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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 700, 702, 708a, 708b, and 790

[NCUA–2021–0111]

RIN 3133–AF36

Asset Thresholds

AGENCY: National Credit Union Administration (NCUA).

ACTION: Interim final rule with request for comments.

SUMMARY: To mitigate transition costs on credit unions related to the coronavirus disease 2019 (COVID–19 Pandemic), the NCUA Board (Board) is issuing this temporary interim final rule to permit federally insured credit unions (FICUs) to use asset data as of March 31, 2020, in order to determine the applicability of certain regulatory asset thresholds during calendar years 2021 and 2022. Specifically, the interim final rule allows a FICU to use March 31, 2020, financial data when determining whether the institution is subject to capital planning and stress testing requirements under the NCUA's regulations and supervision from the Office of National Examinations and Supervision.

DATES: This rule is effective on March 23, 2021, except for amendatory instruction 4, which is effective January 1, 2022. Comments must be received on or before May 24, 2021.

ADDRESSES: You may submit written comments, identified by RIN 3133–AF36, by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* The docket number for this interim final rule is NCUA–2021–0111. Follow the instructions for submitting comments.
- *Fax:* (703) 518–6319. Include ''[Your Name]—Comments on Interim Final Rule: Asset Thresholds'' in the transmittal.
- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public inspection: You may view all public comments on the Federal eRulemaking Portal at *http://www.regulations.gov,* as submitted, except for those we cannot post for technical reasons. The NCUA will not edit or remove any identifying or contact information from the public comments submitted. Due to social distancing measures in effect, the usual opportunity to inspect paper copies of comments in the NCUA's law library is not currently available. After social distancing measures are relaxed, visitors may make an appointment to review paper copies by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Yvonne Applonie, Director of Supervision, Office of National Examinations and Supervision; or Rachel Ackmann, Senior Staff Attorney, Office of General Counsel, 1775 Duke Street, Alexandria, VA 22314–3428. Yvonne Applonie can also be reached at (703) 518–6595, and Rachel Ackmann can be reached at (703) 548–2601.

SUPPLEMENTARY INFORMATION:

I. Background

In light of strains in economic conditions related to the COVID–19 Pandemic and stress in U.S. financial markets, the NCUA has taken a number of actions intended to: (i) Restore market functioning and support the flow of credit to households, businesses, and communities and (ii) increase flexibility and tailor regulations.

Among those actions, the NCUA has issued a number of rules and supervisory guidance communications designed to mitigate the consequences of the COVID–19 Pandemic, to facilitate the safe and effective operations of FICUs and to protect credit union members.[1] Credit unions have played an instrumental role in the nation's financial response to the COVID–19 Pandemic, and many have experienced significant balance sheet growth as a result of the COVID–19 Pandemic and the policy response to the event.

The unprecedented balance sheet growth is largely a result of individual member response to actions taken by monetary and fiscal authorities. At the start of the COVID–19 Pandemic, consumer spending decreased as individual states or major metropolitan areas ordered millions of Americans to stay home. Additionally, market volatility pushed savers with money in financial markets to safer assets, including insured shares. Fiscal stimulus applied additional upward pressure on FICU balance sheets. For example, as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the U.S. government provided over $1 trillion in direct support to consumers and businesses through business loans, expanded unemployment insurance, and direct checks to individuals.[2] The direct government assistance and dramatic reduction in discretionary spending lifted the personal savings rate and fueled share growth. For FICUs just below $10 billion in assets, these factors have resulted in their balance sheets swelling by an average of about 14 percent, and in one case by more than 34 percent. In contrast, in 2019, FICUs with assets just below the $10 billion threshold had an average asset growth of only 9 percent.

FICUs are subject to regulatory requirements predicated on their risk profile and asset size.[3] Specifically, part 702 of the NCUA's regulations contain asset-based thresholds that determine whether a FICU is required to comply with capital planning and stress testing requirements. In addition, oversight by the Office of National Examinations and Supervision (ONES) is dependent on a FICU's asset size. Due to their response to the COVID–19 Pandemic, many FICUs have been, or may soon be, pushed over the asset thresholds that could subject them to additional regulatory requirements or ONES

[1] *See e.g., Temporary Regulatory Relief in Response to COVID–19–Extension,* 85 FR 83405 (Dec. 22, 2020); *Regulatory Capital Rule: Paycheck Protection Program Lending Facility and Paycheck Protection Program Loans,* 85 FR 23212 (Apr. 27, 2020); and *Real Estate Appraisals,* 85 FR 22014 (Apr. 21, 2020).

[2] Public Law 116–136, 134 Stat. 281.

[3] *See e.g.,* 12 CFR 702.103 and 12 CFR 702.502.

supervision.[4] Complying with these new or more stringent regulatory standards would impose additional transition and compliance costs on such FICUs that otherwise may not have become subject to these requirements at this time. This interim final rule gives affected FICUs more time to either reduce their balance sheets, or to prepare for higher regulatory standards.

Additionally, the Board does not believe that the balance sheet growth related to the COVID–19 Pandemic has significantly increased the general risk profile of the affected FICUs. As discussed previously, FICUs' growth is largely due to the extraordinary growth in insured shares held by FICUs. Therefore, the Board feels it prudent to offer FICUs relief with respect to certain regulatory requirements being triggered by the unprecedented balance sheet growth.

