of the Composite Market, and adding and subtracting half of the applicable width amount above and below, respectively, that midpoint. The amounts for the Maximum Composite Width and Opening Collar each apply on a Composite Bid basis and are currently the same for all classes (and the Maximum Composite Width amounts are the same as the Opening Collar amounts).

The Maximum Composite Width and Opening Collar amounts are currently specified in these defined terms. The proposed rule change deletes these specified amounts and instead states that the Exchange determines each on a class and Composite Bid basis, which amount the Exchange may modify during the opening auction process (which modifications the Exchange disseminates to all subscribers to the Exchange’s data feeds that deliver opening auction updates).<sup>14</sup> The Exchange believes having flexibility to set these amounts is appropriate so that it may consider the different market models and characteristics of different classes, as well as modify amounts in response to then-current market conditions. The Rules currently permit the Exchange to modify these amounts

the Composite Bid and the Composite Offer) of a series. See Rule 5.31(a).

<sup>7</sup> See Rule 5.31(e)(1)(C). The proposed rule change codifies in this provision that a series is not eligible to open if there is no Composite Market. This is true today and implied by the current rule text. If there were no Composite Market, the System would be unable to perform the Maximum Composite Width Check, thus meaning the series could not satisfy that check and thus would not be eligible to open. This proposed change merely adds this detail to the Rules for additional transparency.

<sup>8</sup> The term “Queuing Period” means the time period prior to the initiation of an opening rotation during which the System accepts orders and quotes in the Queuing Book (the book into which Users may submit orders for participation in the opening rotation) for participation in the opening rotation for the applicable trading session. See Rule 5.31(a).

<sup>9</sup> The proposed forced opening process has no impact on the modified opening auction process set forth in Rule 5.31(j).

<sup>10</sup> The proposed rule change is limited to series in equity and ETP option classes because these classes are eligible for listing on all U.S. options exchanges.

<sup>11</sup> See Rule 1.5 (which permits the Exchange to announce determinations by, among other things, notice, regulatory circular, and specification).

<sup>12</sup> Such an ABBO would indicate that an away exchange is open, as it would have disseminated an opening quote.

<sup>13</sup> The Exchange currently has a similar forced opening after a specified amount of time for complex order strategies. See Rule 5.33(c)(2)(C).

<sup>14</sup> The Exchange would announce the determinations (and any changes to those determinations) in accordance with Rule 1.5.

during the opening auction process when it deems necessary to maintain a fair and orderly opening process (which modifications the Exchange disseminates to all subscribers to the Exchange's data feeds that deliver opening auction updates). This proposed change merely permits the Exchange to modify these amounts at any time as it deems necessary and appropriate. The Exchange notes several options exchanges are able to change the amounts of valid opening widths by notice or circular and do not need to submit a rule filing to the Commission to do so.<sup>15</sup>

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>16</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>17</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>18</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed forced opening process for simple orders will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors. The proposed rule change will provide for

series to open for trading on the Exchange sooner than they may open currently, as long as they are open for trading on other options exchanges. The Exchange believes the proposed rule change will benefit investors, because it may permit these options to open sooner and increase the times during which investors may conduct trading in these options. Additionally, this may increase liquidity in the market for a series that is otherwise open on another options exchange. While the market on the Exchange for a series may be wider than the Maximum Composite Width,<sup>19</sup> the Exchange believes it is reasonable to open the series if it opened for trading on another options exchange pursuant to that exchange's Commission-approved rules. Options exchanges have varying opening processes and have made separate determinations on what constitutes separate, reasonable opening market widths. The Exchange believes if other options exchanges opened a series with a market width, it is reasonable to open the series for trading on the Exchange as well (as orders submitted to other exchanges may be trading at those widths). Since orders may not trade outside of the disseminated NBBO (which defines the then-current market for the series), any orders resting in the Queuing Book that may execute following the forced opening will receive protection against executions at potentially erroneous prices. Additionally, the proposed ability of Users to cancel orders in the event of a forced opening will provide Users with additional protection. Additionally, the Exchange believes opening series for trading on the Exchange that are open for trading on other options exchanges will put Exchange Users on equal footing with other market participants, as it will provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution.

The Exchange currently has the authority to deviate from the standard opening process, including to temporarily increase the Maximum Composite Width amounts (*i.e.*, widen the permissible opening market) and to compel a series open, even if the Maximum Composite Width check is not satisfied, but that may only happen manually if the Exchange determines it is necessary in the interests of a fair and

orderly market.<sup>20</sup> Currently, if a series is open on another exchange but not on the Exchange, the Exchange generally manually increases the Maximum Composite Width for the series until the series opens. Manually increasing the Maximum Composite Width for a series until the series open is a different manual process than compelling the series to open, but ultimately achieves the same result of causing a series that does not satisfy the Maximum Composite Width check to otherwise open. The Exchange believes it is in the interests of a fair and orderly market to deviate from the opening process to systematically force a series to open, despite a wide Exchange market, if the series is open for trading on another exchange to provide investors with orders in that series resting on the Exchange's Queuing Book to have the same execution opportunities as other investors who submitted orders to other options exchanges with different opening conditions. The proposed rule change is consistent with this authority and creates an automated compelled opening in certain circumstances to replace the manual process currently used. This will benefit investors by providing additional transparency to the Rules regarding when a series may open despite not satisfying the Maximum Composite Width check as well as remove impediments to and perfect the mechanism of a free and open market and a national market system by automating an otherwise manual process.

The Exchange believes the proposed rule change to permit Users to give the System a standing instruction regarding how to handle their orders when a forced or manually compelled (for simple orders) opening of series occurs will benefit investors, as it will give them an additional tool to manage their orders in connection with the opening of series. Users may currently cancel any of their orders resting in the Queuing Book prior to the opening of a series, and they may cancel any orders that do not execute at the open once those orders are in the Book or COB, as applicable. Because the Exchange market may be wider in these situations, the Exchange believes it is appropriate to provide Users with the ability to cancel market orders so they don't execute at the wider market prices once in the Book or cancel all of their orders if they prefer.

Additionally, the Exchange believes the proposed rule change to permit the

<sup>15</sup> See, e.g., Nasdaq Options Market ("NOM") Options 3, Section 8(a)(6); Cboe EDGX Options Exchange, Inc. ("EDGX") Rule 21.7(a) (definitions of Maximum Composite Width and Opening Collar); Cboe BZX Options Exchange, Inc. ("BZX") Rule 21.7(a) (definitions of Maximum Composite Width and Opening Collar); Cboe C2 Exchange Inc. ("C2") Rule 6.11(a) (definitions of Maximum Composite Width and Opening Collar); see also Miami Securities Exchange, Inc. ("MIAX") Rule 503(f)(2) (which permits MIAX to determine by circular an acceptable range in which openings are permissible if there is no valid width national best bid or offer ("NBBO")).

<sup>16</sup> 15 U.S.C. 78f(b).

<sup>17</sup> 15 U.S.C. 78f(b)(5).

<sup>18</sup> *Id.*

<sup>19</sup> The Exchange notes pursuant to Rule 5.31(e)(1)(B), there are currently instances in which the Exchange will open for trading despite the Composite Market Width being larger than the Maximum Composite Width.

<sup>20</sup> See Rule 5.31(h); see also definition of Maximum Composite Width and Opening Collar in Rule 5.31(a).

Exchange to determine the amounts of the Maximum Composite Width and Opening Collar on a class and Composite Bid basis will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors, because it will provide the Exchange with flexibility to consider the different market models and characteristics of different classes, and respond to then-current market conditions. The Rules currently permit the Exchange to modify these amounts during the opening auction process when it deems necessary to maintain a fair and orderly opening process (which modifications the Exchange disseminates to all subscribers to the Exchange's data feeds that deliver opening auction updates). This proposed change merely permits the Exchange to modify these amounts at any time as it deems necessary and appropriate. The Exchange notes several options exchanges are able to change the amounts of valid opening widths by notice or circular and do not need to submit a rule filing to the Commission to do so, and the proposed rule change would provide the Exchange with the same flexibility to determine maximum opening widths that other exchanges have.<sup>21</sup>

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all Users may trade in any series that opens subject to the proposed forced opening process. The Exchange believes it is appropriate to limit the forced opening to equity and ETP options, as those may be multiply listed on exchanges. Additionally, all Users will have the opportunity to instruct the System to cancel its market orders or all open orders in the event of a forced or otherwise manual opening. Cancellation of some or all of a User's orders in the event of such an opening would be

<sup>21</sup> See, e.g., NOM Options 3, Section 8(a)(6), EDGX Rule 21.7(a) (definitions of Maximum Composite Width and Opening Collar), BZX Rule 21.7(a) (definitions of Maximum Composite Width and Opening Collar), and C2 Rule 6.11(a) (definitions of Maximum Composite Width and Opening Collar); see also MIAX Rule 503(f)(2) (which permits MIAX to determine by circular an acceptable range in which openings are permissible if there is no valid width NBBO).

voluntary and completely within the User's discretion. The Exchange believes the proposed rule change to determine the amounts of the Maximum Composite Width and Opening Collar on a class and Composite Bid basis will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the determined amounts (by Composite Bid) for each class will apply to all orders of all market participants in the applicable class in the same manner. The Exchange believes it is appropriate to be able to determine different amounts on a class basis (it already determines different amounts on a Composite Bid basis), because it will provide the Exchange with flexibility to consider the different market models and characteristics of different classes, and respond to then-current market conditions. The Rules currently permit the Exchange to modify these amounts during the opening auction process when it deems necessary to maintain a fair and orderly opening process (which modifications the Exchange disseminates to all subscribers to the Exchange's data feeds that deliver opening auction updates). This proposed change merely permits the Exchange to modify these amounts at any time as it deems necessary and appropriate.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed forced opening process will permit series to open on the Exchange that are otherwise open for trading on other options Exchange, which may increase liquidity and competition in those series sooner. Additionally, the Exchange believes opening series for trading on the Exchange that are open for trading on other options exchanges will put Exchange Users on equal footing with other market participants, as it will provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution. The proposed flexibility for Users to instruct the System how to handle their orders in the event of a forced or manual opening applies only to how a Users' orders on the Exchange will be handled in such a circumstance. The Exchange does not believe the proposed rule change to permit the Exchange to determine the amounts of the Maximum Composite Width and Opening Collar on a class and Composite Bid basis will impose any

burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Several options exchanges are able to change the amounts of valid opening widths by notice or circular and do not need to submit a rule filing to the Commission to do so, and the proposed rule change would provide the Exchange with the same flexibility to determine maximum opening widths that other exchanges have.<sup>22</sup>

#### *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 Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)<sup>23</sup> of the Act and Rule 19b-4(f)(6)<sup>24</sup> thereunder. Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.<sup>25</sup>

A proposed rule change filed under Rule 19b-4(f)(6)<sup>26</sup> normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>27</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative

<sup>22</sup> See, e.g., NOM Options 3, Section 8(a)(6), EDGX Rule 21.7(a) (definitions of Maximum Composite Width and Opening Collar), BZX Rule 21.7(a) (definitions of Maximum Composite Width and Opening Collar), and C2 Rule 6.11(a) (definitions of Maximum Composite Width and Opening Collar); see also MIAX Rule 503(f)(2) (which permits MIAX to determine by circular an acceptable range in which openings are permissible if there is no valid width NBBO).

<sup>23</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>24</sup> 17 CFR 240.19b-4(f)(6).

<sup>25</sup> In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>26</sup> *Id.*

<sup>27</sup> 17 CFR 240.19b-4(f)(6)(iii).

upon filing. Waiver of the operative delay will immediately permit series to open for trading on the Exchange when those series are already open for trading on other options exchanges pursuant to their respective rules, and provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution, thereby putting such Users on equal footing with other market participants as soon as possible. In addition, the proposal automates an aspect of the opening process that the Exchange currently has the authority to perform manually, and provides the Exchange with the same flexibility as other exchanges to determine appropriate maximum opening widths. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission hereby designates the proposed rule change to be operative upon filing.<sup>28</sup>

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 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](mailto:rule-comments@sec.gov). Please include File Number SR-CBOE-2021-005 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.

<sup>28</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

All submissions should refer to File Number SR-CBOE-2021-005. 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 20549-1090 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-CBOE-2021-005 and should be submitted on or before February 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>29</sup>

**J. Matthew DeLesDernier,**  
*Assistant Secretary.*

[FR Doc. 2021-01834 Filed 1-27-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90969; File No. SR-CboeEDGX-2021-005]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Opening Process for Simple Orders

January 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup>

<sup>29</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

notice is hereby given that on January 11, 2021, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> 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 EDGX Exchange, Inc. (the "Exchange" or "EDGX Options") proposes to amend its opening process for simple orders. 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/options/regulation/rule\\_filings/edgx/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange's Office of the Secretary, 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 Rule 21.7 regarding its opening process for simple orders. Currently, following the occurrence of an opening rotation trigger pursuant to Rule 21.7(d), the System conducts an opening rotation for an option series. Following the opening rotation trigger, the System conducts the Maximum Composite Width Check pursuant to Rule 21.7(e)(1) to determine

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

if a series is eligible to open. If the Composite Market<sup>5</sup> of a series is not crossed, and the Composite Width<sup>6</sup> of the series is less than or equal to the Maximum Composite Width (as defined in Rule 21.7(a)), the series is eligible to open. Additionally, if the Composite Market of a series is not crossed, and the Composite Width of the series is greater than the Maximum Composite Width, but there are (i) no non-M Capacity (a) market orders or (b) buy (sell) limit orders with prices higher (lower) than the Composite Market midpoint and (ii) no orders or quotes marketable against each other, the series is eligible to open. Once a series become eligible to open, the System conducts the opening auction for the series (*i.e.*, determines the opening trade price pursuant to Rule 21.7(e)(2) and opens the series pursuant to Rule 21.7(e)(3)). The Exchange may also determine to compel a series to open in the interest of fair and orderly markets, including if the opening width is wider than the Maximum Composite Width, pursuant to Rule 21.7(h).

Currently, if a series cannot satisfy these conditions described above (and thus is not eligible to open), the series is ineligible to open.<sup>7</sup> When that occurs, the Queuing Period<sup>8</sup> for the series continues (including the dissemination of opening auction updates) until the

<sup>5</sup> The term "Composite Market" means the market for a series comprised of (1) the higher of the then-current best appointed Market-Maker bulk message bid on the Exchange and the away best bid ("ABB") (if there is an ABB) and (2) the lower of the then-current best appointed Market-Maker bulk message offer on the Exchange and the away best offer ("ABO") (if there is an ABO). The term "Composite Bid (Offer)" means the bid (offer) used to determine the Composite Market. See Rule 21.7(a).

<sup>6</sup> The term "Composite Width" means the width of the Composite Market (*i.e.*, the width between the Composite Bid and the Composite Offer) of a series. See Rule 21.7(a).

<sup>7</sup> See Rule 21.7(e)(1)(C). The proposed rule change codifies in this provision that a series is not eligible to open if there is no Composite Market or if the Composite Market is crossed. This is true today and implied by the current rule text. Rule 21.7(e)(1)(A) and (B) both state that the Maximum Composite Width Check is only satisfied if the Composite Market of a series is not crossed, and the proposed rule change merely adds the same language to subparagraph (C) (*i.e.*, if the Composite Market of a series is crossed, then neither of the conditions in subparagraph (A) or (B) could be satisfied, and the series would be ineligible to open). Additionally, if there were no Composite Market or if it were crossed, the System would be unable to perform the Maximum Composite Width Check, thus meaning the series could not satisfy that check and thus would not be eligible to open. This proposed change merely adds detail to the Rules for additional transparency.

<sup>8</sup> The term "Queuing Period" means the time period prior to the initiation of an opening rotation during which the System accepts orders and quotes in the Queuing Book (the book into which Users may submit orders for participation in the opening rotation) for participation in the opening rotation for the applicable trading session. See Rule 21.7(a).

Maximum Composite Width Check is satisfied or the Exchange determines to open the series pursuant to Rule 21.7(h). The proposed rule change adds that such a series may open pursuant to a forced opening as set forth in proposed Rule 21.7(f).<sup>9</sup> Specifically, as proposed, if a series in an equity or exchange-traded product ("ETP") option class<sup>10</sup> is unable to open because it does not satisfy the Maximum Composite Width Check described above within a time period (which the Exchange determines for all equity and ETP option classes)<sup>11</sup> after the occurrence of the opening rotation trigger for the class pursuant to Rule 21.7(d), and the Composite Market is not crossed, the System forces the series to open after that time period upon the System's observation of an away best bid and offer ("ABBO") (with a non-zero offer)<sup>12</sup> for the series.<sup>13</sup> For a series subject to a forced opening, the opening trade price determination and series open set forth in Rule 21.7(e)(2) and (3) (*i.e.*, the opening auction) do not occur; instead, the System opens the series without a trade. This will permit a series to open for trading on the Exchange if the series is open for trading on at least one other options exchange, even though the market for the series on the Exchange may be wide.

The proposed change to Rule 21.7(f) provides that in the event of a forced opening of a series pursuant to proposed Rule 21.7(e)(4) or a compelled opening of a series pursuant to paragraph (h), the System enters all of a User's orders in that series in the Queuing Book into the Book in the manner set forth in current Rule 21.7(f), unless a User instructs the System to cancel its market orders or all of its orders, in which case the System enters only the non-cancelled orders into the Book in this manner. Specifically, they will be processed in accordance with Rule 21.8 (as unexecuted orders and quotes are handled following the conclusion of the opening rotation), which describes how the System processes, handles, and executes orders. If any order or quote in the Queuing Book is marketable upon

<sup>9</sup> The proposed forced opening process has no impact on the modified opening auction process set forth in Rule 21.7(j).

<sup>10</sup> The proposed rule change is limited to series in equity and ETP option classes because these classes are eligible for listing on all U.S. options exchanges.

<sup>11</sup> See Rule 16.3 (which permits the Exchange to announce determinations by, among other things, notice, regulatory circular, and specification).

<sup>12</sup> Such an ABBO would indicate that an away exchange is open, as it would have disseminated an opening quote.

<sup>13</sup> The Exchange currently has a similar forced opening after a specified amount of time for complex order strategies. See Rule 21.20(c)(2)(C).

the forced opening (and the User does not instruct the System to cancel it as proposed), the System would execute marketable orders subject to the priority rules set forth in Rule 21.8. If an order is marketable against away interest and is eligible for routing, the System may route the order for execution to an away exchange. Any non-marketable order would enter the Book or cancel, subject to the User instructions. This proposed change provides Users with flexibility for automated handling of their orders in the event a series opens with a wide market or is otherwise manually opened when the opening conditions may not otherwise be standard. If a series satisfies the Maximum Composite Width Check prior to the System's observation of an ABBO for the series, the series opens pursuant to Rule 21.7(d)(2) and (3) (*i.e.*, the standard opening auction process occurs for the series). For example, suppose the Exchange determined the "forced opening" timer to be three minutes. If the opening trigger for a series occurs at 9:30:05 Eastern time but the series does not satisfy the Maximum Composite Width Check after the trigger, the System will force the series open after 9:33:05 Eastern time if it has received an ABBO by that time. However, if the series satisfies the Maximum Composite Width Check at 9:32:30, the series will open in accordance with the normal opening auction process.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>14</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>15</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>16</sup> requirement that

<sup>14</sup> 15 U.S.C. 78f(b).

<sup>15</sup> 15 U.S.C. 78f(b)(5).

<sup>16</sup> *Id.*

the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed forced opening process for simple orders will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors. The proposed rule change will provide for series to open for trading on the Exchange sooner than they may open currently, as long as they are open for trading on other options exchanges. The Exchange believes the proposed rule change will benefit investors, because it may permit these options to open sooner and increase the times during which investors may conduct trading in these options. Additionally, this may increase liquidity in the market for a series that is otherwise open on another options exchange. While the market on the Exchange for a series may be wider than the Maximum Composite Width,<sup>17</sup> the Exchange believes it is reasonable to open the series if it opened for trading on another options exchange pursuant to that exchange's Commission-approved rules. Options exchanges have varying opening processes and have made separate determinations on what constitutes separate, reasonable opening market widths. The Exchange believes if other options exchanges opened a series with a market width, it is reasonable to open the series for trading on the Exchange as well (as orders submitted to other exchanges may be trading at those widths). Since orders may not trade outside of the disseminated NBBO (which defines the then-current market for the series), any orders resting in the Queuing Book that may execute following the forced opening will receive protection against executions at potentially erroneous prices. Additionally, the proposed ability of Users to cancel orders in the event of a forced opening will provide Users with additional protection. Additionally, the Exchange believes opening series for trading on the Exchange that are open for trading on other options exchanges will put Exchange Users on equal footing with other market participants, as it will provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution.

The Exchange currently has the authority to deviate from the standard opening process, including to

<sup>17</sup> The Exchange notes pursuant to Rule 21.7(e)(1)(B), there are currently instances in which the Exchange will open for trading despite the Composite Market Width being larger than the Maximum Composite Width.

temporarily increase the Maximum Composite Width amounts (*i.e.*, widen the permissible opening market) and to compel a series open, even if the Maximum Composite Width check is not satisfied, but that may only happen manually if the Exchange determines it is necessary in the interests of a fair and orderly market.<sup>18</sup> Currently, if a series is open on another exchange but not on the Exchange, the Exchange generally manually increases the Maximum Composite Width for the series until the series opens. Manually increasing the Maximum Composite Width for a series until the series open is a different manual process than compelling the series to open, but ultimately achieves the same result of causing a series that does not satisfy the Maximum Composite Width check to otherwise open. The Exchange believes it is in the interests of a fair and orderly market to deviate from the opening process to systematically force a series to open, despite a wide Exchange market, if the series is open for trading on another exchange to provide investors with orders in that series resting on the Exchange's Queuing Book to have the same execution opportunities as other investors who submitted orders to other options exchanges with different opening conditions. The proposed rule change is consistent with this authority and creates an automated compelled opening in certain circumstances to replace the manual process currently used. This will benefit investors by providing additional transparency to the Rules regarding when a series may open despite not satisfying the Maximum Composite Width check as well as remove impediments to and perfect the mechanism of a free and open market and a national market system by automating an otherwise manual process.