On December 2, 2020, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and Board of Governors of the Federal Reserve System published a related interim final rule to mitigate temporary transition costs on banking organizations with under $10 billion in total assets as of December 31, 2019, related to the COVID–19 Pandemic.[5]

II. Legal Authority

The Board is issuing this interim final rule pursuant to its authority under the Federal Credit Union Act (FCU Act).[6] Under the FCU Act, the NCUA is the chartering and supervisory authority for Federal credit unions (FCUs) and the federal supervisory authority for FICUs. The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe regulations for the administration of the FCU Act.[7] Section 209 of the FCU Act is a plenary grant of regulatory authority to the NCUA to issue regulations necessary or appropriate to carry out its role as share insurer for all FICUs.[8] Accordingly, the FCU Act grants the Board broad rulemaking authority to ensure that the credit union industry and the National Credit Union Share Insurance Fund remain safe and sound.

III. The Interim Final Rule

A. Measurement Date for the Applicability of Capital Planning and Stress Testing Requirements and Office of National Examinations and Supervision Oversight

Part 702, subpart E, of the NCUA's regulations (part 702) contains asset-based thresholds that determine whether a FICU is required to comply with capital planning and stress testing requirements.[9] The asset-based thresholds are meant to ensure that the regulatory requirements applicable to a FICU are appropriate, given the FICU's asset size and, in some cases, the potential risk that the credit union poses to the National Credit Union Share Insurance Fund.

As discussed previously, many FICUs have experienced an unexpected and sharp increase in their balance sheets since the beginning of the COVID–19 Pandemic. This unexpected and rapid growth has caused the assets of certain FICUs to rise above asset-based thresholds in part 702 and may cause other FICUs to do so soon. In addition, much of this growth is the result of actions taken by monetary and fiscal authorities, and by individual members in response to the COVID–19 Pandemic and generally does not reflect any immediate change in the organization's longer-term risk profile.

In the absence of regulatory change, FICUs that experience an increase in assets above one or more thresholds in part 702 would face additional transition costs necessary to comply with the new or more stringent regulatory standards they have not accounted for in 2021 strategic financial plans and budgets. Given the rapid and unexpected nature of FICU asset growth in 2020, many FICUs are unlikely to have planned for these transition costs.

Therefore, the Board believes it is appropriate to provide temporary regulatory relief to FICUs that have risen above, or will rise above, the asset-based thresholds in part 702. The relief should permit a covered FICU to either delay for one year transition costs that it would otherwise be subject to immediately, to comply with the new standards or an additional year to reduce its total assets to below the applicable asset-based threshold. In order to provide this relief, the Board is issuing this interim final rule to temporarily change the date as of when a FICU measures its assets for the purpose of the capital planning and stress testing requirement.

Part 702 applies capital planning and stress testing requirements to ''covered credit unions.'' A FICU is defined as a covered credit union, and subject to capital planning and stress testing requirements, if it has $10 billion or more in total assets.[10] Covered credit unions are then further divided into three tiers and varying levels of regulatory requirements are imposed based on those asset tiers. The tiers ensure capital planning and stress testing requirements are tailored to reflect the size, complexity, and financial condition of the subject credit union. For example, tier I credit unions are not subject to stress testing requirements, however tier II and tier III credit unions are subject to stress testing requirements. Under part 702:

- A tier I credit union is a covered credit union that has less than $15 billion in total assets;
- A tier II credit union is a covered credit union that has $15 billion or more in total assets, but less than $20 billion in total assets, or is otherwise designated as a tier II credit union by the NCUA; and
- A tier III credit union is a covered credit union that has $20 billion or more in total assets, or is otherwise designated as a tier III credit union by the NCUA.

Part 702 applies the asset thresholds for each tier based on a FICU's asset size on March 31 each year (measurement date). Under the current rule, if a FICU crosses any of the tier I, II, or III asset thresholds on March 31, then the FICU's new classification is effective on January 1 of the next year. Accordingly, a FICU's calendar year 2021 capital planning and stress testing requirements were determined by its total assets as of March 31, 2020 and were effective January 1, 2021. If a FICU had $10 billion or more in total assets as of March 31, 2020, it must complete a capital plan in calendar year 2021. And, if a covered credit union had $15 billion in assets on March 31, 2020, it must conduct a stress test in calendar year 2021.

As discussed previously, the interim final rule temporarily amends the measurement date used to determine whether a FICU crosses any of the tier I, II, or III asset thresholds for capital planning and stress testing requirements in calendar year 2022. Under the interim final rule, a FICU will use its assets reported as of March 31, 2020, instead of March 31, 2021, to determine its applicable asset thresholds for

[4] Based on data as of December 31, 2020, there are eight FICUs that crossed asset-based threshold in part 702, Subpart E.

[5] 85 FR 77345 (Dec. 2, 2020).

[6] 12 U.S.C. 1751 *et seq.*

[7] 12 U.S.C. 1766(a).

[8] 12 U.S.C. 1789.

[9] 12 CFR part 702, subpart E.

[10] *See,* 12 CFR 702.502. Covered credit unions are defined as a FICU whose assets are $10 billion or more.

calendar year 2022. This means that asset growth in 2020 will not trigger new regulatory requirements under Part 702 until January 1, 2023, at the earliest.

Therefore, if a FICU had substantial asset growth during the latter half of 2020 and has $10 billion or more in assets on March 31, 2021, but had less than $10 billion in assets on March 31, 2020, the FICU does not meet the definition of a covered credit union and will not be designated as a tier I credit union subject to capital planning requirements on January 1, 2022. If a FICU had $10 billion or more in total assets on March 31, 2020, however, it must complete a capital plan this year (for calendar year 2021). And, if a covered credit union has $15 billion in assets on March 31, 2021, but had less than $15 billion on March 31, 2020, it is not required to conduct a stress test in calendar year 2022. Similarly, a covered credit union is not designated as a tier III covered credit union based on its total assets as of March 31, 2021.

Accordingly, a FICU would not be newly designated as a tier I, II, or III covered credit union until March 31, 2022, and such designation will not be effective until January 1, 2023. This temporary regulatory relief reflects that much of the balance sheet growth since the start of the COVID–19 Pandemic, especially growth related to member deposits, does not generally reflect changes in FICUs' risk profiles and was unexpected by the FICU. Based on this analysis, the Board finds that this temporary change will not undermine the purpose behind the capital planning and stress testing requirements and will permit FICUs an additional year to either reduce their total assets to under the applicable asset-size threshold or prepare for compliance with capital planning and stress testing requirements.

As discussed, the interim final rule also makes a conforming change to the measurement date for determining oversight by ONES. Currently, ONES oversees FICUs with $10 billion or more in assets. Similar to the measurement date for capital planning and stress testing requirements, FICUs reporting assets of $10 billion or more on March 31 each year will be reassigned to ONES on January 1 of the following year. Under the interim final rule, the NCUA will use financial data as of March 31, 2020, instead of March 31, 2021, to determine the supervision of natural person credit unions for calendar year 2022.

The interim final rule also makes conforming amendments to other NCUA regulations that refer to supervision by ONES. These changes replace specific references to the $10 billion asset threshold with cross-references to the threshold, as temporarily modified, in part 702.

B. Reservation of Authority

The temporary regulatory relief described previously is generally available to FICUs that otherwise would have crossed the tier I, II, or III thresholds in part 702 or become subject to ONES supervision. However, there may be limited instances in which such regulatory relief would be inappropriate. To address such situations, the Board may use existing reservations of authority in part 702 to designate a FICU as subject to ONES supervision or a tier I, II, or III credit union. When making any such determination, the Board would consider all relevant factors affecting the FICU's safety and soundness, including, but not limited to, the extent of asset growth of the FICU since March 31, 2020; the causes of such growth, including whether growth occurred as a result of mergers or purchase and assumption transactions; whether such growth is likely to be temporary or permanent; whether the FICU has become involved in any additional activities since March 31, 2020, and, if so, the risk of such activities; and the type of assets held by the FICU. In particular, as noted in the preceding sentence, the NCUA will consider whether the FICU crossed the threshold due to a merger or purchase and assumption transaction that significantly increases the FICU's asset size. Asset growth that occurs as a result of a merger or purchase and assumption transaction is planned, unlike the growth that many FICUs have experienced since the beginning of the COVID–19 Pandemic. FICUs crossing a regulatory threshold as a result of a merger or purchase and assumption transaction therefore have had the opportunity to plan and prepare for the change in regulatory requirements. The Board notes that it may designate a FICU as a tier I, II, or III credit union even in the absence of a merger or purchase and assumption transaction, as significant asset growth at a FICU may reflect a material change in the business model, risk profile, or complexity of the FICU. Nonetheless, the NCUA expects to apply the reservation of authority only in limited circumstances.

C. Request for Comments

The Board seeks comment on all aspects of this interim final rule. In particular, the Boards seeks comment on the duration of the temporary regulatory relief and on the advantages and disadvantages of using an alternative measurement date. Commenters are invited to describe other dates and the advantages and disadvantages of any such dates.

III. Regulatory Procedures

A. Administrative Procedure Act

The Board is issuing this interim final rule without prior notice and the opportunity for public comment and the delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA). Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.''

The Board believes that the public interest is best served by implementing the interim final rule immediately upon publication in the **Federal Register**. As discussed previously, the interim final rule provides temporary regulatory relief to FICUs crossing certain regulatory asset thresholds in 2020 and 2021. Many FICUs have experienced dramatic and unexpected increases in their balance sheets as a result of their efforts to support the economy during the ongoing COVID–19 Pandemic. The interim final rule facilitates the ability of FICUs to temporarily defer the implementation of certain regulatory thresholds that would not have been applicable had the FICUs not experienced this balance sheet growth. Therefore, the interim final rule temporarily exempts FICUs from new requirements that may have otherwise been applicable due to growth. The interim final rule does not impose any requirements on any FICUs.

The Board believes that the public interest is best served by making the interim final rule effective immediately upon publication in the **Federal Register**. The Board believes that issuing the interim final rule will ensure that FICUs will not be unnecessarily required to immediately comply with certain threshold-based regulatory standards given the FICU's unexpected growth and likely long-term risk profile and activities. The interim final rule also will provide FICUs time to comply with new threshold-based regulatory standards and avoid unexpected and unplanned costs, allowing the FICU to continue to focus on the provision of affordable credit to members during this time of economic stress. In addition, the

Board believes that providing a notice and comment period prior to issuance of the interim final rule is impracticable, as FICUs may start incurring transition costs now in anticipation of needing to comply with additional requirements if its asset classification would otherwise change on March 31, 2021. For these reasons, the Board finds there is good cause consistent with the public interest to issue the interim final rule without advance notice and comment.

The APA also requires a 30-day delayed effective date, except for: (1) Substantive rules which grant or recognize an exemption or relieve a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good cause. Because the rules relieve a restriction, the interim final rule is exempt from the APA's delayed effective date requirement. The reasons previously discussed for forgoing prior notice and comment would also separately justify this determination.

While the Board believes that there is good cause to issue the rule without advance notice and comment and with an immediate effective date, the Board is interested in the views of the public and requests comment on all aspects of the interim final rule.

B. Congressional Review Act

For purposes of the Congressional Review Act, the OMB makes a determination as to whether a final rule constitutes a ''major'' rule. If a rule is deemed a ''major rule'' by the Office of Management and Budget (OMB), the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication.

The Congressional Review Act defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in (A) an annual effect on the economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

For the same reasons set forth above, the Board is adopting this interim final rule without the delayed effective date generally prescribed under the Congressional Review Act. The delayed effective date required by the Congressional Review Act does not apply to any rule for which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

As required by the Congressional Review Act, the Board will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden (44 U.S.C. 3507(d)). For purposes of the PRA, a paperwork burden may take the form of a reporting, recordkeeping, or a third-party disclosure requirement, referred to as an information collection. The interim final rule will not affect any existing or impose any new information collection requirements.

D. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles.

This interim final rule does not have substantial interim effects on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. The NCUA has therefore determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

E. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.[11]

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule or a final rule pursuant to the APA or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. Specifically, the RFA normally requires agencies to describe the impact of a rulemaking on small entities by providing a regulatory impact analysis. For purposes of the RFA, the Board considers credit unions with assets less than $100 million to be small entities.

Rules that are exempt from notice and comment are also exempt from the RFA requirements, including conducting a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.[12] Accordingly, the NCUA is not required to conduct a regulatory flexibility analysis for the reasons stated above relating to the good cause exemption. In addition, this interim final rule applies only to FICUs that have or will have $10 billion or more in assets as of March 31, 2021. Nevertheless, the Board welcomes comments on the effect this interim final rule may have on small entities.

List of Subjects

12 CFR Part 700

Credit unions.

12 CFR Part 702

Credit unions, Reporting and recordkeeping requirements.

12 CFR Part 708a

Credit unions, Reporting and recordkeeping requirements.

12 CFR Part 708b

Bank deposit insurance, Credit unions, Reporting and recordkeeping requirements.

12 CFR Part 790

Organization and functions (Government agencies).

By the NCUA Board on March 18, 2021.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons discussed in the preamble, the Board is amending 12 CFR parts 700, 702, 708a, 708b, and 790 as follows:

PART 700—DEFINITIONS

■ 1. The authority citation for part 700 continues to read as follows:

Authority: 12 U.S.C. 1752, 1757(6), 1766.

■ 2. Effective March 23, 2021, in § 700.2, revise the definitions of ''Regional Director'' and ''Regional Office'' to read as follows:

[11] Public Law 105–277, 112 Stat. 2681 (1998).

[12] 5 U.S.C. 553(a).

§ 700.2 Definitions.

* * * * *

Regional Director means the representative of NCUA in the designated geographical area in which the office of the federally insured credit union is located or, for covered credit unions under part 702 of this chapter, the Director of the Office of National Examinations and Supervision.

Regional Office means the office of NCUA located in the designated geographical areas in which the office of the federally insured credit union is located or, for covered credit unions under part 702 of this chapter, the Office of National Examinations and Supervision.

* * * * *

PART 702—CAPITAL ADEQUACY

■ 3. The authority citation for part 702 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1790d.

■ 4. Effective January 1, 2022, in § 702.1(c), revise the third sentence to read as follows:

§ 702.1 Authority, purpose, scope, and other supervisory authority.

* * * * *

(c) * * * Subpart C applies capital planning and stress testing to credit unions defined as covered credit unions under § 702.302. * * *

* * * * *

■ 5. Effective March 23, 2021, revise § 702.2(a) to read as follows:

§ 702.2 Definitions.

* * * * *

(a) *Appropriate Regional Director* means the director of the NCUA Regional Office having jurisdiction over federally insured credit unions in the state where the affected credit union is principally located or, for covered credit unions under this part, the Director of the Office of National Examinations and Supervision.

* * * * *

■ 6. Effective March 23, 2021, in § 702.502, revise the definition of ''Covered credit union'' to read as follows:

§ 702.502 Definitions.

* * * * *

Covered credit union means a federally insured credit union whose assets are $10 billion or more.

(1) *Timing.* A credit union that crosses the asset threshold as of March 31 of a given calendar year is subject to the applicable requirements of this subpart in the following calendar year.

(2) *Regulatory relief for 2021 and 2022.* If a federally insured credit union reaches or crosses an asset size threshold under this subpart on March 31, 2021, the NCUA will use the assets the federally insured credit union reported on March 31, 2020 for the purpose of determining the applicability of those thresholds.

* * * * *

PART 708a—BANK CONVERSIONS AND MERGERS

■ 7. The authority citation for part 708a continues to read as follows:

Authority: 12 U.S.C. 1766, 1785(b), and 1785(c).

■ 8. Effective March 23, 2021, in § 708a.101, revise the second sentence of the definition of ''Regional Director'' to read as follows:

§ 708a.101 Definitions.

* * * * *

Regional Director * * * For corporate credit unions and natural person credit unions defined as covered credit unions under part 702 of this chapter, Regional Director means the director of NCUA's Office of National Examinations and Supervision.

* * * * *

■ 9. Effective March 23, 2021, in § 708a.301, revise the second sentence of the definition of ''Regional Director'' to read as follows:

§ 708a.301 Definitions.

* * * * *

Regional Director * * * For corporate credit unions and natural person credit unions defined as covered credit unions under part 702 of this chapter, Regional Director means the director of NCUA's Office of National Examinations and Supervision.

* * * * *

PART 708b—MERGERS OF INSURED CREDIT UNIONS INTO OTHER CREDIT UNIONS; VOLUNTARY TERMINATION OR CONVERSION OF INSURED STATUS

■ 10. The authority citation for part 708b continues to read as follows:

Authority: 12 U.S.C. 1752(7), 1766, 1785, 1786, 1789.

■ 11. Effective March 23, 2021, in § 708b.2, revise the second sentence of the definition of ''Regional Director'' to read as follows:

§ 708b.2 Definitions.

* * * * *

Regional Director * * * For corporate credit unions and natural person credit unions defined as covered credit unions under part 702 of this chapter, Regional Director means the director of NCUA's Office of National Examinations and Supervision.

* * * * *

PART 790—DESCRIPTION OF NCUA; REQUESTS FOR AGENCY ACTION

■ 12. The authority citation for part 790 continues to read as follows:

Authority: 12 U.S.C. 1766, 1789, 1795f.