The Exchange believes the proposed rule change to permit Users to give the System a standing instruction regarding how to handle their orders when a forced or manually compelled (for simple orders) opening of series occurs will benefit investors, as it will give them an additional tool to manage their orders in connection with the opening of series. Users may currently cancel any of their orders resting in the Queuing Book prior to the opening of a series, and they may cancel any orders that do not execute at the open once those orders are in the Book or COB, as applicable. Because the Exchange market may be wider in these situations,

<sup>18</sup> See Rule 21.7(h); *see also* definition of Maximum Composite Width and Opening Collar in Rule 21.7(a).

the Exchange believes it is appropriate to provide Users with the ability to cancel market orders so they don't execute at the wider market prices once in the Book or cancel all of their orders if they prefer.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all Users may trade in any series that opens subject to the proposed forced opening process. The Exchange believes it is appropriate to limit the forced opening to equity and ETP options, as those may be multiply listed on exchanges. Additionally, all Users will have the opportunity to instruct the System to cancel its market orders or all open orders in the event of a forced or otherwise manual opening. Cancellation of some or all of a User's orders in the event of such an opening would be voluntary and completely within the User's discretion.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed forced opening process will permit series to open on the Exchange that are otherwise open for trading on other options Exchange, which may increase liquidity and competition in those series sooner. Additionally, the Exchange believes opening series for trading on the Exchange that are open for trading on other options exchanges will put Exchange Users on equal footing with other market participants, as it will provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution. The proposed flexibility for Users to instruct the System how to handle their orders in the event of a forced or manual opening applies only to how a Users' orders on the Exchange will be handled in such a circumstance.

#### *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 Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)<sup>19</sup> of the Act and Rule 19b-4(f)(6)<sup>20</sup> thereunder. Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.<sup>21</sup>

A proposed rule change filed under Rule 19b-4(f)(6)<sup>22</sup> normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>23</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. Waiver of the operative delay will immediately permit series to open for trading on the Exchange when those series are already open for trading on other options exchanges pursuant to their respective rules, and provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution, thereby putting such Users on equal footing with other market participants as soon as possible. In addition, the proposal automates an aspect of the opening process that the Exchange currently has the authority to perform manually. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission hereby designates the proposed rule change to be operative upon filing.<sup>24</sup>

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>20</sup> 17 CFR 240.19b-4(f)(6).

<sup>21</sup> In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>22</sup> *Id.*

<sup>23</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>24</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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 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](mailto:rule-comments@sec.gov). Please include File Number SR-CboeEDGX-2021-005 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-CboeEDGX-2021-005. 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 20549-1090 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-CboeEDGX-2021-005 and should be submitted on or before February 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>25</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-01833 Filed 1-27-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-563, OMB Control No. 3235-0626]

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available*

*From:* Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

*Extension:*

Rule 17g-3

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 ("Commission") is soliciting comments on the existing collection of information provided for in Rule 17g-3 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).<sup>1</sup> The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17g-3 contains certain reporting requirements for NRSROs including financial statements and information concerning its financial condition that the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Currently, there are 9 credit rating agencies registered as NRSROs with the Commission. The Commission estimates that the total burden for respondents to comply with Rule 17g-3 is 3,285 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the

<sup>25</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> See 17 CFR 240.17g-1 and 17 CFR 249b.300.

Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; 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.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Please direct your written comments to: Dave Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F St. NE, Washington, DC 20549 or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: January 22, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-01816 Filed 1-27-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90973; File No. SR-BOX-2021-02]

### Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Temporary IM-2020-1 (Temporary Extension for Representatives To Function as Principals)

January 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 12, 2021, the BOX Exchange LLC ("BOX" or the "Exchange") 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 the Exchange. The Commission is publishing this

notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt temporary IM-2020-1 (Temporary Extension for Representatives to Function as Principals). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at <http://boxoptions.com>.

#### 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 those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of the proposed rule change is to adopt temporary IM-2020-1 (Temporary Extension for Representatives to Function as Principals). The proposed rule change would extend the 120-day period that certain individuals on the Exchange can function as a Principal without having successfully passed an applicable qualification examination through April 30, 2021,<sup>3</sup> and would apply only to those individuals who were designated to function as a principal prior to January 1, 2021. This proposed rule change is based on a filing recently submitted by the Financial Industry Regulatory Authority, Inc. ("FINRA")<sup>4</sup>

<sup>3</sup> If BOX wishes to provide additional temporary relief from the rule requirements identified in this proposed rule change beyond April 30, 2021, BOX will submit a separate rule filing to further extend the temporary extension of time.

<sup>4</sup> See Exchange Act Release No. 90617 (December 9, 2020), 85 FR 81258 (December 15, 2020) (SR-FINRA-2020-043) (the "FINRA Filing"). The Exchange notes that the FINRA Filing also provides temporary relief to individuals registered with FINRA as Operations Professionals under FINRA Rule 1220. The Exchange does not have a registration category for Operations Professionals

and is intended to harmonize the Exchange's registration rules with those of FINRA so as to promote uniform standards across the securities industry.

The COVID-19 pandemic is an unpredictable, exogenous event that has resulted in unavoidable disruptions to the securities industry and impacted Participant firms, regulators, investors and other stakeholders. In response to COVID-19, earlier this year FINRA began providing temporary relief by way of frequently asked questions ("FAQs")<sup>5</sup> to address disruptions to the administration of FINRA qualification examinations caused by the pandemic that have significantly limited the ability of individuals to sit for examinations due to Prometric test center capacity issues.<sup>6</sup>

FINRA published the first FAQ on March 20, 2020, providing that individuals who were designated to function as principals under FINRA Rule 1210.04<sup>7</sup> prior to February 2, 2020, would be given until May 31, 2020, to pass the appropriate principal qualification examination.<sup>8</sup> On May 19,

and therefore, the Exchange is not proposing to adopt that aspect of the FINRA Filing.

<sup>5</sup> See <https://www.finra.org/rules-guidance/key-topics/covid-19/faq#qe>.

<sup>6</sup> At the outset of the COVID-19 pandemic, all FINRA qualification examinations were administered at test centers operated by Prometric. Based on the health and welfare concerns resulting from COVID-19, in March Prometric closed all of its test centers in the United States and Canada and began to slowly reopen some of them at limited capacity in May. Currently, Prometric has resumed testing in many of its United States and Canada test centers, at either full or limited occupancy, based on local and government mandates.

<sup>7</sup> BOX Rule 2020(d) is similar to FINRA Rule 1210.04. The Exchange notes there are several differences between its rule text and FINRA's rule. FINRA's rule provides that registered persons under the rule must have at least 18 months of experience functioning as a representative within a five-year period immediately preceding their designation as principal, and the person must have fulfilled all applicable prerequisite registration, fee and examination requirements prior to their designation as principal. The Exchange's rule does not have similar qualifying prerequisites. Unlike the Exchange's rule text, FINRA's rule also provides that the requirements of the rule apply to any principal category, and persons registered as an "Order Processing Assistant Representative", or a "Foreign Associate" are not eligible to be designated as a principal under the rule. Lastly, FINRA's rule also accounts for situations in which a person registered as a principal can function in another principal category for a period of 120 calendar days prior to passing an appropriate qualification examination. The Exchange believes these differences are minor in substance and do not materially impact this proposal. Specifically, the Exchange simply seeks to adopt similar relief in regards to its examination requirements for representatives functioning as principals, due to the COVID-19 pandemic.

<sup>8</sup> FINRA Rule 1210.04 (Requirements for Registered Persons Functioning as Principals for a Limited Period) allows a member firm to designate certain individuals to function in a principal

Continued

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

2020, FINRA extended the relief to pass the appropriate examination until June 30, 2020. On June 29, 2020, FINRA again extended the temporary relief providing that individuals who were designated to function as principals under FINRA Rule 1210.04 prior to May 4, 2020, would be given until August 31, 2020, to pass the appropriate principal qualification examination. On August 28, 2020, FINRA again extended the temporary relief to pass the principal qualification examinations until December 31, 2020.<sup>9</sup>

The COVID-19 conditions necessitating the extension of relief provided in the FINRA FAQ continue to persist and in fact appear to be worsening.<sup>10</sup> One of the impacts of COVID-19 continues to be serious interruptions in the administration of FINRA qualification examinations at Prometric test centers and the limited ability of individuals to sit for the examinations.<sup>11</sup> Although Prometric has been reopening its test centers, Prometric's safety practices mean that currently not all test centers are open, some of the open test centers are at limited capacity, and some open test centers are delivering only certain examinations that have been deemed essential by the local government.<sup>12</sup> Furthermore, Prometric has had to close some reopened test centers due to incidents of COVID-19 cases. The initial nationwide closure in March along with the inability to fully reopen all Prometric test centers due to COVID-19 have led to a significant backlog of individuals who are waiting to sit for FINRA examinations that are not available online, including the General Securities Principal Exam (Series 24).<sup>13</sup>

capacity for 120 calendar days before having to pass an appropriate principal qualification examination. BOX Rule 2020(d) provides the same allowance to Participants.

<sup>9</sup> See Exchange Act Release No. 89732 (September 1, 2020), 85 FR 55535 (September 8, 2020) (SR-FINRA-2020-026).

<sup>10</sup> See, e.g., Meryl Kornfield, Jacqueline Dupree, Marisa Iati, Paulina Villegas, Siobhan O'Grady and Hamza Shaban, New daily coronavirus cases in U.S. rise to 145,000, latest all-time high, Wash. Post, November 11, 2020, <https://www.washingtonpost.com/nation/2020/11/11/coronavirus-covid-live-updates-us/>.

<sup>11</sup> Information about continued impact of COVID-19 on FINRA-administered examinations is available at <https://www.finra.org/rules-guidance/key-topics/covid-19/exams>.

<sup>12</sup> Information from Prometric about its safety practices and the impact of COVID-19 on its operations is available at <https://www.prometric.com/corona-virus-update>. See also *id.*

<sup>13</sup> Earlier this year, an online test delivery service was launched for candidates seeking to take qualification examination remotely. Only certain qualification examinations are available online. See *supra* note 11. FINRA is considering making

In addition, firms are continuing to experience operational challenges with much of their personnel working from home due to shelter-in-place orders, restrictions on businesses and social activity imposed in various states, and adherence to other social distancing guidelines consistent with the recommendations of public health officials.<sup>14</sup> As a result, firms continue to face potentially significant disruptions to their normal business operations that may include a limitation of in-person activities and staff absenteeism as a result of the health and welfare concerns stemming from COVID-19. Such potential disruptions may be further exacerbated and may even affect client services if firms cannot continue to keep principal positions filled as they may have difficulty finding other qualified individuals to transition into these roles or may need to reallocate employee time and resources away from other critical responsibilities at the firm.

These ongoing, extenuating circumstances make it impracticable for Participants to ensure that the individuals whom they have designated to function in a principal capacity, as set forth in BOX Rule 2020(d), are able to successfully sit for and pass an appropriate qualification examination within the 120-calendar day period required under the rule, or to find other qualified staff to fill this position. The ongoing circumstances also require individuals to be exposed to the health risks associated with taking an in-person examination, because the General Securities Principal examination is not available online. Therefore, the Exchange is proposing to continue the temporary relief provided through the FINRA FAQs and FINRA's subsequent rule filings<sup>15</sup> by adopting IM-2020-1 to extend the 120-day period during which an individual can function as a principal before having to pass an applicable qualification examination until April 30, 2021. The proposed rule change would apply only to those individuals who were designated to function as a principal prior to January 1, 2021. Any individuals designated to function as a principal on or after January 1, 2021, would need to successfully pass an appropriate qualification examination within 120 days.

The Exchange believes that this proposed extension of time is tailored to

additional qualification examinations available remotely on a limited basis.

<sup>14</sup> See, e.g., Centers for Disease Control and Prevention, How to Protect Yourself & Others, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.

<sup>15</sup> See *supra* notes 4 and 9.

address the needs and constraints on a Participant's operations during the COVID-19 pandemic, without significantly compromising critical investor protection. The proposed extension of time will help to minimize the impact of COVID-19 on Participants by providing continued flexibility so that Participants can ensure that principal positions remain filled. The potential risks from the proposed extension of the 120-day period are mitigated by the Participant's continued requirement to supervise the activities of these designated individuals and ensure compliance with federal securities laws and regulations, as well as the Exchange's rules.

## 2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,<sup>16</sup> in general, and Section 6(b)(5) of the Act,<sup>17</sup> in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule change is intended to minimize the impact of COVID-19 on Participant operations by extending the 120-day period certain individuals may function as a principal without having successfully passed an appropriate qualification examination under BOX Rule 2020(d) until April 30, 2021. The proposed rule change does not relieve Participants from maintaining, under the circumstances, a reasonably designed system to supervise the activities of their associated persons to achieve compliance with applicable securities laws and regulations, and with applicable BOX rules that directly serve investor protection. In a time when faced with unique challenges resulting from the COVID-19 pandemic, the Exchange believes that the proposed rule change is a sensible accommodation that will continue to afford Participants the ability to ensure that critical positions are filled and client services maintained, while continuing to serve and promote the protection of investors and the public interest in this unique environment.

<sup>16</sup> 15 U.S.C. 78f(b).

<sup>17</sup> 15 U.S.C. 78f(b)(5).

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change is intended to provide temporary relief given the impacts of the COVID-19 pandemic crisis and to also maintain consistency with the rules of other self-regulatory organizations ("SROs") with respect to the registration requirements applicable to Participants and their registered personnel. In that regard, the Exchange believes that any burden on competition would be clearly outweighed by providing Participants with temporary relief in this unique environment while also ensuring clear and consistent requirements applicable across SROs and mitigating any risk of SROs implementing different standards in these important areas. In its filing, FINRA notes that the proposed rule change is necessary to temporarily rebalance the attendant benefits and costs of the obligations under FINRA Rule 1210 in response to the impacts of the COVID-19 pandemic, which is equally applicable to the changes the Exchange proposes.<sup>18</sup> The Exchange accordingly incorporates FINRA's abbreviated economic impact assessment by reference.

### 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<sup>19</sup> and Rule 19b-4(f)(6) thereunder.<sup>20</sup>

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. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. As noted above, the Exchange stated that the proposed extension of time will help minimize the impact of the COVID-19 outbreak on Participants' operations by allowing them to keep principal positions filled and minimizing disruptions to client services and other critical responsibilities. The Exchange further stated that the ongoing extenuating circumstances of the COVID-19 pandemic make it impractical to ensure that individuals designated to act in these capacities are able to take and pass the appropriate qualification examination during the 120-calendar day period required under the rules. The Exchange also explained that shelter-in-place orders, restrictions on business and social activity, and adherence to social distancing guidelines consistent with the recommendations of public officials remain in place in various states.<sup>21</sup> In addition, the Exchange observed that, following a nationwide closure of all test centers earlier in the year, some test centers have re-opened, but are operating at limited capacity or are only delivering certain examinations that have been deemed essential by the local government.<sup>22</sup> Although, as the Exchange noted, FINRA has launched an online test delivery service to help address this backlog, the General Securities Principal (Series 24) Examination is not available online.<sup>23</sup> Nevertheless, the Exchange explained that the proposed rule change will provide needed flexibility to ensure that these positions remain filled and is tailored to address the constraints on Participants' operations during the COVID-19 pandemic without significantly compromising critical investor protection.<sup>24</sup>

<sup>21</sup> See *supra* note 14.

<sup>22</sup> See *supra* notes 11 and 12. The Exchange states that Prometric has also had to close some reopened test centers due to incidents of COVID-19 cases.

<sup>23</sup> See *supra* note 13. FINRA is considering making additional qualification examinations available remotely on a limited basis.

<sup>24</sup> The Exchange states that Participants remain subject to the continued requirement to supervise the activities of these designated individuals and ensure compliance with federal securities laws and regulations, as well as BOX rules.

The Commission observes that the Exchange's proposal, like FINRA's analogous filing, provides only temporary relief from the requirement to pass certain qualification examinations within the 120-day period in the rules. As proposed, this relief would extend the 120-day period that certain individuals can function as principals through April 30, 2021. If a further extension of temporary relief from the rule requirements identified in this proposal beyond April 30, 2021 is required, the Exchange noted that it may submit a separate rule filing to extend the effectiveness of the temporary relief under these rules.<sup>25</sup> For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest.<sup>26</sup> Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.<sup>27</sup>

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 Exchange 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 Exchange 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](mailto:rule-comments@sec.gov). Please include File Number SR-BOX-2021-02 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

<sup>25</sup> See *supra* note 3.

<sup>26</sup> As noted above by the Exchange, this proposed temporary change is based on a recent filing by FINRA that the Commission approved with a waiver of the 30-day operative delay. See FINRA Filing, 85 FR at 81260.

<sup>27</sup> 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).

<sup>18</sup> See FINRA Filing, 85 FR at 81260.

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>20</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-BOX-2021-02. 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 BOX. 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-BOX-2021-02 and should be submitted on or before February 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>28</sup>

**J. Matthew DeLesDernier,**  
*Assistant Secretary.*

[FR Doc. 2021-01837 Filed 1-27-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90970; File No. SR-CboeEDGX-2021-007]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a Monthly Fee Assessed on Members' MPIDs

January 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that, on January 13, 2021, Cboe EDGX Exchange, Inc. (the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 EDGX Exchange, Inc. (the “Exchange” or “EDGX Equities”) proposes to amend its fee schedule to establish a fee in connection with a Member's Market Participant Identifier(s) (“MPID”). 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/options/regulation/rule\\_filings/edgx/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange's Office of the Secretary, 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 to adopt a monthly fee assessed on Members' MPIDs.<sup>3</sup>

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a

particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,<sup>4</sup> no single registered equities exchange has more than 16% of consolidated equity market share and currently the Exchange represents approximately 7% of the U.S. equities market. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange further notes that broker-dealers are not compelled to be Members of the Exchange, and a significant proportion of broker-dealers that trade U.S. equity securities have, in fact, chosen not to apply for membership on the Exchange.

By way of background, an MPID is a four-character unique identifier that is approved by the Exchange and assigned to a Member for use on the Exchange to identify the Member firm on the orders sent to the Exchange and resulting executions. Members may choose to request more than one MPID as a unique identifier(s) for their transactions on the Exchange. The Exchange notes that a Member may have multiple MPIDs for use by separate business units and trading desks or to support Sponsored Participant<sup>5</sup> access. Certain members currently leverage multiple MPIDs to obtain benefits from and added value in their participation on the Exchange. Multiple MPIDs provide unique benefits to and efficiencies for Members by allowing: (1) Members to manage their trading activity more efficiently by assigning different MPIDs to different trading desks and/or strategies within the firm; and (2) Sponsoring Members<sup>6</sup>

<sup>4</sup> See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (December 18, 2020), available at [https://markets.cboe.com/us/equities/market\\_statistics/](https://markets.cboe.com/us/equities/market_statistics/).

<sup>5</sup> A Sponsored Participant is a person which has entered into a sponsorship arrangement with a Sponsoring Member pursuant to Rule 11.3, which permits a Sponsored Participant to obtain authorized access to the System only if such access is authorized in advance by one or more Sponsoring Members. See Rules 1.5(z) and 11.3.

<sup>6</sup> A Sponsoring Member is a Member that is a registered broker-dealer and that has been designated by a Sponsored Participant to execute, clear and settle transactions resulting from the System. The Sponsoring Member shall be either (i) a clearing firm with membership in a clearing agency registered with the Commission that maintains facilities through which transactions may be cleared or (ii) a correspondent firm with a

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The Exchange initially filed the proposed fee changes January 4, 2021 (SR-CboeEDGX-2021-004). On January 13, 2021, the Exchange withdrew that filing and submitted this proposal.

<sup>28</sup> 17 CFR 200.30-3(a)(12).

to segregate Sponsored Participants by MPID to allow for detailed client-level reporting, billing, and administration, and to market the ability to use separate MPIDs to Sponsored Participants, which, in turn, may serve as a potential incentive for increased order flow traded through the Sponsoring Member.

The Exchange proposes to adopt a fee applicable to Members that use multiple MPIDs to facilitate their trading on the Exchange. Specifically, as proposed, the Exchange would assess a monthly MPID Fee of \$350 per MPID per Member, with a Member's first MPID provided free of charge. The Exchange believes the proposed assessment of an MPID Fee aligns with the additional value and benefits provided to Members that choose to utilize more than one MPID to facilitate their trading on the Exchange. The Exchange also believes that assessing a fee on additional MPIDs will be beneficial because such fee will promote efficiency in MPID use.

The MPID Fee will be assessed on a pro-rated basis for new MPIDs by charging a Member based on the trading day in the month during which an additional MPID becomes effective for use. If a Member cancels an additional MPID on or after the first business day of the month, the Member will be required to pay the entire MPID Fee for that month. The Exchange believes that this practice is appropriate to balance the administrative costs associated with disabling MPIDs.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>7</sup> Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,<sup>8</sup> which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling,

processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed MPID Fee is consistent with the Act in that it is reasonable, equitable, and not unfairly discriminatory. In particular, the Exchange believes that the proposed fee is reasonable because it is reasonably aligned with the benefits provided to Members that choose to utilize multiple MPIDs to facilitate their trading on the Exchange. While each Member must have an MPID to participate on the Exchange, additional MPIDs are optional and will be assessed the proposed fee. Additional MPIDs currently allow for Members to realize certain benefits from and added value to their participation on the Exchange but also require the Exchange to allocate additional administrative resources to manage each MPID that a Member chooses to use for its trading activity. Therefore, the Exchange believes that it is reasonable to assess a modest fee on any additional MPIDs that Members choose to use to facilitate their trading. The Exchange again notes that it is optional for a Member to request and employ additional MPIDs, and a large portion (approximately 42%) of the Exchange's Members currently utilize just the one MPID necessary to participate on the Exchange.

The Exchange also believes that assessing a modest fee on additional MPIDs is reasonably designed to promote efficiency in MPID use. The Exchange had previously implemented an MPID Fee,<sup>9</sup> and observed that, as a result of an MPID Fee, Members were incentivized to more effectively administer their MPIDs and reduce the number of under-used or superfluous MPIDs, or MPIDs that did not contribute additional value to a Member's participation on the Exchange. Reduction of such MPIDs, in turn, reduces Exchange resources allocated to administration and maintenance of those MPIDs. In particular, the Exchange observed that within the first few months of introducing the previous MPID Fee, the number of MPIDs on the

Exchange decreased by approximately 17%, demonstrating that Members may choose to be more efficient in their use of MPIDs in response to an MPID Fee, such as that proposed in this fee change.<sup>10</sup>

The Exchange further believes the proposed MPID Fee is reasonable because the amount assessed is less than the analogous fees charged by at least one other market; namely, Nasdaq Stock Market LLC ("Nasdaq").<sup>11</sup> The Exchange's proposed MPID Fee at \$350 a month per MPID, with no charge associated with a Member's first MPID, is lower than Nasdaq's MPID fee of \$550 per MPID, which is charged for all MPIDs used by a Nasdaq member, including a member's first MPIDs. Additionally, the Exchange believes that charging a full-month's fee for an additional MPID cancelled on or after the first business day of the month is reasonable in that it reasonably accounts for the administrative costs associated with disabling such MPIDs, and is a practice consistent with Nasdaq's similar cancellation policy in connection with its MPID fees.<sup>12</sup>

The Exchange believes that the proposed MPID Fee is equitable and not unfairly discriminatory because it will apply equally to all Members that choose to employ two or more MPIDs based on the number of additional MPIDs that they use to facilitate their trading on the Exchange. As stated, additional MPIDs beyond a Member's first MPID are optional, and Members may choose to trade using such additional MPIDs to achieve additional benefits and added value to support their individual business needs. Moreover, the Exchange believes the proposed fee is equitable and not unfairly discriminatory because it is proportional to the potential value or benefit received by Members with a greater number of MPIDs. That is, those Members that choose to employ a greater number of additional MPIDs have the opportunity to more effectively manage firm-wide trading activity and client-level administration, as well as potentially appeal to customers through the use of separate MPIDs, which may result in increased order flow through a Sponsoring Member. A Member may request at any time that the Exchange terminate an MPID, including MPIDs

<sup>10</sup> The reduction in MPIDs may also demonstrate that Members are free to cancel MPIDs on the Exchange and choose, instead, to utilize unique identifiers associated with participation on other exchanges.