■ 13. Effective March 23, 2021, in § 790.2(c)(2), revise the first sentence to read as follows:

§ 790.2 Central and field office organization.

* * * * *

(c)

(2) * * * Similar to a Regional Director, the Director of the Office of National Examinations and Supervision manages NCUA's supervisory program over credit unions; however, it oversees the activities for corporate credit unions and of natural person credit unions defined as covered credit unions under part 702 of this chapter, in accordance with established policies. * * *

* * * * *

[FR Doc. 2021–05967 Filed 3–19–21; 4:15 pm]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–1096; Airspace Docket No. 20–ANM–41]

RIN 2120–AA66

Amendment of Class E Airspace; Buena Vista, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class E airspace extending upward from 700 feet above the surface at Central Colorado Regional Airport, Buena Vista, CO. This action modifies the airspace to properly contain instrument flight rules (IFR) aircraft departing and arriving at the airport. Additionally, this action removes the Class E airspace extending upward from 1,200 feet above the surface. This airspace is wholly contained within the Denver en route airspace area and duplication is not necessary. Lastly, this action implements an administrative update to the airport's name.

DATES: Effective 0901 UTC, June 17, 2021. The Director of the Federal

Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class E airspace at Central Colorado Regional Airport, Buena Vista, CO, to ensure the safety and management of IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 85566; December 29, 2020) for Docket No. FAA–2020–1096 to modify the Class E airspace at Central Colorado Regional Airport, Buena Vista, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 modifies the Class E airspace extending upward from 700 feet above the surface at Central Colorado Regional Airport, Buena Vista, CO. This airspace is designed to contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. The circular radius of the airport is larger than required, and the airspace does not properly contain IFR departures and aircraft performing an Area Navigation Runway 33 approach. This action reduces the circular radius from 4.7 miles to 3.5 miles, and adds an area south of the airport.

Additionally, this action removes the Class E airspace extending upward from 1,200 feet above the surface. This airspace area is wholly contained in the Denver en route airspace area and duplication is not necessary.

Lastly, the action implements an administrative update to the airport's name. To match the FAA database, the airport name is updated to Central Colorado Regional Airport.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

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

* * * * *

ANM CO E5 Buena Vista, CO [Amended]

Central Colorado Regional Airport, CO
(Lat. 38°48′51″ N, long. 106°07′14″ W)

That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 1.8 miles each side of the 160° bearing from the airport, extending from the 3.5-mile radius to 8.7 miles south of Central Colorado Regional Airport.

Issued in Des Moines, Washington, on March 12, 2021.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2021–05599 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–1124; Airspace Docket No. 20–AWP–48]

RIN 2120–AA66

Revocation of Class E Airspace; Kayenta, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Class E airspace established for Bedard Field Airport, Kayenta, AZ. The special instrument procedures that were developed for the private airport have been canceled. The Class E airspace is no longer required.

DATES: Effective 0901 UTC, June 17, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it revokes the Class E airspace at Bedard Field Airport, Kayenta, AZ, as IFR operations are no longer conducted at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 85565; December 29, 2020) for Docket No. FAA–2020–1124 to revoke the Class E airspace at Bedard Field Airport, Kayenta, AZ. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 revokes the Class E airspace established for Bedard Field Airport, Kayenta, AZ. The special instrument procedures that were developed for the private airport have been canceled. The Class E airspace is no longer required. FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

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

* * * * *

AWP AZ E5 Kayenta, AZ [Revoked]

Bedard Field, AZ
(Lat. 36°28′18″ N, long. 110°25′05″ W)

Issued in Des Moines, Washington, on March 12, 2021.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2021–05601 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 210318–0059]

RIN 0648–BA21

Expansion of Flower Garden Banks National Marine Sanctuary; Notification of Effective Date and Technical Amendment

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notification of effective date of final rule; technical amendment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is providing notice that the final rule published on January 19, 2021 to expand Flower Garden Banks National Marine Sanctuary (FGBNMS) is effective on March 22, 2021. NOAA is also amending the FGBNMS regulations to reflect the effective date.

DATES: The final rule to expand Flower Garden Banks National Marine Sanctuary, which was published at 86 FR 4937 on January 19, 2021, is effective on March 22, 2021. The technical amendment in this document is effective on March 22, 2021.

FOR FURTHER INFORMATION CONTACT: George P. Schmahl, Superintendent, Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Building 216, Galveston, Texas 77551, at 409–356–0383, or *fgbexpansion@noaa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 304(b) of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1434(b)), NOAA published the designation and final regulations to implement the expansion of FGBNMS published on January 19, 2021 (86 FR 4937). As required by the NMSA, the designation and regulations would become effective following the close of a review period of 45 days of continuous session of Congress beginning on the date of publication. Moreover, a Presidential Memorandum issued on January 20, 2021 required agencies to consider a 60-day postponement in new regulations. Accordingly, NOAA announces the designation and the final regulations to implement the expansion of FGBNMS is effective on March 22, 2021. With this document, NOAA is also amending the FGBNMS regulations at § 922.122 (e)(1) to update and reflect the effective date of March 22, 2021.

Nicole R. LeBoeuf,

Acting Assistant Administrator,National Ocean Service, National Oceanic and Atmospheric Administration.

Accordingly, for the reasons set forth above, NOAA amends part 922, title 15 of the Code of Federal Regulations as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

■ 1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

Subpart L—Flower Garden Banks National Marine Sanctuary

§ 922.122 [Amended]

■ 2. Amend § 922.122(e)(1) by adding ''March 22, 2021,'' before the phrase ''the effective date of the revised terms of sanctuary designation''.