<sup>11</sup> See Nasdaq Price List, MPID Fees, available at <http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2>.

<sup>12</sup> See *id.*

clearing arrangement with any such clearing firm. See Rule 1.5(aa).

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(4).

<sup>9</sup> See Securities and Exchange Release No. 65189 (August 24, 2011), 76 FR 53990 (August 30, 2011) (SR-EDGX-2011-26). The Exchange notes that its prior MPID Fees expired as a result of its integration with BATS technology, acquired by Cboe Global Markets, Inc. in 2017.

that may be under-used or superfluous, or that do not contribute additional value to a Member's participation on the Exchange.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because the proposed MPID Fee will apply equally to all Members that choose to employ additional MPIDs and equally to each additional MPID. As stated, additional MPIDs are optional and Members may choose to utilize additional MPIDs, or not, based on their view of the additional benefits and added value provided by utilizing the single MPID necessary to participate on the Exchange. The Exchange believes the proposed fee will be assessed proportionately to the potential value or benefit received by Members with a greater number of MPIDs and notes that a Member may request at any time that the Exchange terminate any MPID, including those that may be under-used or superfluous, or that do not contribute additional value to a Member's participation on the Exchange.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for exchange memberships. Members have numerous alternative venues that they may participate on, including 15 other equities exchanges, as well as off-exchange venues, including over 50 alternative trading systems.<sup>13</sup> The Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 16% market share.<sup>14</sup> Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable.<sup>15</sup> In addition to this the Exchange notes that at least one other exchange currently has MPID fees in place,<sup>16</sup> which have been previously filed with the Commission. Moreover, the Commission has repeatedly expressed its preference

for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies." The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .". Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

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 is effective upon filing pursuant to Section 19(b)(3)(A) of the Act<sup>17</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder,<sup>18</sup> because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

under Section 19(b)(2)(B) of the Act<sup>19</sup> 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](mailto:rule-comments@sec.gov). Please include File No. SR-CboeEDGX-2021-007 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File No. SR-CboeEDGX-2021-007. 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 No. SR-CboeEDGX-2021-007, and should

<sup>13</sup> See U.S. Securities and Exchange Commission Alternative Trading Systems ("ATS") List (December 4, 2020), available at <https://www.sec.gov/foia/docs/atstlist.htm>.

<sup>14</sup> See *supra* note 4.

<sup>15</sup> See *e.g.*, *supra* note 10.

<sup>16</sup> See *supra* note 11.

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>18</sup> 17 CFR 240.19b-4(f)(2).

<sup>19</sup> 15 U.S.C. 78s(b)(2)(B).

be submitted on or before February 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>20</sup>

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-01836 Filed 1-27-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-90968; File No. SR-CboeBZX-2021-009]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Opening Process for Simple Orders

January 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 11, 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 and II, below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> 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 Options”) proposes to amend its opening process for simple orders. 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/](http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/)), at the Exchange’s Office of the Secretary, 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 Rule 21.7 regarding its opening process for simple orders. Currently, following the occurrence of an opening rotation trigger pursuant to Rule 21.7(d), the System conducts an opening rotation for an option series. Following the opening rotation trigger, the System conducts the Maximum Composite Width Check pursuant to Rule 21.7(e)(1) to determine if a series is eligible to open. If the Composite Market<sup>5</sup> of a series is not crossed, and the Composite Width<sup>6</sup> of the series is less than or equal to the Maximum Composite Width (as defined in Rule 21.7(a)), the series is eligible to open. Additionally, if the Composite Market of a series is not crossed, and the Composite Width of the series is greater than the Maximum Composite Width, but there are (i) no non-M Capacity (a) market orders or (b) buy (sell) limit orders with prices higher (lower) than the Composite Market midpoint and (ii) no orders or quotes marketable against each other, the series is eligible to open. Once a series becomes eligible to open, the System conducts the opening auction for the series (*i.e.*, determines the opening trade price pursuant to Rule 21.7(e)(2) and opens the series pursuant to Rule 21.7(e)(3)). The Exchange may also determine to compel a series to

<sup>5</sup> The term “Composite Market” means the market for a series comprised of (1) the higher of the then-current best appointed Market-Maker bulk message bid on the Exchange and the away best bid (“ABB”) (if there is an ABB) and (2) the lower of the then-current best appointed Market-Maker bulk message offer on the Exchange and the away best offer (“ABO”) (if there is an ABO). The term “Composite Bid (Offer)” means the bid (offer) used to determine the Composite Market. See Rule 21.7(a).

<sup>6</sup> The term “Composite Width” means the width of the Composite Market (*i.e.*, the width between the Composite Bid and the Composite Offer) of a series. See Rule 21.7(a).

open in the interest of fair and orderly markets, including if the opening width is wider than the Maximum Composite Width, pursuant to Rule 21.7(h).

Currently, if a series cannot satisfy these conditions described above (and thus is not eligible to open), the series is ineligible to open.<sup>7</sup> When that occurs, the Queuing Period<sup>8</sup> for the series continues (including the dissemination of opening auction updates) until the Maximum Composite Width Check is satisfied or the Exchange determines to open the series pursuant to Rule 21.7(h). The proposed rule change adds that such a series may open pursuant to a forced opening as set forth in proposed Rule 21.7(f).<sup>9</sup> Specifically, as proposed, if a series in an equity or exchange-traded product (“ETP”) option class<sup>10</sup> is unable to open because it does not satisfy the Maximum Composite Width Check described above within a time period (which the Exchange determines for all equity and ETP option classes)<sup>11</sup> after the occurrence of the opening rotation trigger for the class pursuant to Rule 21.7(d), and the Composite Market is not crossed, the System forces the series to open after that time period upon the System’s observation of an away best bid and offer (“ABBO”) (with a non-zero offer)<sup>12</sup> for the series. For a

<sup>7</sup> See Rule 21.7(e)(1)(C). The proposed rule change codifies in this provision that a series is not eligible to open if there is no Composite Market or if the Composite Market is crossed. This is true today and implied by the current rule text. Rule 21.7(e)(1)(A) and (B) both state that the Maximum Composite Width Check is only satisfied if the Composite Market of a series is not crossed, and the proposed rule change merely adds the same language to subparagraph (C) (*i.e.*, if the Composite Market of a series is crossed, then neither of the conditions in subparagraph (A) or (B) could be satisfied, and the series would be ineligible to open). Additionally, if there were no Composite Market or if it were crossed, the System would be unable to perform the Maximum Composite Width Check, thus meaning the series could not satisfy that check and thus would not be eligible to open. This proposed change merely adds detail to the Rules for additional transparency.

<sup>8</sup> The term “Queuing Period” means the time period prior to the initiation of an opening rotation during which the System accepts orders and quotes in the Queuing Book (the book into which Users may submit orders for participation in the opening rotation) for participation in the opening rotation for the applicable trading session. See Rule 21.7(a).

<sup>9</sup> The proposed forced opening process has no impact on the modified opening auction process set forth in Rule 21.7(j).

<sup>10</sup> The proposed rule change is limited to series in equity and ETP option classes because these classes are eligible for listing on all U.S. options exchanges.

<sup>11</sup> As the Exchange currently does with respect to all other determinations it makes pursuant to Rule 21.7, the Exchange will announce these determinations (and changes thereto) pursuant to Exchange Notice or technical specifications.

<sup>12</sup> Such an ABBO would indicate that an away exchange is open, as it would have disseminated an opening quote.

<sup>20</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

series subject to a forced opening, the opening trade price determination and series open set forth in Rule 21.7(e)(2) and (3) (*i.e.*, the opening auction) do not occur; instead, the System opens the series without a trade. This will permit a series to open for trading on the Exchange if the series is open for trading on at least one other options exchange, even though the market for the series on the Exchange may be wide.

The proposed change to Rule 21.7(f) provides that in the event of a forced opening of a series pursuant to proposed Rule 21.7(e)(4) or a compelled opening of a series pursuant to paragraph (h), the System enters all of a User's orders in that series in the Queuing Book into the Book in the manner set forth in current Rule 21.7(f), unless a User instructs the System to cancel its market orders or all of its orders, in which case the System enters only the non-cancelled orders into the Book in this manner. Specifically, they will be processed in accordance with Rule 21.8 (as unexecuted orders and quotes are handled following the conclusion of the opening rotation), which describes how the System processes, handles, and executes orders. If any order or quote in the Queuing Book is marketable upon the forced opening (and the User does not instruct the System to cancel it as proposed), the System would execute marketable orders subject to the priority rules set forth in Rule 21.8. If an order is marketable against away interest and is eligible for routing, the System may route the order for execution to an away exchange. Any non-marketable order would enter the Book or cancel, subject to the User instructions. This proposed change provides Users with flexibility for automated handling of their orders in the event a series opens with a wide market or is otherwise manually opened when the opening conditions may not otherwise be standard.

If a series satisfies the Maximum Composite Width Check prior to the System's observation of an ABBO for the series, the series opens pursuant to Rule 21.7(d)(2) and (3) (*i.e.*, the standard opening auction process occurs for the series). For example, suppose the Exchange determined the "forced opening" timer to be three minutes. If the opening trigger for a series occurs at 9:30:05 Eastern time but the series does not satisfy the Maximum Composite Width Check after the trigger, the System will force the series open after 9:33:05 Eastern time if it has received an ABBO by that time. However, if the series satisfies the Maximum Composite Width Check at 9:32:30, the series will open in accordance with the normal opening auction process.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>13</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>14</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>15</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed forced opening process for simple orders will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors. The proposed rule change will provide for series to open for trading on the Exchange sooner than they may open currently, as long as they are open for trading on other options exchanges. The Exchange believes the proposed rule change will benefit investors, because it may permit these options to open sooner and increase the times during which investors may conduct trading in these options. Additionally, this may increase liquidity in the market for a series that is otherwise open on another options exchange. While the market on the Exchange for a series may be wider than the Maximum Composite Width,<sup>16</sup> the Exchange believes it is reasonable to open the series if it opened for trading on another options exchange pursuant to that exchange's Commission-approved rules. Options exchanges have varying opening processes and have made separate determinations on what constitutes separate, reasonable opening

market widths. The Exchange believes if other options exchanges opened a series with a market width, it is reasonable to open the series for trading on the Exchange as well (as orders submitted to other exchanges may be trading at those widths). Since orders may not trade outside of the disseminated NBBO (which defines the then-current market for the series), any orders resting in the Queuing Book that may execute following the forced opening will receive protection against executions at potentially erroneous prices. Additionally, the proposed ability of Users to cancel orders in the event of a forced opening will provide Users with additional protection. Additionally, the Exchange believes opening series for trading on the Exchange that are open for trading on other options exchanges will put Exchange Users on equal footing with other market participants, as it will provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution.

The Exchange currently has the authority to deviate from the standard opening process, including to temporarily increase the Maximum Composite Width amounts (*i.e.*, widen the permissible opening market) and to compel a series open, even if the Maximum Composite Width check is not satisfied, but that may only happen manually if the Exchange determines it is necessary in the interests of a fair and orderly market.<sup>17</sup> Currently, if a series is open on another exchange but not on the Exchange, the Exchange generally manually increases the Maximum Composite Width for the series until the series opens. Manually increasing the Maximum Composite Width for a series until the series open is a different manual process than compelling the series to open, but ultimately achieves the same result of causing a series that does not satisfy the Maximum Composite Width check to otherwise open. The Exchange believes it is in the interests of a fair and orderly market to deviate from the opening process to systematically force a series to open, despite a wide Exchange market, if the series is open for trading on another exchange to provide investors with orders in that series resting on the Exchange's Queuing Book to have the same execution opportunities as other investors who submitted orders to other options exchanges with different opening conditions. The proposed rule

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(5).

<sup>15</sup> *Id.*

<sup>16</sup> The Exchange notes pursuant to Rule 21.7(e)(1)(B), there are currently instances in which the Exchange will open for trading despite the Composite Market Width being larger than the Maximum Composite Width.

<sup>17</sup> See Rule 21.7(h); see also definition of Maximum Composite Width and Opening Collar in Rule 21.7(a).

change is consistent with this authority and creates an automated compelled opening in certain circumstances to replace the manual process currently used. This will benefit investors by providing additional transparency to the Rules regarding when a series may open despite not satisfying the Maximum Composite Width check as well as remove impediments to and perfect the mechanism of a free and open market and a national market system by automating an otherwise manual process.

The Exchange believes the proposed rule change to permit Users to give the System a standing instruction regarding how to handle their orders when a forced or manually compelled (for simple orders) opening of series occurs will benefit investors, as it will give them an additional tool to manage their orders in connection with the opening of series. Users may currently cancel any of their orders resting in the Queuing Book prior to the opening of a series, and they may cancel any orders that do not execute at the open once those orders are in the Book or COB, as applicable. Because the Exchange market may be wider in these situations, the Exchange believes it is appropriate to provide Users with the ability to cancel market orders so they don't execute at the wider market prices once in the Book or cancel all of their orders if they prefer.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all Users may trade in any series that opens subject to the proposed forced opening process. The Exchange believes it is appropriate to limit the forced opening to equity and ETP options, as those may be multiply listed on exchanges. Additionally, all Users will have the opportunity to instruct the System to cancel its market orders or all open orders in the event of a forced or otherwise manual opening. Cancellation of some or all of a User's orders in the event of such an opening would be voluntary and completely within the User's discretion.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in

furtherance of the purposes of the Act because the proposed forced opening process will permit series to open on the Exchange that are otherwise open for trading on other options Exchange, which may increase liquidity and competition in those series sooner. Additionally, the Exchange believes opening series for trading on the Exchange that are open for trading on other options exchanges will put Exchange Users on equal footing with other market participants, as it will provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution. The proposed flexibility for Users to instruct the System how to handle their orders in the event of a forced or manual opening applies only to how a Users' orders on the Exchange will be handled in such a circumstance.

#### *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 Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)<sup>18</sup> of the Act and Rule 19b-4(f)(6)<sup>19</sup> thereunder. Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.<sup>20</sup>

A proposed rule change filed under Rule 19b-4(f)(6)<sup>21</sup> normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>22</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The

<sup>18</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>19</sup> 17 CFR 240.19b-4(f)(6).

<sup>20</sup> In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>21</sup> *Id.*

<sup>22</sup> 17 CFR 240.19b-4(f)(6)(iii).

Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. Waiver of the operative delay will immediately permit series to open for trading on the Exchange when those series are already open for trading on other options exchanges pursuant to their respective rules, and provide Users' orders that are otherwise resting in the Queuing Book and awaiting execution with the ability to get into the market for potential execution, thereby putting such Users on equal footing with other market participants as soon as possible. In addition, the proposal automates an aspect of the opening process that the Exchange currently has the authority to perform manually. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission hereby designates the proposed rule change to be operative upon filing.<sup>23</sup>

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 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](mailto:rule-comments@sec.gov). Please include File Number SR-CboeBZX-2021-009 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.

<sup>23</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

All submissions should refer to File Number SR–CboeBZX–2021–009. 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 20549–1090 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–2021–009 and should be submitted on or before February 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>24</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–01835 Filed 1–27–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90974; File No. SR–NYSEArca–2020–104]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the Stance Equity ESG Large Cap Core ETF Under NYSE Arca Rule 8.601–E

January 22, 2021.

On November 30, 2020, NYSE Arca, Inc. filed with the Securities and

Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> a proposed rule change to list and trade shares of the Stance Equity ESG Large Cap Core ETF under NYSE Arca Rule 8.601–E. The proposed rule change was published for comment in the **Federal Register** on December 21, 2020.<sup>3</sup> The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act<sup>4</sup> provides that, within 45 days of the publication of notice of the filing of a propose rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and published its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for the proposed rule change is February 4, 2021. The Commission is extending this 45-day period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> the Commission designates March 21, 2021, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change (File No. SR–NYSEArca–2020–104).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–01831 Filed 1–27–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2021–0001]

### Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA. Comments: <https://www.reginfo.gov/public/do/PRAMain>. Submit your comments online referencing Docket ID Number [SSA–2021–0001].

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235. Fax: 410–966–2830. Email address: [OR.Reports.Clearance@ssa.gov](mailto:OR.Reports.Clearance@ssa.gov).

Or you may submit your comments online through <https://www.reginfo.gov/public/do/PRAMain>, referencing Docket ID Number [SSA–2021–0001].

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than March 29, 2021. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Modified Benefit Formula Questionnaire—Foreign Pension—0960–0561*. The Social Security Administration (SSA) applies the Windfall Elimination Provision, a modified benefit formula used to compute U.S. Social Security benefits for people entitled to both Social Security and a pension or annuity based on employment after 1956 not covered by U.S. Social Security, (*i.e.*, a “non-covered pension”). A non-covered

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Securities Exchange Act Release No. 90665 (December 15, 2020), 85 FR 83129.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> 17 CFR 200.30–3(a)(31).

<sup>24</sup> 17 CFR 200.30–3(a)(12).

pension is a pension paid by an employer that does not withhold Social Security taxes from the employee's salaries; these are typically state and local governments or foreign country employers. SSA uses the information collected on Form SSA-308 to determine exactly how much (if any) of a foreign pension we may use to reduce

the amount of Title II Social Security retirement or disability benefits under the modified benefit formula. Respondents complete Form SSA-308 during the initial claims process if they indicate they will receive a foreign pension. A claimant who later receives a foreign pension must notify SSA and complete the SSA-308 again. The

respondents are applicants for Title II benefits who are first eligible for a foreign pension after 1985, and who are entitled, or will be entitled, to a foreign pension based on an application filed with the appropriate foreign agency or employer.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Average wait time in field office (minutes)**	Total annual opportunity cost (dollars)***
SSA-308 .....	2,426	1	10	404	\$18.23	*24	***\$25,048
Greenberg Cases .....	283	1	60	283	18.23	*24	*** 7,223
Totals .....	2,709			687			*** 32,271

\* We based this figure on averaging both the average DI payments based on SSA's current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>) and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)).

\*\* We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

\*\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than March 1, 2021. Individuals can obtain copies of these OMB clearance packages

by writing to [OR.Reports.Clearance@ssa.gov](mailto:OR.Reports.Clearance@ssa.gov).

1. *Partnership Questionnaire—20 CFR 404.1080–404.1082—0960–0025.* SSA considers partnership income in determining entitlement to Social Security benefits. SSA uses information from Form SSA-7104 to determine several aspects of eligibility for benefits, including the accuracy of reported

partnership earnings; the veracity of a retirement; and lag earnings where SSA needs this information to determine the status of the insured. The respondents are applicants for, and recipients of, Title II Social Security benefits who are reporting partnership earnings.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Average wait time in field office (minutes)**	Total annual opportunity cost (dollars)***
SSA-7104 (submission via mail) .....	6,175	1	30	3,088	*\$25.72		***\$79,423
SSA-7104 (completed in or brought to a field office) .....	6,175	1	30	3,088	*25.72	**24	*** 142,951
Totals .....	12,350			6,176			*** 222,374

\* We based this figure on the average U.S. citizen's hourly salary, as reported by the U.S. Bureau of Labor Statistics ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)).

\*\* We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

\*\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. *Statement of Marital Relationship (By one of the parties)—20 CFR 404.726—0960–0038.* SSA must obtain a signed statement from a spousal applicant if the applicant claims a common-law marriage to the insured in a state in which such marriages are

recognized, and no formal marriage documentation exists. SSA uses information we collect on Form SSA-754 to determine if an individual applying for spousal benefits meets the criteria of common-law marriage under state law. The respondents are

applicants for spouse's Social Security benefits or Supplemental Security Income (SSI) payments.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Average wait time in field office (minutes)**	Total annual opportunity cost (dollars)***
SSA-754 .....	30,000	1	30	15,000	*\$25.72	**24	***\$694,440

\* We based this figure on the average U.S. citizen's hourly salary, as reported by the U.S. Bureau of Labor Statistics ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)).

\*\* We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

\*\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. *Application for Search of Census Records for Proof of Age—20 CFR 404.716—0960-0097.* When preferred evidence of age is not available, or the available evidence is not convincing, SSA may ask the U.S. Department of Commerce, Bureau of the Census, to search its records to establish a claimant’s date of birth. SSA collects

information from claimants using Form SSA-1535 to provide the Census Bureau with sufficient identification information to allow an accurate search of census records. Additionally, the Census Bureau uses a completed, signed SSA-1535 to bill SSA for the search. The respondents are applicants for Social Security benefits who need to

establish their date of birth as a factor of entitlement.

*This is a correction notice:* SSA published the incorrect burden information for this collection at 85 FR 76142, on 11/27/2020. We are correcting this error here.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Average wait time in field office (minutes)**	Total annual opportunity cost (dollars)***
SSA-1535 .....	15	1	12	3	*\$25.72	** 24	***\$231

\* We based this figure on the average U.S. citizen’s hourly salary, as reported by the U.S. Bureau of Labor Statistics ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)).  
 \*\* We based this figure on the average FY 2020 wait times for field offices, based on SSA’s current management information data.

\*\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

4. *Workers’ Compensation/Public Disability Questionnaire—20 CFR 404.408—0960-0247.* Section 224 of the Social Security Act (Act) provides for the reduction of disability insurance benefits (DIB) when the combination of DIB and any workers’ compensation

(WC) or certain Federal, State or local public disability benefits (PDB) exceeds 80 percent of the worker’s pre-disability earnings. SSA field office staff conduct in-person interviews with applicants using the electronic SSA-546 WC/PDB screens in the Modernized Claims

System (MCS) to determine if the worker’s receipt of WC or PDB payments will cause a reduction of DIB. The respondents are applicants for the Title II DIB.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Average wait time in field office (minutes)**	Total annual opportunity cost (dollars)***
SSA-546 (MCS Screens) .....	248,000	1	15	62,000	\$10.73	** 24	***\$1,729,676

\* We based this figure on average DI payments based on SSA’s current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>).

\*\* We based this figure on the average FY 2020 wait times for field offices, based on SSA’s current management information data.

\*\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. *Supplemental Security Income (SSI) Claim Information Notice—20 CFR 416.210—0960-0324.* Section 1611(e)(2) of the Act requires individuals to file for and obtain all payments (annuities, pensions, disability benefits, veteran’s compensation, etc.) for which they are

eligible before qualifying for SSI payments. Individuals do not qualify for SSI if they do not first apply for all other benefits. SSA uses the information on Form SSA-L8050 to verify and establish a claimant’s or recipient’s eligibility under the SSI program. Respondents are

SSI applicants or recipients who may be eligible for other payments from public or private programs.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
SSA-L8050 .....	17,044	1	10	2,841	*\$10.73	***\$30,484

\* We based this figure on average DI payments based on SSA’s current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>).

\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

6. *Medical Source Statement of Ability To Do Work Related Activities (Physical and Mental)—20 CFR 404.1512-404.1513, 416.912-416.913, 404.1517, and 416.917—0960-0662.* When a claimant appeals a denied disability claim, SSA may ask the claimant to have a consultative examination at the agency’s expense, if the claimant’s medical sources cannot,

or will not, give the agency sufficient evidence to determine whether the claimant is disabled. The medical providers who perform these consultative examinations provide a statement about the claimant’s state of disability. Specifically, these medical source statements determine the work-related capabilities of these claimants. SSA collects the medical data on the

HA-1151 and HA-1152 to assess the work-related physical and mental capabilities of claimants who appeal SSA’s previous determination on their issue of disability. The respondents are medical sources who provide reports based either on existing medical evidence or on consultative examinations.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
HA-1151 .....	5,000	30	15	37,500	*\$40.21	** \$1,507,875
HA-1152 .....	5,000	30	15	37,500	* 40.21	** 1,507,875
Totals .....	10,000	.....	.....	75,000	.....	** 3,015,750

\*We based this figure on average medical professionals' salaries, as reported by the U.S. Bureau of Labor Statistics (<https://www.bls.gov/oes/current/oes290000.htm>).

\*\*This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. There is no actual charge to respondents to complete the application.

7. *Objection to Appearing by Video Teleconferencing; Acknowledgement of Receipt (Notice of Hearing); Waiver of Written Notice of Hearing—20 CFR 404.935, 404.936; 404.938, 404.939, 416.1435, 416.1436, 416.1438, & 416.1439—0960-0671.* SSA uses the information we obtain on Forms HA-55, HA-504, HA-504-OP1, HA-510, and HA-510-OP1 to manage the means by which we conduct hearings before an administrative law judge (ALJ), and the scheduling of hearings with an ALJ. We use the HA-55, Objection to Appearing by Video Teleconferencing, and its accompanying cover letter, HA-L2, to allow claimants to opt-out of an appearance via video teleconferencing (VTC) for their hearing with an ALJ. The HA-L2 explains the good cause stipulation for opting out of VTC if the claimant misses the window to submit the HA-55, and for verifying a new residence address if the claimant moved since submitting their initial hearing request. SSA uses the HA-504 and HA-504-OP1, Acknowledgement of Receipt

(Notice of Hearing), and accompanying cover letter, HA-L83, to: (1) Acknowledge the claimants will appear for their hearing with an ALJ; (2) establish the time and place of the hearing; and (3) remind claimants to gather evidence in support of their claims. The only difference between the two versions of the HA-504 is the language used for the selection check boxes as determined by the type of appearance for the hearing (in-person, phone teleconference, or VTC). In addition, the cover letter, HA-L83, explains: (1) The claimants' need to notify SSA of their wish to object to the time and place set for the hearing; (2) the good cause stipulation for missing the deadline for objecting to the time and place of the hearing; and (3) how the claimants can submit, in writing, any additional evidence they would like the ALJ to consider, or any objections they have on their claims. The HA-510 and HA-510-OP1, Waiver of Written Notice of Hearing, allow the claimants to waive their right to receive the Notice

of Hearing as specified in the HA-L83. We typically use these forms when there is a last minute available opening on an ALJ's schedule, so the claimants can fill in the available time slot. If the claimants agree to fill the time slot, we ask them to waive their right to receive the Notice of Hearing. We use the HA-510-OP1 at the beginning of our process for representatives and claimants who wish to waive the 20-day (for amended or continued hearing notices) or 75-day (for all other hearing notices) requirement earlier in the process, and the HA-510 later in the process for those representatives and claimants who want the full 20 or 75 days before the scheduled hearing. The respondents are applicants for Social Security disability payments who request a hearing to appeal an unfavorable entitlement or eligibility determination or their representative payees.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
HA-504+ HA-504-OP1 HA-504-OP2 .....	900,000	1	30	450,000	*\$18.22	** \$8,199,000
HA-L83—404.936(e); 416.1436(e) .....	900,000	1	30	450,000	* 18.22	** 8,199,000
HA-L83—Good cause for missing deadline—404.936(e)(1); 416.1436(e)(1) .....	5,000	1	5	417	* 18.22	** 7,598
HA-L83—Objection stating issues in notice are incorrect—sent 5 days prior to hearing 404.939; 416.1439 .....	45,000	1	5	3,750	* 18.22	** 68,325
HA-55—404.936; 404.938; 416.1436; 416.1438 .....	850,000	1	5	70,833	* 18.22	** 1,290,577
HA-L2—Verification of New Residence 404.936(c)(1); 416.1436(d)(1) .....	45,000	1	5	3,750	* 18.22	** 68,325
HA-L2—Notification of objection to video teleconference more than 30-days after receipt of notice showing good cause 404.936(c)(2); 416.1436(d)(2) .....	13,500	1	10	2,250	* 18.22	** 40,995
HA-510; HA-510-OP1—404.938(a); 416.1438(a) .....	4,000	1	2	133	* 18.22	** 2,423
Totals .....	2,762,500	.....	.....	981,133	.....	** 17,876,243

+ Due to the COVID-19 pandemic, we are currently not conducting hearings in person with administrative law judges. We are holding all hearings with the administrative law judges by telephone and online video while offices remain closed to walk-in traffic. We are using different versions of the HA-504 depending on the format of the hearing (HA-504 is used for in-person/traditional VTC, HA-504-OP1 is used for phone, HA-504-OP2 is used for online video). At this time, we are unable to provide an accurate breakdown of their usages individually until offices reopen. The combined total for all of the versions is a good estimate.

**Public Reporting Burdens for the Temporary COVID-19 Enhanced Outreach (CEO)**

We estimate a total universe of approximately 560,000 respondents for

the COVID-19 Enhanced Outreach (CEO) project. This number represents 280,000 cases in “Ready to Schedule” (RTS) and “Scheduled” (SCHD) statuses with attorney or non-attorney representatives, plus a courtesy copy to

the claimant. We will also conduct a follow-up call for cases without a returned form. We expect 25% or less will be non-responsive. The numbers on this chart reflect our estimates for this outreach project:

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
CEO Letter and Form Mailed to Representative .....	280,000	1	10	46,667	*\$25.72	**\$1,200,275
Courtesy Copy of CEO Letter to Claimant .....	280,000	No response required	2	9,333	*25.72	**240,045
CEO Follow up Call with Representative—no form returned (non-responsive) .....	70,000	1	5	5,833	*25.72	**150,025
Totals .....	630,000			61,833		**1,590,345
Grand Total .....	3,392,500			1,042,966		**19,466,588

\*We based these figures on average DI hourly wages for single students based on SSA’s current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>), and on average U.S. citizen’s hourly salary, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes231011.htm>), as well as a combination of those two figures (for the paper form, as we do not collect data on whether the paper forms are filled out by individuals or representatives or both).

\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

8. Medicare Subsidy Quality Review Forms—20 CFR 418.3125(b)(5)—0960-0707. The Medicare Modernization Act of 2003 mandated the creation of the Medicare Part D prescription drug coverage program and provides certain subsidies for eligible Medicare beneficiaries to help pay for the cost of

prescription drugs. As part of the stewardship duties of the Medicare Part D subsidy program, SSA conducts periodic quality reviews of the information Medicare beneficiaries report on their subsidy applications (Form SSA-1020). SSA uses the Medicare Quality Review program to

conduct these checks. The respondents are applicants for the Medicare Part D subsidy whom SSA chose to undergo a quality review.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
SSA-9301 (Medicare Subsidy Quality Review Case Analysis Form .....	3,500	1	30	1,750	*\$25.72	**\$45,010
SSA-9302 (Notice of Quality Review Acknowledgment Form for those with Phones) .....	3,500	1	15	875	*25.72	**22,505
SSA-9303 (Notice of Quality Review Acknowledgment Form for those without Phones) .....	350	1	15	88	*25.72	**2,263
SSA-9308 (Request for Information) .....	7,000	1	15	1,750	*25.72	**45,010
SSA-9310 (Request for Documents) .....	3,500	1	5	292	*25.72	**7,510
SSA-9311 (Notice of Appointment—Denial—Reviewer Will Call) .....	450	1	15	113	*25.72	**2,906
SSA-9312 (Notice of Appointment—Denial—Please Call Reviewer) .....	50	1	15	13	*25.72	**334
SSA-9313 (Notice of Quality Review acknowledgment Form for those with Phones) .....	2,500	1	15	625	*25.72	**16,075
SSA-9314 (Notice of Quality Review acknowledgement Form for those without Phones) .....	500	1	15	125	*25.72	**3,215
Total .....	21,350			5,631		**144,828

\*We based this figures on average U.S. citizen’s hourly salary, as reported by Bureau of Labor Statistics data ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)).

\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

9. Application to Collect a Fee for Payee Services—20 CFR 404.2040a & 416.640a—0960-0719. Sections 205(j) and 1631(a) of the Act allow SSA to authorize certain organizational representative payees to collect a fee for providing payee services. Before an

organization may collect this fee, they complete and submit Form SSA-445. SSA uses the information to determine whether to authorize or deny permission to collect fees for payee services. The respondents are private sector businesses, or State and local

government offices, applying to become a fee-for-service organizational representative payee.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
Private sector business .....	90	1	13	20	*\$15.37	**\$307
State/local government offices .....	10	1	10	2	* 15.07	**30
Totals .....	100			22		** 337

\*We based these figures on average Personal Care and Service Occupations hourly wages (<https://www.bls.gov/oes/current/oes390000.htm>), as reported by Bureau of Labor Statistics data.

\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

**10. Certification of Low Birth Weight for SSI Eligibility—20 CFR 416.924, 416.926, and 416.931—0960-0720.** Hospitals and claimants use Form SSA-3380 to provide medical information to local field offices (FO) and the Disability Determination Services (DDS) on behalf

of infants with low birth weight. FOs use the form as a protective filing statement and the medical information to make presumptive disability findings, which allow expedited payment to eligible claimants. DDSs use the medical information to determine disability and

continuing disability. The respondents are hospitals and claimants who have information identifying low birth weight babies and their medical conditions.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
SSA-3380 .....	28,125	1	15	7,031	*\$61.97	**\$435,711

\*We based this figure by averaging the average U.S. worker's ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)) and General Medical Hospital employee's hourly wages (<https://www.bls.gov/oes/current/oes291215.htm>), as reported by Bureau of Labor Statistics data.

\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

**11. Electronic Records Express (Third Parties)—20 CFR 404.1700-404.1715—0960-0767.** Electronic Records Express (ERE) is an online system which enables medical providers and various third party representatives to electronically access clients' disability files online and submit disability claimant information electronically to SSA as part of the

disability application process. To ensure only authorized people access ERE, SSA requires third parties to complete a unique registration process if they wish to use this system. This information collection request (ICR) includes the third-party registration process; the burden for submitting evidence to SSA is part of other ICRs. The respondents

are representatives of disability applicants who want to use ERE to electronically access clients' disability files online and submit information to SSA.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Total annual opportunity cost (dollars)**
ERE Third-Party .....	37,314	81	1	50,374	*\$59.11	**\$2,977,607

\*We based this figures on average Lawyer's hourly salary, as reported by Bureau of Labor Statistics data ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)).

\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: January 25, 2021.

**Naomi Sipple,**

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2021-01886 Filed 1-27-21; 8:45 am]

BILLING CODE 4191-02-P

**DEPARTMENT OF STATE**

**[Public Notice: 11337]**

**Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Alice Neel: People Come First” Exhibition**

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Alice Neel: People Come

First” at The Metropolitan Museum of Art, New York, New York and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email:

section2459@state.gov). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*); 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236-3 of August 28, 2000.

**Matthew R. Lussenhop,**

*Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2021-01887 Filed 1-27-21; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice: 11339]

### Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Calder—Picasso” Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Calder—Picasso” at the Fine Arts Museums of San Francisco, de Young, San Francisco, California, at the High Museum of Art, Atlanta, Georgia, at the Museum of Fine Arts, Houston, Houston, Texas, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998

(112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236-3 of August 28, 2000.

**Matthew R. Lussenhop,**

*Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2021-01920 Filed 1-27-21; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice:11336]

### Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Hockney—Van Gogh: The Joy of Nature” Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Hockney—Van Gogh: The Joy of Nature” at the Museum of Fine Arts, Houston, in Houston, Texas, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*); 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236-3 of August 28, 2000.

**Matthew R. Lussenhop,**

*Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2021-01907 Filed 1-27-21; 8:45 am]

**BILLING CODE 4710-05-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36477]

### Paul Didelius—Continuance in Control Exemption—RYAL, LLC

Paul Didelius (Didelius), an individual and noncarrier,<sup>1</sup> has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of RYAL, LLC (RYAL), upon RYAL's becoming a Class III carrier.

This transaction is related to a concurrently filed notice of modified certificate of public convenience and necessity in *RYAL, LLC—Modified Certificate of Public Convenience & Necessity*, Docket No. FD 36476, for RYAL to lease and operate over an approximately 26-mile rail line owned by the Port of Royal Slope (the Port), which (1) originates at milepost 1989.06, near Othello, Adams County, Wash., and continues west for 20.44 miles to milepost 2009, at Royal City Junction, Grant County, Wash.; and (2) proceeds north a distance of 5.2 miles, terminating at an industrial siding at milepost 5.2 near Royal City, Grant County, Wash. (the Line).<sup>2</sup>

The transaction may be consummated on or after February 11, 2021, the effective date of the exemption (30 days after the verified notice of exemption was filed).

Didelius certifies that: (1) The rail properties to be operated and controlled, YCR, CCET, WRL, CWW, and RYAL, do not physically connect; (2) there are no plans to acquire additional rail lines for the purpose of making a connection; and (3) each of the carriers involved in the continuance in control transaction is a Class III carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

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. Section 11326(c), however, does not provide for labor protection for transactions under section 11324 and 11325 that involve only Class III carriers. Accordingly, the Board may not

<sup>1</sup> According to the verified notice, Didelius controls YCR Corporation (YCR), a Class III carrier that operates a rail line in Washington; CCET, LLC (CCET), a Class III carrier that operates a rail line in Ohio; WRL, LLC (WRL), a Class III carrier that operates a rail line in Washington; and CWW, LLC (CWW), a Class III carrier that operates a rail line in Washington.

<sup>2</sup> The Line was previously leased to WRL for a term of five years, pursuant to a modified rail certificate. *See WRL, LLC—Modified Rail Certificate of Pub. Convenience & Necessity—Adams & Grant Cntys., Wash.*, FD 36002 (STB served June 3, 2016).

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 no later than February 4, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36477, 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 Didelius's representative, James H.M. Savage, 22 Rockingham Court, Germantown, MD 20874.

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: January 25, 2021.

By the Board, Allison C. Davis, Director, Office of Proceedings.

**Kenyatta Clay,**  
Clearance Clerk.

[FR Doc. 2021-01891 Filed 1-27-21; 8:45 am]

BILLING CODE 4915-01-P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Drone Advisory Committee (DAC); Notice of Public Meeting

**AGENCY:** Federal Aviation Administration, Department of Transportation.

**ACTION:** Notice of Drone Advisory Committee (DAC) meeting.

**SUMMARY:** This notice announces a meeting of the DAC.

**DATES:** The meeting will be held on February 24, 2021, from 9:00 a.m. to 4:00 p.m. Eastern Time.

Requests for reasonable accommodations must be received by February 17, 2021.

Requests to submit written materials to be reviewed during the meeting must be received no later than February 17, 2021.

**ADDRESSES:** The meeting will be held virtually. Members of the public who wish to observe the virtual meeting can access the livestream on the following FAA social media platforms on the day of the event, <https://www.facebook.com/FAA> or <https://www.youtube.com/FAAnews>. For copies of meeting minutes along with all other information please visit the DAC

internet website at [https://www.faa.gov/uas/programs\\_partnerships/drone\\_advisory\\_committee/](https://www.faa.gov/uas/programs_partnerships/drone_advisory_committee/).

**FOR FURTHER INFORMATION CONTACT:** Gary Kolb, External Stakeholder & Committee Officer, Federal Aviation Administration, U.S. Department of Transportation, at [gary.kolb@faa.gov](mailto:gary.kolb@faa.gov) or 202-267-4441. Any committee related request or request for reasonable accommodations should be sent to the person listed in this section.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The DAC was created under the Federal Advisory Committee Act (FACA), in accordance with Title 5 of the United States Code (5 U.S.C. App. 2) to provide FAA with advice on key UAS integration issues by helping to identify challenges and prioritize improvements.

##### II. Agenda

At the meeting, the agenda will cover the following topics:

- Official Statement of the Designated Federal Officer
- Approval of the Agenda and Previous Meeting Minutes
- Opening Remarks
- FAA Update
- Industry-Led Technical Topics
- New Business/Agenda Topics
- Closing Remarks
- Adjourn

Additional details will be posted on the DAC internet website address listed in the **ADDRESSES** section at least 15 days in advance of the meeting.

##### III. Public Participation

The meeting will be open to the public and livestreamed. Members of the public who wish to observe the virtual meeting can access the livestream on the following FAA social media platforms on the day of the event, <https://www.facebook.com/FAA> or <https://www.youtube.com/FAAnews>. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

The FAA is not accepting oral presentations at this meeting due to time constraints. Written statements submitted by the deadline will be provided to the DAC members before the meeting. Any member of the public

may submit a written statement to the committee at any time.

**Erik W. Amend,**

Manager, Executive Office, AUS-10, Federal Aviation Administration.

[FR Doc. 2021-01813 Filed 1-27-21; 8:45 am]

BILLING CODE 4910-13-P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2021-0068]

#### Agency Information Collection

#### Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: FAA Entry Point Filing Form—International Registry

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected will be used to obtain a unique authorization code for transmitting information to the International Registry in Dublin, Ireland.

**DATES:** Written comments should be submitted by March 29, 2021.

**ADDRESSES:** Please send comments:

*By Electronic Docket:*  
[www.regulations.gov](http://www.regulations.gov) (Enter docket number into search field).

*By mail:* Bonnie Lefko, Federal Aviation Administration, Civil Aviation Registry, Aircraft Registration Branch, AFB-711, P.O. Box 25504, Oklahoma City, OK 73125-0504.

*By fax:* 405-954-3548.

#### SUPPLEMENTARY INFORMATION:

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120-0697.

Title: FAA Entry Point Filing Form—International Registry.

*Form Numbers:* AC Form 8050–135.  
*Type of Review:* Renewal of information collection.

*Background:* The information collected is necessary to obtain an authorization code for transmission of information to the International Registry. The Convention on International Interest in Mobile Equipment, as modified by the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (Cape Town Treaty), provides for the creation and sustainment of the International Registry. The International Registry is an electronic registry system that works in tandem with the current system operated by the FAA Civil Aviation Registry (Registry) for the United States.

Congress has designated the Registry as the exclusive United States Entry Point for transmissions to the International Registry. To transmit certain types of interests or prospective interests to the International Registry, interested parties must file a completed FAA Entry Point Filing Form—International Registry, AC Form 8050–135, with the Registry. Upon receipt of the completed form, the Registry issues a unique authorization code. The submission of the information in question is not an FAA requirement for aircraft registration. Its sole purpose is to create authorization for filing with the International Registry.

*Respondents:* Anyone wanting to file an interest on the International Registry. The FAA estimates up to 15,000 filed annually.

*Frequency:* As desired by parties with an interest in mobile equipment.

*Estimated Average Burden per Response:* 30 minutes.

*Estimated Total Annual Burden:* Based on FY2020 data of 14,360 filings, the estimated annual burden is 7,180 hours.

Issued in Oklahoma City, OK on January 25, 2021.

**Bonnie Lefko,**

*Program Analyst, FAA Civil Aviation Registry, Aircraft Registration Branch, AFB–711.*

[FR Doc. 2021–01857 Filed 1–27–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

[DOT–OST–2021–0009]

### Solicitation for Annual Combating Human Trafficking in Transportation Impact Award

**AGENCY:** Office of the Secretary of Transportation, U.S. Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** The annual Combating Human Trafficking in Transportation Impact Award (the award) incentivizes an increase in human trafficking awareness, training, and prevention among transportation stakeholders. The award is a component of the Department's Transportation Leaders Against Human Trafficking initiative. Additional information regarding the Department's counter-trafficking activities can be found at [www.transportation.gov/stophumantrafficking](http://www.transportation.gov/stophumantrafficking).

The award serves as a platform for transportation stakeholders to unlock their creativity, and to empower them to develop impactful and innovative counter-trafficking tools, initiatives, campaigns, and technologies that can help defeat this heinous crime. The award is open to individuals and entities, including non-governmental organizations, transportation industry associations, research institutions, and State and local government organizations. Entrants compete for a cash award of up to \$50,000 to be awarded to the individual(s) or entity selected for creating the most impactful counter-trafficking initiative or technology. The U.S. Department of Transportation intends to incentivize individuals and entities to think creatively in developing innovative solutions to combat human trafficking in the transportation industry, and to share those innovations with the broader community.

**DATES:** Submissions accepted January 28, 2021 through midnight PST on March 1, 2021.

**FOR FURTHER INFORMATION CONTACT:** For more information, and to register your intent to compete individually or as part of a team, visit [www.transportation.gov/stophumantrafficking](http://www.transportation.gov/stophumantrafficking), email [trafficking@dot.gov](mailto:trafficking@dot.gov), or contact the Office of International Transportation and Trade at (202) 366–4398.

**SUPPLEMENTARY INFORMATION:**

*Award Approving Official:* The Secretary of Transportation (Secretary).

*Subject of Award Competition:* Combating Human Trafficking in Transportation Impact Award will recognize impactful and innovative approaches to combating human trafficking in the transportation industry.

**Problem**

As many as 25 million men, women, and children are held against their will and trafficked into forced labor and prostitution. Transportation figures

prominently in human trafficking enterprises when traffickers move victims, which uniquely positions the industry to combat the crime.