[FR Doc. 2021–06051 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 6

Public Health Service

42 CFR Part 1

Centers for Medicare and Medicaid Services

42 CFR Part 404

Office of the Inspector General

42 CFR Part 1000

Office of the Secretary

45 CFR Part 8

Administration for Children and Families

45 CFR Parts 200, 300, 403, 1010, and 1300

[Docket No. HHS–OS–2020–0012]

RIN 0991–AC24

Securing Updated and Necessary Statutory Evaluations Timely; Administrative Delay of Effective Date; Correction

AGENCY: Department of Health and Human Services (HHS).

ACTION: Final rule; delay of effective date and correction.

SUMMARY: The Department of Health and Human Services (HHS or Department) is postponing, pending judicial review, the effective date of a final rule entitled ''Securing Updated and Necessary Statutory Evaluations Timely'' (SUNSET final rule) and published in the **Federal Register** of January 19, 2021. This document also corrects certain errors in the SUNSET final rule.

DATES: As of March 19, 2021, the effective date of the final rule published January 19, 2021 (86 FR 5694), is delayed pursuant to 5 U.S.C. 705 for one year until March 22, 2022.

This correction is effective as of March 22, 2022, and amendatory instruction #10 in FR 2021–00597 (86 FR 5694), published on January 19, 2021, is corrected.

FOR FURTHER INFORMATION CONTACT: Daniel J. Barry, Acting General Counsel, 200 Independence Avenue SW, Washington, DC 20201; or by email at *reviewnprm@hhs.gov*; or by telephone at 1–877–696–6775.

SUPPLEMENTARY INFORMATION: The SUNSET final rule was scheduled to take effect on March 22, 2021. On March 9, 2021, a lawsuit was filed seeking to overturn the SUNSET final rule. HHS finds that the interests of justice require that the SUNSET final rule's effective date be postponed pending judicial review because: Based on HHS's initial review of the Complaint, HHS believes that the Court could find merit in some of Plaintiffs' claims; Plaintiffs' allegations of harm are credible; a postponement will permit HHS to review the SUNSET final rule in light of the claims raised in the litigation; and the balance of equities and the public interest warrant postponement of the effective date to preserve the status quo while the Court considers the challenge to the SUNSET final rule. This document also corrects certain errors in the SUNSET final rule.

In the **Federal Register** of November 4, 2020 (85 FR 70096), HHS published a notice of proposed rulemaking entitled ''Securing Updated and Necessary Statutory Evaluations Timely'' (SUNSET). Under the rule as proposed, subject to certain exceptions, Department regulations would expire at the end of (1) two calendar years after the year that the SUNSET rule first became effective, (2) ten calendar years after the year of the regulation's promulgation, or (3) ten calendar years after the last year in which the Department ''assessed'' and, if required, ''reviewed'' the regulation, whichever was latest. Thus, under the proposed rule, unless HHS ''assessed'' and, if required, ''reviewed'' most of its regulations within a certain timeframe specified in the rule (for most existing regulations, within two years) and every ten years thereafter, the regulations would expire. The proposed rule also provided that if a ''review'' led to a finding that a regulation should be amended or rescinded, the Department must amend or rescind the regulation within a specified timeframe (generally two years). In addition, the proposed rule contained certain publication requirements, including that (1) the Department publish the results of all ''assessments'' and ''reviews,'' including the full underlying analyses and data used to support the results, in the **Federal Register**, and (2) the Department announce the commencement of an ''assessment'' or ''review'' of a particular regulation on the agency website, with an opportunity for public comment. The proposed rule provided that comments could be submitted until December 4, 2020, except for comments on the portion of the rule amending 42 CFR parts 400–429 and parts 475–499, which were due by January 4, 2021.

In the **Federal Register** of November 16, 2020 (85 FR 73007), HHS announced a public hearing, scheduled for November 23, 2020, to receive information and views on the proposed rule (Public Hearing).

In the **Federal Register** of January 19, 2021 (86 FR 5694), HHS issued the SUNSET final rule. The final rule provides that all regulations, subject to certain exceptions, issued by the Secretary of the Department of Health and Human Services (Secretary) or their delegates or sub-delegates in titles 21, 42, and 45 of the CFR shall expire at the end of (1) five calendar years after the year that the SUNSET final rule first becomes effective, (2) ten calendar years after the year of the regulation's promulgation, or (3) ten calendar years after the last year in which the Department ''assessed'' and, if required, ''reviewed'' the regulation, whichever is latest. Thus, the final rule contains the same basic expiration framework as the proposed rule, but extends the timeframe for ''assessment'' and any applicable ''review'' of most existing regulations from two calendar years to five calendar years. The final rule also provides for ''continuation'' of a regulation that is subject to expiration if the Secretary makes a written determination that the public interest requires continuation. In addition, the final rule contains exemptions for a small set of certain Food and Drug Administration (FDA) regulations. The final rule maintains the timeframe for amendment or rescission of regulations, as well as the publication requirements, and includes a new **Federal Register** publication requirement. The final rule also expands its reach to include additional provisions regarding parts of HHS not specifically included in the proposed rule. The final rule states that its effective date is March 22, 2021.

On March 9, 2021, the County of Santa Clara, California Tribal Families Coalition, National Association of Pediatric Nurse Practitioners, American Lung Association, Center for Science in the Public Interest, and Natural Resources Defense Council sued the Department seeking to overturn the SUNSET final rule under the Administrative Procedure Act (APA). Complaint, *County of Santa Clara* v. *HHS,* Case No. 5:21–cv–01655–BLF (N.D. Cal.). Plaintiffs allege that the SUNSET final rule is *ultra vires, see id.* ¶¶ 123–30; arbitrary and capricious, *see id.* ¶¶ 131–33; in violation of the APA's notice-and-comment requirements, *see id.* ¶¶ 134–39; and in violation of HHS's Tribal Consultation Policy, *see id.* ¶¶ 140–44. Plaintiffs further allege that the SUNSET final rule threatens imminent and irreparable harm to them and the general public, including by creating regulatory confusion and uncertainty that will impede their ongoing operations, budgeting, and planning activities. *See, e.g., id.* ¶¶ 100–02; *see generally id.* ¶¶ 95–122.