**Challenge**

The Combating Human Trafficking in Transportation Impact Award is looking for the best innovators to develop original, impactful, and innovative human trafficking tools, initiatives, campaigns, and technologies that can help defeat this heinous crime in the transportation industry.

**Eligibility**

To be eligible to participate in the Combating Human Trafficking in Transportation Impact Award competition, private entities must be incorporated in and maintain a primary place of business in the United States, and individuals must be citizens or permanent residents of the United States. There is no charge to enter the competition.

**Rules, Terms, and Conditions**

The following additional rules apply:

1. Entrants shall submit a project to the competition under the rules promulgated by the Department in this Notice;

2. Entrants must indemnify, defend, and hold harmless the Federal Government from and against all third-party claims, actions, or proceedings of any kind and from any and all damages, liabilities, costs, and expenses relating to or arising from participant's submission or any breach or alleged breach of any of the representations, warranties, and covenants of participant hereunder. Entrants are financially responsible for claims made by a third party;

3. Entrants may not be a Federal entity or Federal employee acting within the scope of employment;

4. Entrants may not be an employee of the U.S. Department of Transportation;

5. Entrants shall not be deemed ineligible because an individual used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals participating in the competition on an equitable basis;

6. The entries cannot have been submitted in the same or substantially similar form in any other previous Federally sponsored promotion or Federally sponsored competition;

7. Entrants previously awarded first place are not eligible to reenter for the same or substantially similar project;

8. Entries, which at the Secretary's sole discretion, are determined to be

substantially similar to another entity's entry submitted to this competition may be disqualified;

9. The competition is subject to all applicable Federal laws and regulations. Participation constitutes the entrants' full and unconditional agreement to these rules and to the Secretary's decisions, which are final and binding in all matters related to this competition;

10. Entries must be original, be the work of the entrant and/or nominee, and must not violate the rights of other parties. All entries remain the property of the entrant. Each entrant represents and warrants that:

- Entrant is the sole author and owner of the submission;
- The entry is not the subject of any actual or threatened litigation or claim;
- The entry does not and will not violate or infringe upon the intellectual property rights, privacy rights, publicity rights, or other legal rights of any third party; and
- The entry does not and will not contain any harmful computer code (sometimes referred to as "malware," "viruses," or "worms").

11. By submitting an entry in this competition, entrants agree to assume any and all risks and waive any claims against the Federal Government and its related entities (except in the case of willful misconduct) for any injury, death, damage, or loss of property, revenue or profits, whether direct, indirect, or consequential, arising from their participation in this competition, whether the injury, death, damage, or loss arises through negligence of otherwise. Provided, however, that by registering or submitting an entry, entrants and/or nominees do not waive claims against the Department arising out of the unauthorized use or disclosure by the agency of the intellectual property, trade secrets, or confidential information of the entrant;

12. The Secretary or the Secretary's designees have the right to request additional supporting documentation regarding the application from the entrants and/or nominees;

13. Each entrant grants to the Department, as well as other Federal agencies with which it partners, the right to use names, likeness, application materials, photographs, voices, opinions, and hometown and state for the Department's promotional purposes in any media, in perpetuity, worldwide, without further payment or consideration;

14. If selected, the entrant and/or nominee must provide written consent granting the Department and any parties acting on their behalf, a royalty-free,

non-exclusive, irrevocable, worldwide license to display publicly and use for promotional purposes the entry ("demonstration license"). This demonstration license includes posting or linking to the entry on Department websites, including the Competition website, and partner websites, and inclusion of the entry in any other media, worldwide;

15. Applicants which are Federal grant recipients may not use Federal funds to develop submissions;

16. Federal contractors may not use Federal funds from a contract to develop applications or to fund efforts in support of a submission; and

17. The submission period begins on [the date of FRN publication]. Submissions must be sent by 11:59 p.m. Pacific Standard Time on [30 days after the FRN publication]. The timeliness of submissions will be determined by the postmark (if sent in hard copy) or time stamp of the recipient (if emailed). Competition administrators assume no responsibility for lost or untimely submissions for any reason.

#### Submission Requirements

Applicants must submit entries via email or by mail. Electronic packages may be transmitted by email to [trafficking@dot.gov](mailto:trafficking@dot.gov). Hard copies should be forwarded with a cover letter to the attention of: Combating Human Trafficking in Transportation Impact Award (Room W88-121), 1200 New Jersey Avenue SE, Washington, DC 20590.

*Expression of Interest: While not required, entrants are strongly encouraged to send brief expressions of interest to the DOT prior to submitting entries. The expressions of interest should be sent by [10 days after the FRN publication] to [trafficking@dot.gov](mailto:trafficking@dot.gov), and include the following elements: (1) Name of entrant/s; (2) Telephone and email address; and (3) A synopsis of the concept, limited to no more than two pages.*

Complete submission packages shall consist of the following elements:

##### 1. Eligibility Statement

A statement of eligibility by private entities indicating that they are incorporated in and maintain a primary place of business in the United States, or a statement of eligibility by individuals indicating that they citizens or permanent residents of the United States.

##### 2. Summary (1-2 pages)

An overall summary of the project that includes

A. *Entity*: The name of the submitting individual(s) or organization, their title, phone, and email. If the point of contact for the project is different, also specify their name, title, phone, and email.

B. *Title*: The project title.

C. *Mode*: Specify which transportation mode(s) the project will focus on.

D. *Summary*: A brief one-paragraph synopsis of the proposed project.

E. *Impact*: A description of how the project will be evaluated and its potential impact on human trafficking in the transportation industry.

F. *Background*: Brief background regarding the submitting individual(s) or organization(s) that includes project-related expertise.

G. *Partners*: If applicable, list partners who will be engaged in project development and/or implementation.

#### 3. Supporting Documents (no page limit)

The paper(s) and/or technologies, programs, video/audio files, and other related materials, describing the project and addressing the selection criteria. As applicable, this can include a description of success of a previous or similar project and/or documentation of impact. You may also submit supporting letters, which may be from subject matter experts or industry, which may address the technical merit of the concept, originality, impact, practicality, measurability and/or applicability. DOT may request additional information, including supporting documentation, more detailed contact information, releases of liability, and statements of authenticity to guarantee the originality of the work. Failure to respond in a timely manner may result in disqualification.

#### Initial Screening

The Office of International Transportation and Trade will initially review applications to determine that all required submission elements are included, and to determine compliance with eligibility requirements.

#### Evaluation

After the Initial Screening, the Office of International Transportation and Trade, with input from the relevant Operating Administrations, will judge entries based on the factors described below: Technical merit, originality, impact, practicality, measurability, and applicability. All factors are important and will be given consideration.

The Secretary will make the final selection.

The Department reserves the right to not award the prize if the selecting

officials believe that no submission demonstrates sufficient potential for sufficient transformative impact.

#### Technical Merit

- Presents a *clear understanding* of the issue of human trafficking in the transportation industry.
- Presents a *logical and workable solution* and approach to addressing human trafficking in the transportation industry.
- *Survivors* of human trafficking were consulted in the development of the project.

#### Originality

- The concept is *new or a variation* of an existing idea.
- The concept possesses and clearly describes its *unique* merits.

#### Impact

- The project can make a *significant impact* and/or contribution to the fight against human trafficking in the transportation industry.
- The project clearly describes the *breadth of impact*.

#### Practicality

- The project clearly identifies anticipated *beneficiaries* of the project.
- The project clearly outlines anticipated *resources and all costs* to be incurred by executing the concept.
- The project can be implemented in a way that requires a finite amount of resources (specifically, the submission has *fixed costs, low or no marginal costs*, and a *clear path* to implementation and *scale* beyond an initial investment).

#### Measurability

- The submission clearly outlines how the project will be *measured*.
- The project will result in *measurable improvements*.

#### Applicability

- The project is *national* and/or *can be scaled nationally*.

#### Award

Up to three winning entries are expected to be announced. The first-place winner will receive up to a \$50,000 cash prize. A plaque with the first-place winner(s) name and the date of the award will be on display at the U.S. Department of Transportation, and a display copy of the plaque(s) will be sent to the first-place award winner's headquarters. At the discretion of the Secretary, up to two additional plaques may be awarded to recognize two runners up. At the option of the Secretary of Transportation, DOT may

pay for invitational travel expenses to Washington, DC for up to two individuals or representatives of the first-place winning organization and runners up organizations should selectees be invited to present their project/s for DOT officials.

**Authority:** 15 U.S.C. 3719 (America COMPETES Act).

#### Joel Szabat,

*Deputy Assistant Secretary, Aviation and International Affairs.*

[FR Doc. 2021-01807 Filed 1-27-21; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Agency Information Collection Activities: Revision of an Approved Information Collection; Comment Request; Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions With Total Consolidated Assets of \$250 Billion or More Under the Dodd-Frank Wall Street Reform and Consumer Protection Act

**AGENCY:** Office of the Comptroller of the Currency, Treasury (OCC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning a revision to a regulatory reporting requirement for national banks and federal savings associations titled, "Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of \$250 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act."

**DATES:** Comments must be received by March 29, 2021.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov).

- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0319, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

**Instructions:** You must include "OCC" as the agency name and "1557-0319" in your comment. In general, the OCC will publish comments on [www.reginfo.gov](http://www.reginfo.gov) without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection<sup>1</sup> by the following method:

- *Viewing Comments Electronically:* Go to [www.reginfo.gov](http://www.reginfo.gov). Click on the "Information Collection Review" tab. Underneath the "Currently under Review" section heading, from the drop-down menu select "Department of Treasury" and then click "submit". This information collection can be located by searching by OMB control number "1557-0319" or "Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of \$250 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating [www.reginfo.gov](http://www.reginfo.gov), please contact the Regulatory Information Service Center at (202) 482-7340.

**FOR FURTHER INFORMATION CONTACT:** Shaquita Merritt, OCC Clearance Officer, (202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7 St. SW, Washington, DC

<sup>1</sup> Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

20219. In addition, copies of the templates referenced in this notice can be found on the OCC's website under News and Issuances (<http://www.occ.treas.gov/tools-forms/forms/bank-operations/stress-test-reporting.html>).

**SUPPLEMENTARY INFORMATION:** The OCC is requesting comment on the following revision to an approved information collection:

*Title:* Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of \$250 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

*OMB Control No.:* 1557-0319.

*Description:* Section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act<sup>2</sup> (Dodd-Frank Act) requires certain financial companies, including national banks and federal savings associations, to conduct annual stress tests<sup>3</sup> and requires the primary financial regulatory agency<sup>4</sup> of those financial companies to issue regulations implementing the stress test requirements.<sup>5</sup> Under section 165(i)(2), a covered institution is required to submit to the Board of Governors of the Federal Reserve System (Board) and to its primary financial regulatory agency a report at such time, in such form, and containing such information as the primary financial regulatory agency may require.<sup>6</sup>

On October 9, 2012, the OCC published in the **Federal Register** a final rule implementing the section 165(i)(2) annual stress test requirement.<sup>7</sup> This rule describes the reports and information collections required to meet the reporting requirements under section 165(i)(2). These information collections will be given confidential treatment (5 U.S.C. 552(b)(4)) to the extent permitted by law.

In 2012, the OCC first implemented the reporting templates referenced in the final rule. See 77 FR 49485 (August 16, 2012) and 77 FR 66663 (November 6, 2012). The OCC uses the data collected to assess the reasonableness of the stress test results of covered institutions and to provide forward-looking information to the OCC regarding a covered institution's capital adequacy. The OCC also may use the

results of the stress tests to determine whether additional analytical techniques and exercises could be appropriate to identify, measure, and monitor risks at the covered institution. The stress test results are expected to support ongoing improvement in a covered institution's stress testing practices with respect to its internal assessments of capital adequacy and overall capital planning.

The OCC recognizes that many covered institutions with total consolidated assets of \$250 billion or more are required to submit reports using Comprehensive Capital Analysis and Review (CCAR) reporting form FR Y-14A.<sup>8</sup> The OCC also recognizes the Board has proposed and implemented modifications to the FR Y-14A and, to the extent practical, the OCC will keep its reporting requirements consistent with the Board's FR Y-14A in order to minimize burden on covered institutions.<sup>9</sup> Therefore, the OCC is proposing to revise its reporting requirements to mirror the Board's FR Y-14A for covered institutions with total consolidated assets of \$250 billion or more.

The OCC's proposed changes include updates to various schedules to reflect the adoption of the tailoring framework used to determine the applicability of regulatory capital requirements to large U.S. banking organizations.<sup>10</sup> Other changes include removing the worksheet for reporting advanced approaches risk-weighted assets and the worksheet for reporting pre-provision net revenue (PPNR) metrics, as well as technical changes to various individual data items. The proposed changes to the OCC's reporting templates do not include data items in the FR Y-14A associated with several capital buffers related ratios, such as the Board's stress capital buffer requirement adopted in 2020.<sup>11</sup> The proposal would remove the OCC Supplemental Schedule, which collects information not collected by the FR Y-14A.

*Type of Review:* Revision.

*Affected Public:* Businesses or other for-profit.

*Estimated Number of Respondents:* 8.  
*Estimated Total Annual Burden:* 4,212 hours.

The OCC believes that the systems covered institutions use to prepare the FR Y-14 reporting templates to submit to the Board will also be used to prepare the reporting templates described in this

notice. Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

**Bao Nguyen,**

*Principal Deputy Chief Counsel, Office of the Comptroller of the Currency.*

[FR Doc. 2021-01883 Filed 1-27-21; 8:45 am]

**BILLING CODE 4810-33-P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### Bureau of the Fiscal Service

#### Prompt Payment Interest Rate; Contract Disputes Act

**AGENCY:** Fiscal Service, Bureau of the Fiscal Service, Treasury.

**ACTION:** Notice of Prompt Payment Interest Rate; Contract Disputes Act.

**SUMMARY:** For the period beginning January 1, 2021, and ending on June 30, 2021, the prompt payment interest rate is  $\frac{7}{8}$  per centum per annum.

**DATES:** Applicable January 1, 2021, to June 30, 2021.

**ADDRESSES:** Comments or inquiries may be mailed to: E-Commerce Division, Bureau of the Fiscal Service, 401 14th Street SW, Room 306F, Washington, DC 20227. Comments or inquiries may also be emailed to [PromptPayment@fiscal.treasury.gov](mailto:PromptPayment@fiscal.treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Thomas M. Burnum, E-Commerce Division, (202) 874-6430; or Thomas Kearns, Senior Counsel, Office of the Chief Counsel, (202) 874-7036.

**SUPPLEMENTARY INFORMATION:** An agency that has acquired property or service from a business concern and has failed

<sup>2</sup> Public Law 111-203, 124 Stat. 1376, July 2010.

<sup>3</sup> 12 U.S.C. 5365(i)(2)(A).

<sup>4</sup> 12 U.S.C. 5301(12).

<sup>5</sup> 12 U.S.C. 5365(i)(2)(C).

<sup>6</sup> 12 U.S.C. 5365(i)(2)(B).

<sup>7</sup> 77 FR 61238 (October 9, 2012) (codified at 12 CFR part 46).

<sup>8</sup> <http://www.federalreserve.gov/reportforms>.

<sup>9</sup> 85 FR 56607 (Sept. 14, 2020); 85 FR 63222 (Oct. 7, 2020).

<sup>10</sup> 84 FR 59232 (Nov. 1, 2019).

<sup>11</sup> 85 FR 15576 (March 18, 2020).

to pay for the complete delivery of property or service by the required payment date shall pay the business concern an interest penalty. 31 U.S.C. 3902(a). The Contract Disputes Act of 1978, Sec. 12, Public Law 95-563, 92 Stat. 2389, and the Prompt Payment Act, 31 U.S.C. 3902(a), provide for the calculation of interest due on claims at the rate established by the Secretary of the Treasury.

The Secretary of the Treasury has the authority to specify the rate by which the interest shall be computed for interest payments under section 12 of the Contract Disputes Act of 1978 and under the Prompt Payment Act. Under the Prompt Payment Act, if an interest penalty is owed to a business concern, the penalty shall be paid regardless of whether the business concern requested payment of such penalty. 31 U.S.C. 3902(c)(1). Agencies must pay the interest penalty calculated with the interest rate, which is in effect at the time the agency accrues the obligation to pay a late payment interest penalty. 31 U.S.C. 3902(a). "The interest penalty shall be paid for the period beginning on the day after the required payment date and ending on the date on which payment is made." 31 U.S.C. 3902(b).

Therefore, notice is given that the Secretary of the Treasury has determined that the rate of interest applicable for the period beginning January 1, 2021, and ending on June 30, 2021, is  $\frac{7}{8}$  per centum per annum.

**Timothy E. Gribben,**

*Commissioner, Bureau of the Fiscal Service.*

[FR Doc. 2021-01681 Filed 1-27-21; 8:45 am]

**BILLING CODE 4810-AS-P**

**DEPARTMENT OF THE TREASURY**

**Office of Foreign Assets Control**

**Notice of OFAC Sanctions Action**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more individuals, entities, and vessels that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:**

OFAC: Andrea Gacki, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; or Assistant Director for Regulatory Affairs, tel.: 202-622-4855.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

**Notice of OFAC Action(s)**

On January 15, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following individuals and entities are blocked pursuant to the relevant sanctions authorities below.

*Individuals*

1. APIKIAN, Philipp Paul Vartan; DOB 15 Jan 1969; POB Geneva, Switzerland; citizen Switzerland; Gender Male; Passport X0062329 (Switzerland) issued 27 Feb 2012 expires 26 Feb 2022 (individual) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of Executive Order 13850 of November 1, 2018, "Blocking Property of Additional Persons Contributing to the Situation in Venezuela," 83 FR 55243, 3 CFR, 2019 Comp., p. 881 (E.O. 13850), as amended by Executive Order 13857 of January 25, 2019, "Taking Additional Steps To Address the National Emergency With Respect to Venezuela," 84 FR 509 (E.O. 13857), for having acted or purported to act for or on behalf of, directly or indirectly, SWISSOIL TRADING SA, a person whose property and interests in property are blocked pursuant to E.O. 13850.

2. BAZZONI, Alessandro, Via Cantonale 8, Lugano 6900, Switzerland; DOB 09 Jul 1971; POB Milan, Italy; citizen Italy; Gender Male; Passport YA9636063 (Italy) issued 12 Jul 2016 expires 11 Jul 2026 (individual) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(i) and 1(a)(iii) of E.O. 13850, as amended by E.O. 13857, for operating in the oil sector of the Venezuelan economy and materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services to or in support of PdVSA, a person whose property and interests in property are blocked pursuant to E.O. 13850.

3. D'AGOSTINO CASADO, Francisco Javier, Calle El Parque. Res. Campo Alegre Plaza, Piso 5. Urb. Campo Alegre, Caracas, Miranda 1060, Venezuela; DOB 02 Jun 1974; POB Caracas, Venezuela; nationality Spain; citizen Spain; alt. citizen Venezuela; Gender Male; Cedula No. V-11307398 (Venezuela);

Passport XDC221294 (Spain) issued 18 Sep 2015 expires 11 Jul 2018; National ID No. R.E. 201000798316 (Spain) (individual) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(i) and 1(a)(iii) of E.O. 13850, as amended by E.O. 13857, for operating in the oil sector of the Venezuelan economy and materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services to or in support of PdVSA, a person whose property and interests in property are blocked pursuant to E.O. 13850.

*Entities*

1. 82 ELM REALTY LLC, 450 Park Avenue, Ste 1403, New York, NY 10022, United States; Company Number 3848561 (New York) (United States) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by D'AGOSTINO CASADO, Francisco Javier, a person whose property and interests in property are blocked pursuant to E.O. 13850.

2. AMG S.A.S. DI ALESSANDRO BAZZONI & C. (a.k.a. AMG S.A.S. DI ALESSANDRO BAZZONI AND C.; a.k.a. AMG S.A.S. DI ALESSANDRO BAZZONI E C.), Via Sottomonte 5, Verona 37124, Italy; V.A.T. Number IT02483560237 (Italy) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by BAZZONI, Alessandro, a person whose property and interests in property are blocked pursuant to E.O. 13850.

3. CATALINA HOLDINGS CORP., New York, NY 10107-1706, United States; Company Number 3934472 (New York) (United States) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by D'AGOSTINO CASADO, Francisco Javier, a person whose property and interests in property are blocked pursuant to E.O. 13850.

4. D'AGOSTINO & COMPANY, LTD (a.k.a. D'AGOSTINO AND COMPANY, LTD), Torre Dayco, Piso PH, Caracas, Venezuela; Organization Type: Other financial service activities, except insurance and pension funding activities, n.e.c. [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by D'AGOSTINO CASADO, Francisco Javier, a person whose property and interests in property are blocked pursuant to E.O. 13850.

5. ELEMENT CAPITAL ADVISORS LTD, Avenida Federico Boyd con Calle 49, Edificio Alfaro Piso 4 Oficina 4-A, Apartado 0832-00998, Panama City, Panama; Virgin Islands, British; website [www.element-capital.com](http://www.element-capital.com); Nationality of Registration Virgin Islands, British; Organization Type: Other financial service activities, except insurance and pension funding activities, n.e.c.; Company Number 1476279 (Virgin Islands, British) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by D'AGOSTINO

CASADO, Francisco Javier, a person whose property and interests in property are blocked pursuant to E.O. 13850.

6. ELEMENTO LTD, 35 Strait Street, Valletta VLT 1434, Malta; 85 St. John Street, Valletta MT-VLT1165, Malta; Norway; website [www.elemento.com.mt](http://www.elemento.com.mt); Company Number C 72520 (Malta); alt. Company Number 920167667 (Norway) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(i) and 1(a)(iii) of E.O. 13850, as amended by E.O. 13857, for operating in the oil sector of the Venezuelan economy and materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services to or in support of PdVSA, a person whose property and interests in property are blocked pursuant to E.O. 13850.

7. ELEMENTO OIL & GAS LTD (a.k.a. ELEMENTO OIL AND GAS LTD), 35 Strait Street, Valletta VLT 1434, Malta; Company Number C 73377 (Malta) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by BAZZONI, Alessandro, a person whose property and interests in property are blocked pursuant to E.O. 13850.

8. ELEMENTO SOLUTIONS LIMITED, 12 Hay Hill, London W1J 8NR, United Kingdom; Company Number 10289741 (United Kingdom) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by ELEMENTO LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13850.

9. JAMBANYANI SAFARIS, 364 Gibson Road, Victoria Falls, Zimbabwe; P.O. Box 155, Victoria Falls, Zimbabwe; website [www.jambanyani.com](http://www.jambanyani.com); Organization Established Date 28 Sep 2019; Organization Type: Tour operator activities [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by D'AGOSTINO CASADO, Francisco Javier, a person whose property and interests in property are blocked pursuant to E.O. 13850.