Under 5 U.S.C. 705 of the APA, an agency ''may postpone the effective date of action taken by it, pending judicial review,'' when the ''agency finds that justice so requires.'' HHS has concluded that the interests of justice require that the SUNSET final rule be stayed pending judicial review. As discussed in greater detail below, HHS believes that the Court may find merit in some of Plaintiffs' claims, that Plaintiffs' allegations of harm are credible, and that the balance of equities and the public interest warrant postponement of the effective date pending judicial review. Accordingly, the interests of justice require a postponement in order to preserve the status quo, because, if the rule took effect while HHS was evaluating the rule in light of the claims raised in litigation, it could create significant obligations for HHS, cause confusion for the public, including Plaintiffs, and may lead to compliance costs as entities, including Plaintiffs, plan steps necessary to deal with the rule's implementation, as explained below. HHS is unaware of any benefits from the implementation of the SUNSET final rule that would be significantly curtailed from a stay of its effective date.

The Department is taking a fresh and critical look at the SUNSET final rule in light of the allegations in the Complaint (although many of these concerns were also raised during the comment period on the proposed rule). The Complaint alleges serious legal vulnerabilities of the rule, and, while HHS does not concede any of these claims at this time, HHS requires additional time to evaluate the SUNSET final rule given the pending litigation. In addition, the Complaint raises the question as to whether the SUNSET final rule, issued in the final days of the last administration, is consistent with the policies and goals of the current administration, both in terms of the appropriate role of regulatory oversight of the health care industry and necessary engagement with the public, including tribal organizations.

The Complaint makes numerous allegations that the substantive provisions of SUNSET final rule violate the law. The Complaint alleges that the SUNSET final rule is contrary to and

exceeds the Department's authority under the APA, substantive organic statutes, and the Regulatory Flexibility Act (RFA) because it schedules the rescission of thousands of regulations that were required by statute, amends regulations without the same level of process and statutory considerations required for the original regulations, and provides for automatic elimination of regulations without considering the requirements of the RFA. The Complaint further alleges that the SUNSET final rule is arbitrary and capricious and lacks a rational basis because, among other reasons, it assumes that HHS will conduct RFA reviews at an implausible pace; does not adequately consider the extreme degree of regulatory uncertainty the SUNSET final rule creates; underestimates the burden imposed on Plaintiffs for monitoring HHS regulations to ensure they do not expire; and fails to consider the specific regulations being amended to automatically expire.

Given the volume of HHS agency regulations that the Department would need to assess and, as applicable, review in a short period of time, HHS now believes it is likely some regulations would expire without any additional administrative process (contrary to the conclusions reached in the SUNSET final rule). Under the SUNSET final rule, for each covered regulation, HHS agencies would need to: Collect data to conduct the relevant evaluation, perform an assessment and possibly a review, consider any comments to the public docket related to the evaluation, publish the results of this process in the **Federal Register** (''including the full underlying analyses and data used to support the results,'' 86 FR at 5712), and, if warranted, complete a rulemaking to amend or rescind the regulation, which would itself require an additional investment of agencies' resources and public input. If the work is unable to be conducted within the final rule's time frames, the regulations would expire.

That outcome could raise interrelated administrative law questions regarding: Whether regulations promulgated through notice and comment rulemaking can be terminated through an umbrella rule without individualized consideration of the expiring regulations, including any reliance interests of parties affected by them; and, if so, whether the proposed/final rule provided an adequate justification for implementing a process of automatic expiration.

The expiration component of the SUNSET final rule also raises significant policy and public health questions concerning the value of the assessment and review processes and whether those processes are so important that they outweigh the value of the regulations that would likely expire.

The potential automatic expiration of regulatory programs could create uncertainty and unpredictability regarding large swathes of the rules governing health care, which would upend the status quo and in turn could result in compliance costs to HHS grantees, contractors, and health care providers and suppliers, many of whom may have structured matters such as financial arrangements and business operations to satisfy the conditions set forth in the current regulations. The resulting disruption in the marketplace could impact stakeholders who rely on the regulatory functions of each HHS agency. This uncertainty could have serious implications for insurance markets, hospitals, physicians, and patients, among other affected parties, which could lead physicians and other regulated entities to forgo future investments because of the lack of clarity. In addition, because States depend on HHS to set national standards and have built vast regulatory systems within that framework, the possibility that many regulations would lapse could pose a direct threat to the States' healthcare systems and the health and safety of individuals. The expiration of regulations could also muddle the clarity and predictability of existing regulations, which in turn would impede program implementation and reduce HHS's overall efficiency.

HHS is similarly concerned that the SUNSET final rule may have significantly underestimated the burden of the assessments and reviews for this magnitude of regulations and fails to account for the substantial resources that would be needed for the HHS agencies to simultaneously evaluate thousands of regulations in a short period of time. For example, the Regulatory Impact Analysis (RIA) included in the final rule appears to focus on the number of staff and staff hours required for ''reviews,'' but provides an incomplete estimate for the cost of the initial ''assessment'' phase. That raises questions regarding whether the RIA significantly underestimated the costs that will be incurred by agencies and overestimates the purported cost savings. Currently, there is no accurate impact analysis of the substantial redirection of resources (both financial and employee) required to provide the necessary expertise and input from economists, epidemiologists, medical officers, legal and regulatory counsel, and other subject matter experts.