10. SERIGRAPHICLAB DI BAZZONI ALESSANDRO, Via Amsicora 46, Porto Torres 07046, Italy; V.A.T. Number 02732450909 (Italy) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(iv) of E.O. 13850, as amended by E.O. 13857, for being owned or controlled by BAZZONI, Alessandro, a person whose property and interests in property are blocked pursuant to E.O. 13850.

11. SWISSOIL TRADING SA, Rue Pierre-Fatio 15, Geneva 1204, Switzerland; website <https://www.swissoil.trading/>; V.A.T. Number CHE-104.851.121 (Switzerland) [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(i) and 1(a)(iii) of E.O. 13850, as amended by E.O. 13857, for operating in the oil sector of the Venezuelan economy and materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services to or in support of PdVSA,

a person whose property and interests in property are blocked pursuant to E.O. 13850.

12. FIDES SHIP MANAGEMENT LLC (a.k.a. TOVARYSTVO Z OBMEZHENOYU VIDPOVIDALNISTYU FIDES SHYP MENEDZHMENT), Bud.42,VUL.MARSELSKA Suvorovsky R-N, Odessa 65123, Ukraine; Organization Established Date 01 Jan 2015 to 31 Dec 2015; Organization Type: Activities of holding companies; alt. Organization Type: Sea and coastal freight water transport [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(i) of E.O. 13850, as amended by E.O. 13857, for operating in the oil sector of the Venezuelan economy.

13. INSTITUTO NACIONAL DE LOS ESPACIOS ACUATICOS E INSULARES (a.k.a. "INEA"), Av. Orinoco, Edificio I.N.E.A., Caracas, Venezuela; Identification Number IMO 4166811 [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(i) of E.O. 13850, as amended by E.O. 13857, for operating in the oil sector of the Venezuelan economy.

14. RUSTANKER LLC, ul Lenina 32, Temryuk, Krasnodarskiy Krai 353500, Russia; Identification Number IMO 6166689 [VENEZUELA-EO13850].

Designated pursuant to section 1(a)(i) of E.O. 13850, as amended by E.O. 13857, for operating in the oil sector of the Venezuelan economy.

On January 15, 2021 OFAC also identified the following vessels as property in which a blocked person has an interest under the relevant sanctions authority listed below:

#### Vessels

1. BALIAR Crude/Oil Products Tanker Liberia flag; Vessel Registration Identification IMO 9192258 (vessel) [VENEZUELA-EO13850] (Linked To: FIDES SHIP MANAGEMENT LLC).

Identified pursuant to E.O. 13850, as amended by E.O. 13857, as property in which FIDES SHIP MANAGEMENT LLC, a person whose property and interest in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857, has an interest.

2. BALITA (f.k.a. ANGLIA) Crude/Oil Products Tanker Cameroon flag; Vessel Registration Identification IMO 9176773 (vessel) [VENEZUELA-EO13850] (Linked To: FIDES SHIP MANAGEMENT LLC).

Identified pursuant to E.O. 13850, as amended by E.O. 13857, as property in which FIDES SHIP MANAGEMENT LLC, a person whose property and interest in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857, has an interest.

3. DOMANI (f.k.a. GERD KNUTSEN) Shuttle Tanker Cameroon flag; Vessel Registration Identification IMO 9041057 (vessel) [VENEZUELA-EO13850] (Linked To: FIDES SHIP MANAGEMENT LLC).

Identified pursuant to E.O. 13850, as amended by E.O. 13857, as property in which FIDES SHIP MANAGEMENT LLC, a person whose property and interest in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857, has an interest.

4. FREEDOM (f.k.a. MAGUS) Crude Oil Tanker Cameroon flag; Vessel Registration Identification IMO 9018464 (vessel) [VENEZUELA-EO13850] (Linked To: FIDES SHIP MANAGEMENT LLC).

Identified pursuant to E.O. 13850, as amended by E.O. 13857, as property in which FIDES SHIP MANAGEMENT LLC, a person whose property and interest in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857, has an interest.

5. MAKSIM GORKY (f.k.a. MAXIMO GORKI) Crude Oil Tanker Russia flag; Vessel Registration Identification IMO 9590008 (vessel) [VENEZUELA-EO13850] (Linked To: INSTITUTO NACIONAL DE LOS ESPACIOS ACUATICOS E INSULARES (INEA)).

Identified pursuant to E.O. 13850, as amended by E.O. 13857, as property in which INSTITUTO NACIONAL DE LOS ESPACIOS ACUATICOS E INSULARES (INEA), a person whose property and interest in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857, has an interest.

6. SIERRA (f.k.a. SIENNA) Crude/Oil Products Tanker Russia flag; Vessel Registration Identification IMO 9147447 (vessel) [VENEZUELA-EO13850] (Linked To: RUSTANKER LLC).

Identified pursuant to E.O. 13850, as amended by E.O. 13857, as property in which RUSTANKER LLC, a person whose property and interest in property are blocked pursuant to E.O. 13850, as amended by E.O. 13857, has an interest.

Dated: January 15, 2021.

**Andrea Gacki,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2021-01853 Filed 1-27-21; 8:45 am]

**BILLING CODE 4810-AL-P**

## DEPARTMENT OF THE TREASURY

### Proposed Collection; Comment Request

**AGENCY:** Departmental Offices; Department of the Treasury.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on the revision of a currently approved information collection that is to be proposed for approval by the Office of Management and Budget. The Office of International Affairs of the Department of the Treasury is soliciting comments concerning Treasury International Capital Form SLT, "Aggregate Holdings, Purchases and Sales, and Fair Value Changes of Long-Term Securities by U.S. and Foreign Residents." The proposed expanded SLT data collection will be effective for reports beginning as of February 2022. Until that effective date, the currently approved Form SLT and instructions will continue to be effective without change.

**DATES:** Written comments should be received on or before March 29, 2021 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 1050, 1500 Pennsylvania Avenue NW, Washington, DC 20220. In view of possible delays in mail delivery, please also notify Mr. Wolkow by email ([comments2TIC@treasury.gov](mailto:comments2TIC@treasury.gov)), or telephone (cell: 202-923-0518).

**FOR FURTHER INFORMATION CONTACT:** Dwight Wolkow at 202-923-0518. Copies of the proposed forms and instructions are available on the Treasury's TIC Forms web page, <https://www.treasury.gov/resource-center/data-chart-center/tic/Pages/forms-slt.aspx>. Requests for additional information should be directed to Mr. Wolkow.

**SUPPLEMENTARY INFORMATION:**

*Title:* Treasury International Capital Form SLT, "Aggregate Holdings, Purchases and Sales, and Fair Value Changes of Long-Term Securities by U.S. and Foreign Residents."

*OMB Control Number:* 1505-0235.

*Abstract:* Form SLT is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR 128), and is designed to collect timely information on international portfolio capital movements. Form SLT is a monthly report on cross-border portfolio investment in long-term marketable securities by U.S. and foreign residents. This information is used by the U.S. Government in the formulation of international financial and monetary policies and for the preparation of the U.S. balance of payments accounts and the U.S. international investment position.

*Current Actions:* (1) Justification: One important aim of this revision of the SLT data collection is to create, for the first time, a data collection of "changes in fair value" for the TIC securities data. Users of TIC data often compare the change in the holdings of long-term securities reported on the Form SLT, with the net purchases (purchases less sales) of long-term securities reported on the Form S. There is general agreement that the difference between the change in holding and the net purchases is due largely to the change in fair value of the securities, with less important factors making up the remainder of the difference. In mathematical terms, "Change in holdings" equals "purchases less sales" plus "change in fair value" plus "other factors". Different assessments between

TIC data users often arise because each one has to create their own estimates of the "change in fair value" despite lacking detailed information on the holdings of, and transactions in, the many securities in the TIC system. Another aim of this revision of the SLT data collection is to obtain the three main data types (holdings, purchases and sales, and change in fair value) from the same source. The result should greatly improve the connections between the holdings data and the purchases and sales data and the "change in fair value" data. Lastly, while there is an increase in the reporting burden on custodians from the revision of the SLT, after 2022 it is expected that this increase in burden will be significantly offset by the decrease in burden when the Form S is discontinued. (2) No changes are made in the collection of holdings data; *i.e.*, no changes are made in the columns and rows of the Form SLT or in the instructions regarding the holdings of long-term securities. In both the current and revised Form SLT there are eleven such columns covering three types of foreign securities and four types of U.S. securities, where for each type of U.S. security there is a column for foreign-official-held and a separate column for other-foreign-held. (3) To accomplish the aims in (1) above, both the Form SLT and the instructions are expanded to add the collection of data on the total change in the fair (market) value over the month for all securities held at the end of the month for each type of long-term security. In the Form SLT, one column is added for each of the 11 columns of holdings mentioned in (2) above; in the instructions, sections II.F.4 and III.G are added. (4) To accomplish the aims in (1) above, both the Form SLT and the instructions are expanded to add the collection of data on U.S. purchases and U.S. sales of long-term securities by U.S.-residents with foreign-residents; in the Form SLT, two columns are added for each of the 11 columns of holdings mentioned in (2) above; in the instructions, sections II.F.3, II.F.5, III.E and III.F are added. (5) Note that while purchases and sales in the revised SLT data collection appear to be generally the same as in the Form S data collection, there are three important differences: (i) Purchases and sales in the Form SLT are reported by the custodian or issuer or end-investor that is also reporting the holdings, while in the Form S purchases and sales are reported by a trader (*e.g.*, broker-dealer, prime broker, principal trading firm); (ii) the Form SLT data are recorded from the U.S. point of view, while the Form

S data are recorded from the foreign point-of-view (*e.g.*, Form SLT "purchases" are made by U.S. residents from foreign-residents, whereas Form S "purchases" are made by foreign-residents from U.S.-residents); and (iii) purchases and sales of foreign securities in Form SLT are recorded opposite the foreign country that issued the security, whereas the Form S data are recorded opposite the country that purchased or sold the security. The Form SLT data are much more informative about U.S. claims on individual foreign countries. (6) The revised Form SLT no longer has Parts A and B, where previously a custodian reported data in part A and an issuer and/or end-investor reported data in part B. In the revised Form SLT the reporting firm must check one or both of the two boxes in the top-center section of the cover page to specify whether the data is from a custodian or from an issuer and/or end-investor or from both; see II.A in the instructions. So a firm that reports data for both a custodian and an issuer/end-user can combine both types of data into one report, and no longer needs to report them separately in part A and part B. (7) To allow time for respondents to revise their reporting systems, the revised form and instructions are scheduled to become effective for reports as of February 2022. (8) Until the revised form becomes effective in 2022, the currently-approved Form SLT and instructions will continue to be in effect. (9) The name of the revised Form SLT on the cover page and elsewhere is expanded to "Aggregate Holdings, Purchases and Sales, and Fair Value Changes of Long-Term Securities by U.S. and Foreign Residents." Added on the cover page under the name, is the phrase "Effective for reports beginning as of February 2022". (10) After the revised Form SLT becomes effective in February 2022, there will be a duplication of the Purchase and Sales data with the Form S for roughly six months. This period of overlap for comparison of the two sources of data will allow the agencies to make any necessary adjustments to the revised Form SLT and/or instructions. After the six month overlap period ends, and if the purchases and sales data from the revised Form SLT are acceptable, then the Form S will be discontinued. (11) Some other clarifications and format changes may be made to improve the instructions.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Business or other for-profit organizations. Form SLT (1505-0235).

*Estimated Number of Respondents:* 438.

*Estimated Average Time per Respondent:* Average 11.7 hours per respondent per filing. The estimated average burden per respondent varies widely, from about 21.6 hours per filing for a U.S.-resident custodian to about 9.3 hours for a U.S.-resident issuer or U.S.-resident end-investor.

*Estimated Total Annual Burden Hours:* 61,722 hours, based on 12 reporting periods per year.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: (a) Whether Form SLT is necessary for the proper performance of the functions of the Office, including whether the information will have practical uses; (b) the accuracy of the above estimate of the burdens; (c) ways to enhance the quality, usefulness and clarity of the information to be collected; (d) ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and (e) estimates of capital or start-up costs of operation, maintenance and purchase of services to provide information.

**Dwight Wolkow,**

*Administrator, International Portfolio Investment Data Reporting Systems.*

[FR Doc. 2021-01880 Filed 1-27-21; 8:45 am]

BILLING CODE 4810-25-P

**DEPARTMENT OF VETERANS AFFAIRS**

[OMB Control No. 2900-0209]

**Agency Information Collection Activity Under OMB Review: Application for Work Study Allowance; Student Work-Study Agreement (Advance Payment); Extended Student Work-Study Agreement; Student Work-Study Agreement**

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of

Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

**DATES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://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. 2900-0209.”

**FOR FURTHER INFORMATION CONTACT:** Danny S. Green, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 421-1354 or email [danny.green2@va.gov](mailto:danny.green2@va.gov). Please refer to “OMB Control No. 2900-0209” in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Authority:* Section 3485 of title 38, United States Code; Section 21.4145 of title 38, Code of Federal Regulations.

*Title:* Application for Work-Study Allowance, Student Work-Study Agreement (Advance Pay), Extended Work-Study Agreement, Student Work-Study Agreement.

*OMB Control Number:* 2900-0209.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* VA uses the information collected to determine the individual’s eligibility for the work-study allowance, the number of hours the individual will work, the amount payable, whether the individual desires an advance payment, and whether the individual wants to extend the work-study contract.

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 85 FR 255 on November 20, 2020, page 74489.

*Affected Public:* Individuals or Households.

*Estimated Annual Burden:* 16,031.

*Estimated Average Burden per Respondent:* 20 minutes.

*Frequency of Response:* Once Annually.

*Estimated Number of Respondents:* 89,817.

By direction of the Secretary.

**Danny S. Green,**

*VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.*

[FR Doc. 2021-01838 Filed 1-27-21; 8:45 am]

BILLING CODE 8320-01-P

**DEPARTMENT OF VETERANS AFFAIRS**

[OMB Control No. 2900-0074]

**Agency Information Collection Activity Under OMB Review: Request for Change of Program or Place of Training**

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

**DATES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://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. 2900-0074.”

**FOR FURTHER INFORMATION CONTACT:** Danny S. Green, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 421-1354 or email [danny.green2@va.gov](mailto:danny.green2@va.gov). Please refer to “OMB Control No. 2900-0074” in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Authority:* 38 U.S.C. 3034, 3241, 3323, 3471, 3691, and 10 U.S.C. 16136(b), 38 CFR 21.4234, 21.7114, 21.7614, 21.1030, 21.5030(c)(2), 21.5292(e)(2), 21.7030, 21.7530 and 21.9510, and Public Law 115-48.

*Title:* Request for Change of Program or Place of Training.

*OMB Control Number:* 2900-0074.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* VA uses the information requested on this form to determine the

applicant's continued eligibility to educational assistance administered by VA when a change of program or place of training occur.

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 85 FR 221 on November 16, 2020, page 73134.

*Affected Public:* Institutions of Higher Learning.

*Estimated Annual Burden:* 57,009.

*Estimated Average Burden per Respondent:* 20 minutes paper; 14 minutes electronic.

*Frequency of Response:* Once.

*Estimated Number of Respondents:* 184,895.

By direction of the Secretary.

**Danny S. Green,**

*VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.*

[FR Doc. 2021-01842 Filed 1-27-21; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Research Advisory Committee on Gulf War Veterans' Illnesses, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet by teleconference on March 10, 2021. The open session will convene at 11:00 a.m. (EST) and end at 2:00 p.m. (EST). The open session will be available to the public by dialing the toll-free telephone number for audio (800) 767-1750; access code 56978# and connecting to Adobe Connect URL for visual: <http://va-eerc-ees.adobeconnect.com/racgwvi-mar2021/>.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia Theater of operations during the Gulf War in 1990-1991.

The Committee will review VA program activities related to Gulf War Veterans' illnesses and updates on relevant scientific research published since the last Committee meeting. This meeting will include presentations from

the 2020 VA-DoD Gulf War Illness State of the Science Conference and recommend next steps.

The meeting will include time reserved for public comments 30 minutes before the meeting closes. Individuals who wish to address the Committee may submit a 1-2 page summary of their comments for inclusion in the official meeting record. Members of the public may submit written statements for the Committee's review or seek additional information by contacting Dr. Karen Block, Designated Federal Officer, at (202) 443-5600, or [Karen.Block@va.gov](mailto:Karen.Block@va.gov).

Dated: January 22, 2021.

**LaTonya L. Small,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2021-01820 Filed 1-27-21; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Solicitation of Nomination for Appointment to the Veterans' Advisory Committee on Rehabilitation

**ACTION:** Notice.

**SUMMARY:** The Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA), is seeking nominations of qualified candidates to be considered for appointment as members of the Veterans' Advisory Committee on Rehabilitation (hereinafter referred to as "the Committee").

**DATES:** Nominations for membership on the Committee must be received by February 8, 2021, no later than 4:00 p.m., eastern standard time. Packages received after this time will not be considered for the current membership cycle.

**ADDRESSES:** All nomination packages should be emailed to the Designated Federal Officer, Latrese Thompson at [Latrese.Thompson@va.gov](mailto:Latrese.Thompson@va.gov).

**SUPPLEMENTARY INFORMATION:** In carrying out the duties set forth, the Committee responsibilities include, but are not limited to, submitting to the Secretary an annual report on the rehabilitation programs and activities of the VA.

**Membership Criteria:** VBA is requesting nominations for upcoming vacancies on the Committee. Members of the Committee are appointed by the Secretary from the general public, including but not limited to:

(1) Veterans with service-connected disabilities;

(2) Persons who have distinguished themselves in the public and private sectors in the fields of rehabilitation medicine, vocational guidance, vocational rehabilitation, and employment and training programs

(3) Ex officio members of the Committee shall include one representative from the Veterans Health Administration and one from the Veterans Benefits Administration; one representative each from the Rehabilitation Services Administration of the Department of Education, and the National Institute for Handicapped Research of the Department of Education; and one representative of the Assistant Secretary for Veterans' Employment and Training of the Department of Labor.

**Authority:** The Committee was established pursuant to 38 U.S.C. 3121, to advise the Secretary of VA with respect to the administration of Veterans' rehabilitation programs. Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications. We ask that nominations include information of this type so that VA can ensure a balanced Committee membership. Individuals appointed to the Committee by the Secretary shall be invited to serve a three-year term. The Secretary may reappoint a member for an additional term of service. In accordance with Federal Travel Regulation, Committee members will receive travel expenses and a per diem allowance for any travel made in association with duties as members of the Committee and within federal travel guidelines. Self-nominations are acceptable. Any letters of nomination from organizations or other individuals should accompany the package when it is submitted. Non-Veterans are also eligible for nomination.

**Requirements for Nomination submission:** Nominations should be typed (one nomination per nominator). Nomination package should include:

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.*, specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating that he/she is a U.S. citizen and is willingness to serve as a member of the Committee;

(2) the nominee's contact information, including name, mailing address, telephone numbers, and email address;

(3) the nominee's curriculum vitae;

(4) a summary of the nominee's experience and qualifications relative to the membership considerations described above; and

(5) a statement confirming that he/she is not a federally-registered lobbyist.

The Department makes every effort to ensure that the membership of VA Federal advisory committees is balanced in terms of points of view represented and the committee's function.

Appointments to this Committee shall be made without discrimination based on a person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or genetic information. Nominations must state that the nominee appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: January 22, 2021.

**LaTonya L. Small,**

*Advisory Committee Management Officer.*

[FR Doc. 2021-01818 Filed 1-27-21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF VETERANS AFFAIRS

### Health Services Research and Development Service Scientific Merit Review Board, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a meeting of the Health Services Research and Development Service Scientific Merit Review Board will be held March 11, 2021, via WebEx. The meeting will be held between noon and 1:00 p.m. EST. The meeting will be partially closed to the public from 12:15-1:00 p.m. EST for the discussion, examination and reference to the research applications and scientific review. Discussions will involve reference to staff and consultant critiques of research proposals. Discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. As provided by Public Law 92-463 subsection 10(d), as amended by Public Law 94-409, closing the committee meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

The objective of the Board is to provide for the fair and equitable selection of the most meritorious

research projects for support by VA research funds and to offer advice for research program officials on program priorities and policies. The ultimate objective of the Board is to ensure the high quality and mission relevance of VA's legislatively mandated Health Services Research and Development program.

Board members advise the Director, Health Services Research and Development Service and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance and the protection of human subjects of Health Services Research and Development proposals. The Board does not consider grants, contracts or other forms of extramural research.

Members of the public who wish to attend the open portion of the teleconference session from 12:00-12:15 p.m. EST may join via WebEx at: <https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=mb034716dbeb422f458d27b50411aabe7>, Meeting Number 199 716 2612; or by phone 1-404-397-1596 USA Toll Number, Access Code 199 716 2612.

Written comments from the public must be sent to Liza Catucci, Designated Federal Officer, Health Services Research and Development Service, Department of Veterans Affairs (14RDH), 810 Vermont Avenue NW, Washington, DC 20420, or to [Liza.Catucci@va.gov](mailto:Liza.Catucci@va.gov) prior to the meeting. Those who plan to attend the open portion of the meeting must contact Ms. Catucci at least five days before the meeting. For further information, please call Ms. Catucci at 202-443-5797.

Dated: January 22, 2021.

**LaTonya L. Small,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2021-01817 Filed 1-27-21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF VETERANS AFFAIRS

### Solicitation of Nomination for Appointment to the Veterans' Rural Health Advisory Committee

**ACTION:** Notice.

**SUMMARY:** The Department of Veterans Affairs (VA), Veterans Health Administration (VHA), is seeking nominations of qualified candidates to be considered for appointment as members of the Veterans' Rural Health Advisory Committee (VRHAC)

(hereinafter referred to as "the VRHAC").

**DATES:** Nominations for membership on the Committee must be received by February 19, 2021, no later than 4:00 p.m., eastern standard time. Packages received after this time will not be considered for the current membership cycle.

**ADDRESSES:** All nomination packages should be emailed to Ms. Judy Bowie, Committee Manager at [judy.bowie@va.gov](mailto:judy.bowie@va.gov) and cc: Dr. Thomas Klobucar, Designated Federal Officer at [Thomas.Klobucar@va.gov](mailto:Thomas.Klobucar@va.gov).

**SUPPLEMENTARY INFORMATION:** In carrying out the duties set forth, the Committee responsibilities include, but are not limited to,

- Providing a letter to the Secretary and Congress outlining recommendations to improve and enhance VA's delivery of services to rural Veterans.
- Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts in providing access to healthcare, outreach and education services offered to rural Veterans.
- Making annual site visits and holding town hall meetings with Veterans to address their concerns.

Management and support services for the Committee are provided by the Office of Rural Health (ORH).

**Authority:** The Committee was established pursuant to 38 U.S.C. 3121, to advise the Secretary through the Under Secretary for Health on ways to improve and enhance access to VA healthcare services for enrolled Veterans residing in rural areas by reviewing current program activities and identifying barriers to accessing care and services.

**Membership Criteria:** The VRHAC is requesting nominations for upcoming vacancies on the Committee. The committee is composed of 12 members, in addition to ex-officio members. As required by statute, the members of the Committee are appointed by the Secretary from the general public, including, but not limited to:

- Representatives of Veterans Service Organizations.
- Persons who have distinguished themselves in the public, academic affiliation, community healthcare organizations, and private sector.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications. We ask that nominations include information of this type so that VA can ensure a balanced Committee membership. Individuals appointed to

the Committee by the Secretary shall be invited to serve a three-year term. The Secretary may reappoint a member for an additional term of service. In accordance with Federal Travel Regulation, Committee members will receive travel expenses and a per diem allowance for any travel made in association with duties as members of the Committee and within federal travel guidelines. Self-nominations are acceptable. Any letters of nomination from organizations or other individuals should accompany the package when it is submitted. Non-Veterans are also eligible for nomination.

*Requirements for Nomination submission:* Nominations should be typed (one nomination per nominator). Nomination package should include:

[https://www.ruralhealth.va.gov/docs/VRHAC-Application-Form\\_7-31-18.pdf](https://www.ruralhealth.va.gov/docs/VRHAC-Application-Form_7-31-18.pdf).

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.*, specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating that he/she is a U.S. citizen and is willing to serve as a member of the Committee;

(2) the nominee's contact information, including name, mailing address, telephone numbers, and email address;

(3) the nominee's curriculum vitae;

(4) letters of recommendation are accepted; and

(5) a statement confirming that he/she is not a federally-registered lobbyist.

The Department makes every effort to ensure that the membership of VA

Federal advisory committees is balanced in terms of points of view represented and the committee's function.

Appointments to this Committee shall be made without discrimination based on a person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or genetic information. Nominations must state that the nominee appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: January 22, 2021.

**LaTonya L. Small,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2021-01822 Filed 1-27-21; 8:45 am]

**BILLING CODE P**



# FEDERAL REGISTER

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## Part II

### The President

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Proclamation 10143—Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019

Executive Order 14004—Enabling All Qualified Americans To Serve Their Country in Uniform

Executive Order 14005—Ensuring the Future Is Made in All of America by All of America's Workers

Memorandum of January 21, 2021—Memorandum To Extend Federal Support to Governors' Use of the National Guard To Respond to COVID-19 and To Increase Reimbursement and Other Assistance Provided to States



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# Presidential Documents

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Title 3—

Proclamation 10143 of January 25, 2021

The President

## Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019

By the President of the United States of America

### A Proclamation

The Federal Government must act swiftly and aggressively to combat coronavirus disease 2019 (COVID–19). The national emergency caused by the COVID–19 outbreak in the United States continues to pose a grave threat to our health and security. As of January 20, 2021, the United States had experienced more than 24 million confirmed COVID–19 cases and more than 400,000 COVID–19 deaths. It is the policy of my Administration to implement science-based public health measures, across all areas of the Federal Government, to prevent further spread of the disease.

The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services, working in close coordination with the Department of Homeland Security, has determined that the Republic of South Africa is experiencing widespread, ongoing person-to-person transmission of SARS–CoV–2, the virus that causes COVID–19, including a variant strain of the virus known as B.1.351. The World Health Organization has reported that the Republic of South Africa has over 1,400,000 confirmed cases of COVID–19. Another variant strain, known as B.1.1.7, is widely circulating and has been traced to the United Kingdom. Furthermore, a third variant strain, which is known as B.1.1.28.1 and may impact the potential for re-infection, has been identified in Brazil. Based on developments with respect to the variants and the continued spread of the disease, CDC has reexamined its policies on international travel and, after reviewing the public health situations within the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), the Republic of Ireland, the Federative Republic of Brazil, and the Republic of South Africa, has concluded that continued and further measures are required to protect the public health from travelers entering the United States from those jurisdictions.

In my Executive Order of January 21, 2021, entitled “Promoting COVID–19 Safety in Domestic and International Travel,” I directed the Secretary of Health and Human Services, including through the Director of CDC, and in coordination with the Secretary of Transportation (including through the Administrator of the Federal Aviation Administration) and the Secretary of Homeland Security (including through the Administrator of the Transportation Security Administration), to further examine certain current public health precautions for international travel and take additional appropriate regulatory action, to the extent feasible and consistent with CDC guidelines and applicable law.

While that review continues, and given the determination of CDC, working in close coordination with the Department of Homeland Security, described above, I have determined that it is in the interests of the United States to take action to restrict and suspend the entry into the United States, as immigrants or nonimmigrants, of noncitizens of the United States (“non-citizens”) who were physically present within the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), the Republic

of Ireland, the Federative Republic of Brazil, and the Republic of South Africa during the 14-day period preceding their entry or attempted entry into the United States.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

**Section 1. *Suspension and Limitation on Entry.*** (a) The entry into the United States, as immigrants or nonimmigrants, of noncitizens who were physically present within the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), the Republic of Ireland, and the Federative Republic of Brazil during the 14-day period preceding their entry or attempted entry into the United States, is hereby suspended and limited subject to section 2 of this proclamation.

(b) The entry into the United States, as immigrants or nonimmigrants, of noncitizens who were physically present within the Republic of South Africa during the 14-day period preceding their entry or attempted entry into the United States, is hereby suspended and limited subject to section 2 of this proclamation.

**Sec. 2. *Scope of Suspension and Limitation on Entry.***

(a) Section 1 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any noncitizen national of the United States;

(iii) any noncitizen who is the spouse of a U.S. citizen or lawful permanent resident;

(iv) any noncitizen who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;

(v) any noncitizen who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;

(vi) any noncitizen who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;

(vii) any noncitizen traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;

(viii) any noncitizen traveling as a nonimmigrant pursuant to a C-1, D, or C-1/D nonimmigrant visa as a crewmember or any noncitizen otherwise traveling to the United States as air or sea crew;

(ix) any noncitizen

(A) seeking entry into or transiting the United States pursuant to one of the following visas: A-1, A-2, C-2, C-3 (as a foreign government official or immediate family member of an official), E-1 (as an employee of TECRO or TECO or the employee's immediate family members), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 (or seeking to enter as a nonimmigrant in one of those NATO categories); or

(B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;

(x) any noncitizen who is a member of the U.S. Armed Forces and any noncitizen who is a spouse or child of a member of the U.S. Armed Forces;

(xi) any noncitizen whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee; or

(xii) any noncitizen whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

**Sec. 3. *Implementation and Enforcement.*** (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation 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.

(b) The Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall ensure that any noncitizen subject to this proclamation does not board an aircraft traveling to the United States, to the extent permitted by law.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.

(d) Where a noncitizen circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry, the Secretary of Homeland Security shall consider prioritizing such noncitizen for removal.

**Sec. 4. *Termination.*** This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall, as circumstances warrant and no more than 30 days after the date of this proclamation and by the final day of each calendar month thereafter, recommend whether the President should continue, modify, or terminate this proclamation.

**Sec. 5. *Amendment.*** Section 5 of Proclamation 9984 of January 31, 2020 (Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk), and section 5 of Proclamation 9992 of February 29, 2020 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus), are each amended to read as follows:

“**Sec. 5. *Termination.*** This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall, as circumstances warrant and no more than 30 days after the date of the Proclamation of January 25, 2021, entitled “Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019,” and by the final day of each calendar month thereafter, recommend whether the President should continue, modify, or terminate this proclamation.”

**Sec. 6. *Effective Dates.*** (a) The suspension and limitation on entry set forth in section 1(a) of this proclamation is effective at 12:01 a.m. eastern standard time on January 26, 2021. The suspension and limitation on entry set forth in section 1(a) of this proclamation does not apply to persons aboard a

flight scheduled to arrive in the United States that departed prior to 12:01 a.m. eastern standard time on January 26, 2021.

(b) The suspension and limitation on entry set forth in section 1(b) of this proclamation is effective at 12:01 a.m. eastern standard time on January 30, 2021. The suspension and limitation on entry set forth in section 1(b) of this proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 12:01 a.m. eastern standard time on January 30, 2021.

**Sec. 7. Severability.** It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

**Sec. 8. General Provisions.** (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

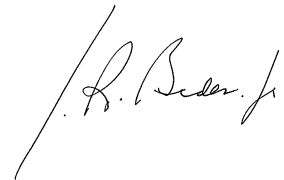
(i) the authority granted by law to an executive department or agency, or the head thereof; or

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

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

(c) This proclamation 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.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of January, 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-fifth.



## Presidential Documents

Executive Order 14004 of January 25, 2021

### Enabling All Qualified Americans To Serve Their Country in Uniform

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Policy.** All Americans who are qualified to serve in the Armed Forces of the United States (“Armed Forces”) should be able to serve. The All-Volunteer Force thrives when it is composed of diverse Americans who can meet the rigorous standards for military service, and an inclusive military strengthens our national security.

It is my conviction as Commander in Chief of the Armed Forces that gender identity should not be a bar to military service. Moreover, there is substantial evidence that allowing transgender individuals to serve in the military does not have any meaningful negative impact on the Armed Forces. To that end, in 2016, a meticulous, comprehensive study requested by the Department of Defense found that enabling transgender individuals to serve openly in the United States military would have only a minimal impact on military readiness and healthcare costs. The study also concluded that open transgender service has had no significant impact on operational effectiveness or unit cohesion in foreign militaries.

On the basis of this information, the Secretary of Defense concluded in 2016 that permitting transgender individuals to serve openly in the military was consistent with military readiness and with strength through diversity, such that transgender service members who could meet the required standards and procedures should be permitted to serve openly. The Secretary of Defense also concluded that it was appropriate to create a process that would enable service members to take steps to transition gender while serving.

The previous administration chose to alter that policy to bar transgender persons, in almost all circumstances, from joining the Armed Forces and from being able to take steps to transition gender while serving. Rather than relying on the comprehensive study by a nonpartisan federally funded research center, the previous administration relied on a review that resulted in a policy that set unnecessary barriers to military service. It is my judgment that the Secretary of Defense’s 2016 conclusions remain valid, as further demonstrated by the fact that, in 2018, the then-serving Chief of Staff of the Army, Chief of Naval Operations, Commandant of the Marine Corps, and Chief of Staff of the Air Force all testified publicly to the Congress that they were not aware of any issues of unit cohesion, disciplinary problems, or issues of morale resulting from open transgender service. A group of former United States Surgeons General, who collectively served under Democratic and Republican Presidents, echoed this point, stating in 2018 that “transgender troops are as medically fit as their non-transgender peers and that there is no medically valid reason—including a diagnosis of gender dysphoria—to exclude them from military service or to limit their access to medically necessary care.”

Therefore, it shall be the policy of the United States to ensure that all transgender individuals who wish to serve in the United States military and can meet the appropriate standards shall be able to do so openly and free from discrimination.

**Sec. 2. *Revocation.*** The Presidential Memorandum of March 23, 2018 (Military Service by Transgender Individuals), is hereby revoked, and the Presidential Memorandum of August 25, 2017 (Military Service by Transgender Individuals), remains revoked.

**Sec. 3. *Agency Roles and Responsibilities.*** In furtherance of the policy described in section 1 of this order, I hereby direct the following:

(a) The Secretary of Defense, and Secretary of Homeland Security with respect to the Coast Guard, shall, after consultation with the Joint Chiefs of Staff about how best to implement this policy and consistent with applicable law, take all necessary steps to ensure that all directives, orders, regulations, and policies of their respective departments are consistent with this order. These steps shall include establishing a process by which transgender service members may transition gender while serving, along with any further steps that the Secretary of Defense and Secretary of Homeland Security deem appropriate to advance the policy described in section 1 of this order.

(b) The Secretary of Defense shall:

(i) immediately prohibit involuntary separations, discharges, and denials of reenlistment or continuation of service on the basis of gender identity or under circumstances relating to their gender identity;

(ii) identify and examine the records of service members who have been involuntarily separated, discharged, or denied reenlistment or continuation of service on the basis of gender identity or under circumstances relating to their gender identity;

(iii) issue guidance to the Secretaries of each military department regarding the correction of the military records of individuals described in subsection (b)(ii) of this section as necessary to remove an injustice, pursuant to section 1552(a) of title 10, United States Code, to the extent permitted by law; and

(iv) direct the Secretaries of each military department to provide supplemental guidance, subject to the approval of the Secretary, to the boards for the correction of military records, instructing such boards on how to review applications for the correction of records of individuals described in subsection (b)(ii) of this section. Where appropriate, the department concerned shall offer such individuals an opportunity to rejoin the military should they wish to do so and meet the current entry standards.

(c) The Secretary of Homeland Security with respect to the Coast Guard shall:

(i) immediately prohibit involuntary separations, discharges, and denials of reenlistment or continuation of service, on the basis of gender identity or under circumstances relating to their gender identity;

(ii) identify and examine the records of service members who have been involuntarily separated, discharged, or denied reenlistment or continuation of service, on the basis of gender identity or under circumstances relating to their gender identity;

(iii) issue guidance regarding the correction of the military records of individuals described in subsection (c)(ii) of this section as necessary to remove an injustice, pursuant to section 1552(a) of title 10, United States Code, to the extent permitted by law; and

(iv) provide supplemental guidance to the Board for Correction of Military Records of the Coast Guard, instructing the Board on how to review applications for the correction of records of individuals described in subsection (c)(ii) of this section. Where appropriate, the Secretary of Homeland Security shall offer such individuals an opportunity to rejoin the Coast Guard should they wish to do so and meet the current entry standards.

(d) The Secretary of Defense and the Secretary of Homeland Security shall report to me within 60 days of the date of this order on their progress in implementing the directives in this order and the policy described in section 1 of this order.

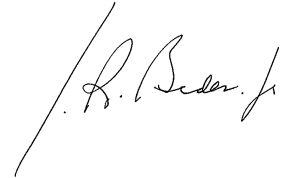
**Sec. 4. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(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,  
*January 25, 2021.*

## Presidential Documents

Executive Order 14005 of January 25, 2021

### Ensuring the Future Is Made in All of America by All of America's Workers

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Policy.** It is the policy of my Administration that the United States Government should, consistent with applicable law, use terms and conditions of Federal financial assistance awards and Federal procurements to maximize the use of goods, products, and materials produced in, and services offered in, the United States. The United States Government should, whenever possible, procure goods, products, materials, and services from sources that will help American businesses compete in strategic industries and help America's workers thrive. Additionally, to promote an accountable and transparent procurement policy, each agency should vest waiver issuance authority in senior agency leadership, where appropriate and consistent with applicable law.

**Sec. 2. Definitions.** (a) "Agency" means any authority of the United States that is an "agency" under section 3502(1) of title 44, United States Code, other than those considered to be independent regulatory agencies, as defined in section 3502(5) of title 44, United States Code.

(b) "Made in America Laws" means all statutes, regulations, rules, and Executive Orders relating to Federal financial assistance awards or Federal procurement, including those that refer to "Buy America" or "Buy American," that require, or provide a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, and manufactured goods offered in the United States. Made in America Laws include laws requiring domestic preference for maritime transport, including the Merchant Marine Act of 1920 (Public Law 66-261), also known as the Jones Act.

(c) "Waiver" means an exception from or waiver of Made in America Laws, or the procedures and conditions used by an agency in granting an exception from or waiver of Made in America Laws.

**Sec. 3. Review of Agency Action Inconsistent with Administration Policy.**

(a) The head of each agency shall, as soon as practicable and as appropriate and consistent with applicable law, including the Administrative Procedure Act, consider suspending, revising, or rescinding those agency actions that are inconsistent with the policy set forth in section 1 of this order.

(b) The head of each agency shall, as soon as practicable and as appropriate and consistent with applicable law, including the Administrative Procedure Act, consider proposing any additional agency actions necessary to enforce the policy set forth in section 1 of this order.

**Sec. 4. Updating and Centralizing the Made in America Waiver Process.**

(a) The Director of the Office of Management and Budget (OMB) shall establish within OMB the Made in America Office. The Made in America Office shall be headed by a Director of the Made in America Office (Made in America Director), who shall be appointed by the Director of OMB.

(b) Before an agency grants a waiver, and unless the OMB Director provides otherwise, the agency (granting agency) shall provide the Made in America Director with a description of its proposed waiver and a detailed justification for the use of goods, products, or materials that have not been mined, produced, or manufactured in the United States.

(i) Within 45 days of the date of the appointment of the Made in America Director, and as appropriate thereafter, the Director of OMB, through the Made in America Director, shall:

(1) publish a list of the information that granting agencies shall include when submitting such descriptions of proposed waivers and justifications to the Made in America Director; and

(2) publish a deadline, not to exceed 15 business days, by which the Director of OMB, through the Made in America Director, either will notify the head of the agency that the Director of OMB, through the Made in America Director, has waived each review described in subsection (c) of this section or will notify the head of the agency in writing of the result of the review.

(ii) To the extent permitted by law and consistent with national security and executive branch confidentiality interests, descriptions of proposed waivers and justifications submitted to the Made in America Director by granting agencies shall be made publicly available on the website established pursuant to section 6 of this order.

(c) The Director of OMB, through the Made in America Director, shall review each proposed waiver submitted pursuant to subsection (b) of this section, except where such review has been waived as described in subsection (b)(i)(2) of this section.

(i) If the Director of OMB, through the Made in America Director, determines that issuing the proposed waiver would be consistent with applicable law and the policy set forth in section 1 of this order, the Director of OMB, through the Made in America Director, shall notify the granting agency of that determination in writing.

(ii) If the Director of OMB, through the Made in America Director, determines that issuing the proposed waiver would not be consistent with applicable law or the policy set forth in section 1 of this order, the Director of OMB, through the Made in America Director, shall notify the granting agency of the determination and shall return the proposed waiver to the head of the agency for further consideration, providing the granting agency with a written explanation for the determination.

(1) If the head of the agency disagrees with some or all of the bases for the determination and return, the head of the agency shall so inform the Made in America Director in writing.

(2) To the extent permitted by law, disagreements or conflicts between the Made in America Director and the head of any agency shall be resolved in accordance with procedures that parallel those set forth in section 7 of Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), with respect to the Director of the Office of Information and Regulatory Affairs within OMB.

(d) When a granting agency is obligated by law to act more quickly than the review procedures established in this section allow, the head of the agency shall notify the Made in America Director as soon as possible and, to the extent practicable, comply with the requirements set forth in this section. Nothing in this section shall be construed as displacing agencies' authorities or responsibilities under law.

**Sec. 5. *Accounting for Sources of Cost Advantage.*** To the extent permitted by law, before granting a waiver in the public interest, the relevant granting agency shall assess whether a significant portion of the cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured goods or the use of injuriously subsidized steel, iron, or manufactured goods. The granting agency may consult with the International Trade Administration in making this assessment if the granting agency deems such consultation to be helpful. The granting agency shall integrate any findings from the assessment into its waiver determination as appropriate.

**Sec. 6. *Promoting Transparency in Federal Procurement.*** (a) The Administrator of General Services shall develop a public website that shall include

information on all proposed waivers and whether those waivers have been granted. The website shall be designed to enable manufacturers and other interested parties to easily identify proposed waivers and whether those waivers have been granted. The website shall also provide publicly available contact information for each granting agency.

(b) The Director of OMB, through the Made in America Director, shall promptly report to the Administrator of General Services all proposed waivers, along with the associated descriptions and justifications discussed in section 4(b) of this order, and whether those waivers have been granted. Not later than 5 days after receiving this information, the Administrator of General Services shall, to the extent permitted by law and consistent with national security and executive branch confidentiality interests, make this information available to the public by posting it on the website established under this section.

**Sec. 7. *Supplier Scouting.*** To the extent appropriate and consistent with applicable law, agencies shall partner with the Hollings Manufacturing Extension Partnership (MEP), discussed in the Manufacturing Extension Partnership Improvement Act (title V of Public Law 114–329), to conduct supplier scouting in order to identify American companies, including small- and medium-sized companies, that are able to produce goods, products, and materials in the United States that meet Federal procurement needs.

**Sec. 8. *Promoting Enforcement of the Buy American Act of 1933.*** (a) Within 180 days of the date of this order, the Federal Acquisition Regulatory Council (FAR Council) shall consider proposing for notice and public comment amendments to the applicable provisions in the Federal Acquisition Regulation (FAR), title 48, Code of Federal Regulations, consistent with applicable law, that would:

- (i) replace the “component test” in Part 25 of the FAR that is used to identify domestic end products and domestic construction materials with a test under which domestic content is measured by the value that is added to the product through U.S.-based production or U.S. job-supporting economic activity;
- (ii) increase the numerical threshold for domestic content requirements for end products and construction materials; and
- (iii) increase the price preferences for domestic end products and domestic construction materials.

(b) The FAR Council shall consider and evaluate public comments on any regulations proposed pursuant to subsection (a) of this section and shall promptly issue a final rule, if appropriate and consistent with applicable law and the national security interests of the United States.

**Sec. 9. *Updates to the List of Nonavailable Articles.*** Before the FAR Council proposes any amendment to the FAR to update the list of domestically nonavailable articles at section 25.104(a) of the FAR, the Director of OMB, through the Administrator of the Office of Federal Procurement Policy (OFPP), shall review the amendment in consultation with the Secretary of Commerce and the Made in America Director, paying particular attention to economic analyses of relevant markets and available market research, to determine whether there is a reasonable basis to conclude that the article, material, or supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. The Director of OMB, through the Administrator of OFPP, shall make these findings available to the FAR Council for consideration.

**Sec. 10. *Report on Information Technology That Is a Commercial Item.*** The FAR Council shall promptly review existing constraints on the extension of the requirements in Made in America Laws to information technology that is a commercial item and shall develop recommendations for lifting these constraints to further promote the policy set forth in section 1 of this order, as appropriate and consistent with applicable law.

**Sec. 11. *Report on Use of Made in America Laws.*** Within 180 days of the date of this order, the head of each agency shall submit to the Made in America Director a report on:

(a) the agency's implementation of, and compliance with, Made in America Laws;

(b) the agency's ongoing use of any longstanding or nationwide waivers of any Made in America Laws, with a written description of the consistency of such waivers with the policy set forth in section 1 of this order; and

(c) recommendations for how to further effectuate the policy set forth in section 1 of this order.

**Sec. 12. *Bi-Annual Report on Made in America Laws.*** Bi-annually following the initial submission described in section 11 of this order, the head of each agency shall submit to the Made in America Director a report on:

(a) the agency's ongoing implementation of, and compliance with, Made in America Laws;

(b) the agency's analysis of goods, products, materials, and services not subject to Made in America Laws or where requirements of the Made in America Laws have been waived;

(c) the agency's analysis of spending as a result of waivers issued pursuant to the Trade Agreements Act of 1979, as amended, 19 U.S.C. 2511, separated by country of origin; and

(d) recommendations for how to further effectuate the policy set forth in section 1 of this order.

**Sec. 13. *Ensuring Implementation of Administration Policy on Federal Government Property.*** Within 180 days of the date of this order, the Administrator of General Services shall submit to the Made in America Director recommendations for ensuring that products offered to the general public on Federal property are procured in accordance with the policy set forth in section 1 of this order.

**Sec. 14. *Revocation of Certain Presidential and Regulatory Actions.*** (a) Executive Order 13788 of April 18, 2017 (Buy American and Hire American), section 5 of Executive Order 13858 of January 31, 2019 (Strengthening Buy-American Preferences for Infrastructure Projects), and Executive Order 13975 of January 14, 2021 (Encouraging Buy American Policies for the United States Postal Service), are hereby revoked.

(b) Executive Order 10582 of December 17, 1954 (Prescribing Uniform Procedures for Certain Determinations Under the Buy-America Act), and Executive Order 13881 of July 15, 2019 (Maximizing Use of American-Made Goods, Products, and Materials), are superseded to the extent that they are inconsistent with this order.

**Sec. 15. *Severability.*** If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its other provisions to any other persons or circumstances shall not be affected thereby.

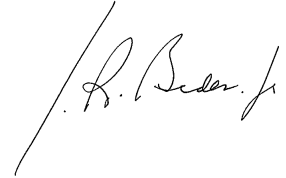
**Sec. 16. *General Provisions.*** (a) Nothing in this order shall be construed to impair or otherwise affect:

(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.

A handwritten signature in black ink, appearing to read "J. R. Biden, Jr.", is positioned in the upper right quadrant of the page. The signature is written in a cursive style with a prominent vertical stroke on the left side.

THE WHITE HOUSE,  
*January 25, 2021.*

[FR Doc. 2021-02038  
Filed 1-27-21; 11:15 am]  
Billing code 3295-F1-P

## Presidential Documents

Memorandum of January 21, 2021

### Memorandum To Extend Federal Support to Governors' Use of the National Guard To Respond to COVID-19 and To Increase Reimbursement and Other Assistance Provided to States

#### Memorandum for the Secretary of Defense [and] the Secretary of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the “Stafford Act”), and section 502 of title 32, United States Code, I hereby order as follows:

**Section 1. Policy.** Consistent with the nationwide emergency declaration concerning the coronavirus disease 2019 (COVID-19) pandemic on March 13, 2020, it is the policy of my Administration to combat and respond to COVID-19 with the full capacity and capability of the Federal Government to protect and support our families, schools, and businesses, and to assist State, local, Tribal, and territorial governments to do the same, to the extent authorized by law.

**Sec. 2. Support of Operations or Missions to Prevent and Respond to the Spread of COVID-19.** (a) The Secretary of Defense shall, to the maximum extent feasible and consistent with mission requirements (including geographic proximity), request pursuant to 32 U.S.C. 502(f) that all State and territorial governors order National Guard forces to perform duty to fulfill mission assignments, on a fully reimbursable basis, that the Federal Emergency Management Agency (FEMA) issues to the Department of Defense for the purpose of supporting State, local, Tribal, and territorial emergency assistance efforts under the Stafford Act.

(b) FEMA shall fund 100 percent of the cost of activities associated with all mission assignments for the use of the National Guard under 32 U.S.C. 502(f) to respond to COVID-19, as authorized by sections 403 (42 U.S.C. 5170b), 502 (42 U.S.C. 5192), and 503 (42 U.S.C. 5193) of the Stafford Act.

(c) This section supersedes prior Presidential Memoranda requesting the use of the National Guard to respond to the COVID-19 emergency to the extent they are inconsistent with this memorandum.

**Sec. 3. Assistance for Category B Emergency Protective Measures.** (a) In accordance with sections 403 (42 U.S.C. 5170b) and 502 (42 U.S.C. 5192) of the Stafford Act, FEMA shall, as appropriate and consistent with applicable law, make available under Category B of the Public Assistance program such assistance as may be required by States (including territories and the District of Columbia), local governments, and Tribal governments to provide for the safe opening and operation of eligible schools, child-care facilities, healthcare facilities, non-congregate shelters, domestic violence shelters, transit systems, and other eligible applicants. Such assistance may include funding for the provision of personal protective equipment and disinfecting services and supplies.

(b) FEMA shall make assistance under this section available at a 100 percent Federal cost share until September 30, 2021.

**Sec. 4. *Advanced Reimbursement.*** To make reimbursements for approved work under the Stafford Act to respond to COVID-19 available more quickly, FEMA shall expedite reimbursement for eligible emergency work projects and, as appropriate and consistent with applicable law, provide an advance of the Federal share on a percentage of the expected reimbursement from FEMA-approved projects.

**Sec. 5. *One-Hundred Percent Cost Share Termination.*** The 100 percent Federal cost share for use of National Guard forces authorized by section 2(b) of this memorandum shall extend to, and shall be available for, orders of any length authorizing duty through September 30, 2021.

**Sec. 6. *General Provisions.*** (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

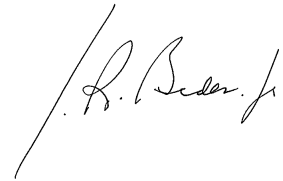
(i) the authority granted by law to an executive department or agency, or the head thereof; or

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

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

(c) This memorandum 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.

(d) The Secretary of Defense is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,  
Washington, January 21, 2021

# Reader Aids

## Federal Register

Vol. 86, No. 17

Thursday, January 28, 2021

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<b>Federal Register/Code of Federal Regulations</b>	
General Information, indexes and other finding aids	<b>202-741-6000</b>
<b>Laws</b>	<b>741-6000</b>
<b>Presidential Documents</b>	
Executive orders and proclamations	<b>741-6000</b>
<b>The United States Government Manual</b>	<b>741-6000</b>
<b>Other Services</b>	
Electronic and on-line services (voice)	<b>741-6020</b>
Privacy Act Compilation	<b>741-6050</b>

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### FEDERAL REGISTER PAGES AND DATE, JANUARY

1-222.....	4	7337-7482.....	28
223-412.....	5		
413-932.....	6		
933-1248.....	7		
1249-1736.....	8		
1737-2242.....	11		
2243-2526.....	12		
2527-2952.....	13		
2953-3732.....	14		
3733-4874.....	15		
4875-6242.....	19		
6243-6552.....	21		
6553-6824.....	22		
6825-7058.....	25		
7059-7224.....	26		
7225-7336.....	27		

### CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

<b>2 CFR</b>		13990.....	7037
13795 (revoked by EO 13990).....			7037
13807 (revoked by EO 13990).....			7037
<b>3 CFR</b>		13834 (revoked by EO 13990, except for sections 6, 7, and 11).....	7037
<b>Proclamations:</b>		13868 (revoked by EO 13990).....	7037
9645 (revoked by Proc. 10141).....	7005	13875 (revoked by EO 13992).....	7049
9694 (amended by Proc. 10133).....	6541	13880 (revoked by EO 13986).....	7015
9723 (revoked by Proc. 10141).....	7005	13881 (superseded by EO 14005).....	7475
9983 (revoked by Proc. 10141).....	7005	13891 (revoked by EO 13992).....	7049
9984 (amended by Proc. 10143).....	7467	13892 (revoked by EO 13992).....	7049
9992 (amended by Proc. 10143).....	7467	13893 (revoked by EO 13992).....	7049
9993 (Terminated by Proc. 10138).....	6799	13920 (revoked by EO 13990).....	7037
9996 (Terminated by Proc. 10138).....	6799	13927 (revoked by EO 13990).....	7037
10041 (Terminated by Proc. 10138).....	6799	13934 (amended by 13978).....	6809
10129.....	215	13950 (revoked by EO 13985).....	7009
10130.....	413	13958 (revoked by EO 13985).....	7009
10131.....	417	13969.....	219
10132.....	2951	13970.....	421
10133.....	6541	13971.....	1249
10134.....	6553	13972.....	3727
10135.....	6555	13973.....	3733
10136.....	6795	13974.....	4875
10137.....	6797	13975 (revoked by EO 14005).....	6547, 7475
10138.....	6799	13976.....	6549
10139.....	6825	13977.....	6803
10140.....	7003	13978.....	6809
10141.....	7005	13979.....	6813
10142.....	7225	13980.....	6817
10143.....	7467	13981.....	6821
<b>Executive Orders:</b>		13982.....	6833
10582 (superseded by EO 14005).....	7475	13983.....	6835
13754 (reinstated by EO 13990).....	7037	13984.....	6837
13766 (revoked by EO 13990).....	7037	13985.....	7009
13768 (revoked by EO 13993).....	7051	13986.....	7015
13770 (revoked by EO 13983).....	6835	13987.....	7019
13771 (revoked by EO 13992).....	7049	13988.....	7023
13777 (revoked by EO 13992).....	7049	13989.....	7029
13778 (revoked by EO 13990).....	7037	13990.....	7037
13780 (revoked by Proc. 10141).....	7005	13991.....	7045
13783 (revoked by EO 13990).....	7037	13992.....	7049
13788 (revoked by EO 14005).....	7475	13993.....	7051
13792 (revoked by EO 13997).....	7201	13994.....	7189
		13995.....	7193
		13996.....	7197
		13997.....	7201

13998.....7205  
13999.....7211  
14000.....7215  
14001.....7221  
14002.....7229  
14003.....7231  
14004.....7471  
14005.....7475

**Administrative Orders:**  
**Presidential Permits:**  
Permit of December 31, 2020.....435  
**Notices:**  
Notice of January 15, 2021.....6557  
**Memorandums:**  
Memorandum of July 21, 2020 (revoked by EO 13986).....7015  
Memorandum of December 20, 2016 (reinstated by EO 13990).....7037  
Memorandum of March 23, 2018 (revoked by EO 14004).....7481  
Memorandum of April 12, 2018 (revoked by EO 13990).....7037  
Memorandum of October 19, 2018 (revoked by EO 13990).....7037  
Memorandum of February 19, 2020 (revoked by EO 13990).....7037  
Memorandum of January 8, 2021.....2949  
Memorandum of January 19, 2021.....6843, 6845  
Memorandum of January 20, 2021.....7053, 7055, 7225  
Memorandum of January 21, 2021.....7481  
**Permits:**  
Permit of March 29, 2019 (revoked by EO 13990).....7037

**6 CFR**  
**Proposed Rules:**  
27.....495

**7 CFR**  
9.....4877  
760.....439  
271.....358  
273.....358  
990.....5596  
1223.....2880  
1464.....3735

**8 CFR**  
208.....6847  
214.....1676  
1208.....6847  
1235.....1737

**10 CFR**  
2.....3744, 3745  
13.....3745  
72.....2527  
207.....2953

218.....2953  
429.....2953  
430.....1253, 4776, 4883  
431.....4, 2953, 3747, 4776, 4885  
490.....2953  
501.....2953  
590.....2243  
601.....2953  
609.....3747  
611.....3747  
820.....2953  
824.....2953  
851.....2953  
1013.....2953  
1017.....2953  
1050.....2953  
1061.....451

**Proposed Rules:**  
50.....1022  
430.....4776  
431.....3747, 4776  
600.....3747

**11 CFR**  
111.....1737

**12 CFR**  
3.....708  
5.....1254  
217.....708, 3723  
252.....708  
263.....2527  
303.....6742  
308.....2246  
313.....1740  
324.....708  
337.....6742  
620.....223  
622.....7235  
747.....933  
1002.....3773  
1006.....5766  
1083.....3874

**Proposed Rules:**  
21.....6572  
53.....2299  
163.....6572  
204.....1303  
208.....6576  
225.....2299  
304.....2299  
353.....6580  
701.....1826, 3876  
748.....6586  
1241.....1306  
1242.....1326

**13 CFR**  
113.....3692  
120.....3692, 3712  
121.....2957, 3692, 3712  
124.....2529, 2957  
125.....2957  
126.....2957  
127.....2957, 2960

**Proposed Rules:**  
109.....5036  
120.....5036  
123.....5036

**14 CFR**  
1.....4390  
11.....4390  
13.....1745  
21.....4314

39.....458, 2961, 3767, 6559  
43.....4314  
47.....4390  
48.....4390  
71.....3780, 3781, 6243, 6244, 6848  
89.....4390  
91.....4390  
95.....7337  
97.....25, 27  
107.....4314, 4390  
250.....2534  
254.....2534  
383.....1745  
406.....1745

**Proposed Rules:**  
39.....3879, 3883, 3885, 5040, 6269, 6271, 6273, 6276  
71.....3888, 3889, 3891, 3893, 3894, 3896, 5043, 5044, 5046, 6279  
241.....5052  
298.....5052

**15 CFR**  
6.....1764  
7.....4909  
710.....936  
712.....936  
730.....4862  
734.....4862, 4929  
736.....4862  
738.....4929  
740.....4929  
742.....944, 2252, 4929  
744.....1766, 4862, 4865  
745.....936  
748.....4929  
750.....4929  
772.....4929  
774.....461, 944, 4929  
922.....4937

**16 CFR**  
1.....2539  
1223.....4961

**17 CFR**  
1.....3236  
15.....3236  
17.....3236  
19.....3236  
23.....223, 229, 6850  
38.....2048  
39.....949  
40.....3236  
140.....949, 3236  
150.....3236  
151.....3236  
210.....748, 2080  
227.....3496  
229.....2080, 3496  
230.....2080, 3496  
239.....2080, 3496  
240.....2080, 3496, 4662  
249.....2080, 3496  
249b.....4662  
270.....748, 3496  
274.....3496

**Proposed Rules:**  
230.....5063  
232.....5063  
239.....5063  
240.....2311  
249.....5063

**18 CFR**  
**Proposed Rules:**  
35.....6420

**19 CFR**  
Ch. I.....4967, 4969  
12.....2255, 6561  
361.....7237

**20 CFR**  
501.....1768  
641.....1772  
655.....1, 1772, 2964, 3608  
656.....3608  
658.....1772  
667.....1772  
683.....1772  
702.....2964  
725.....2964  
726.....1772, 2964  
802.....1795

**Proposed Rules:**  
501.....1831  
641.....1834  
655.....29, 1834  
658.....1834  
667.....1834  
683.....1834  
726.....1834  
802.....1857

**21 CFR**  
6.....5694  
101.....462  
1141.....3793

**Proposed Rules:**  
1301.....1030  
1309.....1030  
1321.....1030

**22 CFR**  
212.....250

**24 CFR**  
3280.....2496  
3282.....2496  
3285.....2496

**Proposed Rules:**  
5.....2582  
92.....2582  
93.....2582  
200.....2582  
574.....2582  
576.....2582  
578.....2582  
880.....2582  
882.....2582  
884.....2582  
886.....2582  
902.....2582  
982.....2582  
983.....2582  
985.....2582

**25 CFR**  
140.....7344  
141.....7344  
211.....7344  
213.....7344  
225.....7344  
226.....7344  
227.....7344  
243.....7344  
249.....7344

**Proposed Rules:**  
15.....1037

<b>26 CFR</b>	525.....1834	404.....35	<b>45 CFR</b>
1.....254, 464, 810, 1256, 2974, 4516, 4728, 4970, 5452, 5496, 5544, 6196	530.....1834	<b>38 CFR</b>	1.....3010
40.....4990	580.....1834	17.....7349	8.....5694
49.....4990	1978.....1834	<b>39 CFR</b>	75.....2257
53.....6196	1979.....1834	233.....2486	155.....6138
<b>Proposed Rules:</b>	1980.....1834	<b>Proposed Rules:</b>	156.....6138
1.....2607, 4728	1981.....1834	111.....1080	200.....5694
301.....2607	1982.....1834	<b>40 CFR</b>	300.....5694
<b>29 CFR</b>	1983.....1834	30.....469	403.....5694
7.....1772	1984.....1834	52.....971, 3816, 3818, 3820	1010.....5694
8.....1772	1985.....1834	60.....2542, 5013	1390.....5694
18.....1, 1800	1986.....1834	80.....3827	1611.....7350
22.....1772	1987.....1834	87.....2136	<b>Proposed Rules:</b>
24.....1772	1988.....1834	141.....4198	5b.....2633
26.....1772	<b>30 CFR</b>	142.....4198	46.....2615
29.....1772	100.....2964	174.....3827	75.....2615
37.....1772	1206.....4612	282.....977	160.....6446
38.....1772	1241.....4612	745.....983	164.....6446
89.....7237	<b>31 CFR</b>	751.....866, 880, 894, 911, 922	<b>46 CFR</b>
96.....1772	33.....6138	Ch. IX.....1281	67.....5022
417.....1772	585.....3793	1030.....2136	221.....1745
458.....1772	1010.....7348	1519.....1279	307.....1745
500.....1772, 2964	<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	340.....1745
501.....2964	1010.....3897, 7352	Ch. I.....6602	356.....1745
503.....1, 2964	1020.....3897, 7352	52.....1347, 2318, 2615, 5086, 5088, 5091, 6589, 6591	506.....2560
525.....1772	1022.....3897, 7352	63.....1362, 1390, 1868, 3054, 3079, 3906, 5093	<b>Proposed Rules:</b>
530.....1772, 2964	<b>32 CFR</b>	80.....3928, 5094	71.....3897
570.....2964	<b>Proposed Rules:</b>	180.....2615	115.....3897
578.....2964	158.....1063	280.....5094	176.....3897
579.....2964	310.....498	281.....1081, 5094	530.....5106
580.....1772	<b>33 CFR</b>	282.....1081	<b>47 CFR</b>
780.....1168	117.....1806, 7238, 7239, 7241	700.....1890	0.....44
788.....1168	165.....2256, 6247, 6566	751.....3932	1.....2904, 3830
795.....1168	Ch. II.....2744	<b>41 CFR</b>	15.....2278
801.....2964	220.....1278	60-30.....1772	51.....1636
825.....2964	223.....1808	<b>Proposed Rules:</b>	54.....994, 2904
1601.....2974	236.....1808	60-30.....1834	64.....44, 2562
1626.....2974	239.....1809	<b>42 CFR</b>	73.....2296, 3015
1903.....2964	240.....3801	1.....5694	<b>Proposed Rules:</b>
1978.....1772	263.....3802	51c.....7059	1.....6611
1979.....1772	276.....3802	100.....6249	2.....2337
1980.....1772	279.....3803	400.....5020	54.....6611
1981.....1772	401.....1745	404.....5694	64.....2636
1982.....1772	<b>Proposed Rules:</b>	405.....2987, 5020	74.....1909
1983.....1772	96.....3899	410.....5020	95.....2337
1984.....1772	165.....32	414.....5020	<b>48 CFR</b>
1985.....1772	<b>34 CFR</b>	415.....5020	Ch. I.....3676, 3689, 6180, 6194
1986.....1772	Ch. II.....5009	417.....5864	2.....3687
1987.....1772	600.....5008	422.....5864	9.....3677
1988.....1772	602.....5008	424.....5020	12.....3679, 6180
4001.....1256	668.....5008	425.....5020	13.....3679
4071.....2541	673.....5008	455.....5020	15.....3679, 3687
4204.....1256	674.....5008	460.....5864	16.....3679
4206.....1256	682.....5008	1000.....5694	17.....3679, 3687
4207.....1256	685.....5008	<b>Proposed Rules:</b>	19.....3682
4211.....1256	<b>Proposed Rules:</b>	430.....5105	25.....6180
4219.....1256	300.....2615	433.....5105	28.....3682
4302.....2541	<b>36 CFR</b>	447.....5105	32.....3682
<b>Proposed Rules:</b>	7.....3804	455.....5105	37.....3679, 3687
7.....1834	<b>Proposed Rules:</b>	457.....5105	52.....3677, 3682, 3687, 6180
8.....1834	7.....3903	<b>43 CFR</b>	53.....3682
18.....29, 1862	<b>37 CFR</b>	30.....1037	204.....3832
22.....1834	1.....2542, 3815	<b>44 CFR</b>	212.....3832, 3835
24.....1834	42.....2542, 3815	64.....2558	213.....3832
26.....1834	210.....2176	333.....1288	225.....3836
29.....1834	390.....6568	<b>Proposed Rules:</b>	239.....3836
37.....1834	<b>Proposed Rules:</b>	30.....1037	245.....3837
38.....1834	401.....35	<b>45 CFR</b>	252.....3832, 3835, 3836, 3837
96.....1834		1.....3010	Ch. VII.....493
417.....1834		8.....5694	<b>Proposed Rules:</b>
458.....1834		75.....2257	212.....3935
500.....1834		155.....6138	225.....3935
503.....29		156.....6138	

252.....3835  
 852.....6281  
 873.....6281

**49 CFR**

106.....2564  
 107.....1745, 2564  
 171.....1745, 2564  
 172.....2564  
 173.....2564  
 174.....2564  
 175.....2564  
 176.....2564  
 177.....2564  
 178.....2564  
 179.....2564  
 180.....2564  
 190.....1745  
 191.....2210, 3839  
 192.....2210, 3839  
 209.....1745  
 213.....1745

214.....1745  
 215.....1745  
 216.....1745  
 217.....1745  
 218.....1745  
 219.....1745  
 220.....1745  
 221.....1745  
 222.....1745  
 223.....1745  
 224.....1745  
 225.....1745  
 227.....1745  
 228.....1745  
 229.....1745  
 230.....1745  
 231.....1745  
 232.....1745  
 233.....1745  
 234.....1745  
 235.....1745  
 236.....1745

237.....1745  
 238.....1745  
 239.....1745  
 240.....1745  
 241.....1745  
 242.....1745  
 243.....1745  
 244.....1745  
 272.....1745  
 386.....1745  
 571.....1292  
 578.....1745, 3016  
 831.....1809  
 1022.....3026

**Proposed Rules:**

191.....3938  
 192.....3938, 3956  
 195.....3938, 3956  
 219.....1418  
 232.....3957  
 391.....2344  
 571.....47

**50 CFR**

10.....1134  
 17.....192, 2564, 4820  
 217.....5322  
 219.....3840  
 229.....3028  
 300.....5033  
 648.....1810  
 665.....2297  
 679.....1300, 1301, 1302, 6571, 6860

**Proposed Rules:**

17.....3976, 5112  
 29.....5120  
 217.....1588  
 218.....2636  
 223.....1433, 1452, 2372, 7242  
 226.....1433, 1452, 7242  
 300.....279  
 402.....2373

---

---

**LIST OF PUBLIC LAWS**

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

**Last List January 25, 2021**

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