The Complaint also alleges that the promulgation of the SUNSET final rule suffered from procedural deficiencies. Plaintiffs allege that, despite widespread requests for more time, HHS issued the SUNSET final rule after providing 30 days to comment on the rule's effect on non-Medicare regulations and 60 days to comment on its effects on Medicare regulations, seriously interfering with meaningful public participation. The comments likewise raised concerns about the adequacy of the comment period for a rule with this magnitude of impact and the timing of the proposal, particularly during the COVID–19 pandemic, both of which may have impeded the full and deliberate consideration of all of the potential issues related to the SUNSET rule. For example, at the Public Hearing, almost all commenters agreed that HHS should have lengthened the comment period, and offered several reasons in support of a longer comment period, all of which were expressed by multiple commenters: That a proposal with this breadth, scope, and potential harmful impact, including unintended detrimental consequences to regulated industries, merited more time for thoughtful public input; that impacted stakeholders included small businesses that would not be able to digest and comment on a rule of this breadth in such a short period of time; that it was irresponsible for HHS to engage in this rulemaking during the height of the pandemic when stakeholder resources were devoted to addressing the public health emergency; and that the already short comment period included Thanksgiving weekend, which exacerbated the time-crunch for commenters. *See* Transcript, Public Hearing on the Securing Updated and Necessary Statutory Evaluations Timely Notice of Proposed Rulemaking (Public Hearing Transcript) (Nov. 23, 2020) (available at *https://www.regulations.gov/document/HHS-OS-2020-0012-0501*). As with Plaintiffs' above substantive claims, HHS requires additional time to review the SUNSET final rule's compliance with these procedural obligations, in light of Plaintiffs' claims, before determining how to proceed in litigation and before creating uncertainty among the regulated community. The SUNSET final rule is uniquely situated in that it affects an extraordinarily large number of regulations, which lends support for Plaintiffs' procedural claims.

The Complaint also alleges that, despite the SUNSET final rule's sweeping scope and tribal implications, the Department neglected to consult

with tribal governments. Again, these same concerns were raised in the written comments on the SUNSET proposed rule. Under Executive Order 13175, entitled ''Consultation and Coordination With Indian Tribal Governments,'' HHS is required, before any action is taken that will significantly affect Indian Tribes, to consult with Indian Tribes in the development of the proposed rule to the extent practicable and permitted by law. 65 FR 67249 (Nov. 6, 2000). This required consultation is in recognition that Tribes should be afforded an opportunity to comment meaningfully on the rule's impact. However, multiple comments from representatives of several Tribes and related groups explained that, despite the enormous impact that this rule, if implemented, would have on Tribes, HHS failed to consult with Tribal governments (or even notify them regarding the proposal), contrary to procedures required under Executive Order 13175. *See, e.g.,* Comments from the: Saint Regis Mohawk Tribe; Chickahominy Indian Tribe; Jena Band of Choctaw Indians; Nez Perce Tribe; Affiliated Tribes of Northwest Indians; Mohegan Tribe of Connecticut; Tanana Chiefs Conference; Chippewa Cree Tribe of the Rocky Boy's Reservation; Alaska Native Tribal Health Consortium; United South and Eastern Tribes Sovereignty Protection Fund; Northwest Portland Area Indian Health Board; Quinault Indian Nation; California Tribal Families Coalition; National Indian Child Welfare Association; Tribal Law and Policy Institute; Tribal Technical Advisory Group; Native American Rights Fund, and the National Congress of American Indians, *available at https://www.regulations.gov/document/HHS-OS-2020-0012-0001/comment.* In light of the allegations in the Complaint, we need to reconsider the conclusion in the SUNSET final rule that the rule does not significantly affect Indian Tribes or have Tribal implications. Accordingly, HHS requires additional time to review the SUNSET final rule in light of the pending litigation.

In publishing the SUNSET final rule, the Department previously took the position that the rule complies with the APA and that the comment period was adequate, among other things. The Department's conclusions rested on certain assumptions that the Complaint challenges. For example, the Department expressed a view that it has the resources to complete assessments and reviews and avoid expiration, thus avoiding many of the legal concerns related to automatic repeal of regulations. See, *e.g.,* 86 FR 5694, 5705 (''The regulatory impact analysis in this final rule explains how HHS has the resources and personnel to perform the Assessments and Reviews called for by this final rule.''); *id.* at 5710 (''HHS does not intend to allow a regulation to simply expire.''); *id.* at 5711 (''HHS believes that this final rule does not significantly affect Indian Tribes or have Tribal implications . . . HHS intends that all rules will be Assessed and (if necessary) Reviewed timely. Therefore, this final rule would have no direct impact on Indian Tribes''); *id.* at 5714 (''The Department does not intend for any regulations to inadvertently sunset, and it is unlikely that any regulations with significant benefits would slip through the cracks.''). However, the Complaint alleges that ''there is no realistic probability that the Department will be able to conduct the number of reviews required to prevent automatic rescission,'' based in part on the quantity of analyses that would be required in the first five years and the agency's past practices. Complaint, ¶¶ 84–85. As noted above, the Department now believes that the RIA developed for the SUNSET final rule may not have fully taken into account all of the resource implications of this rule and therefore misjudged the likely expiration of existing regulations, elevating the administrative law concerns and concerns about the adequacy of the RIA.

In addition, the Department previously took the view that a 30-day comment period was adequate. However, the Complaint challenges the sufficiency of a 30-day comment period for complex rules, Complaint, ¶ 54, and the SUNSET rule's unique breadth, affecting an extraordinarily large number of regulations, could add force to such claims. The Department also took the view that the lack of tribal consultation was mitigated by the fact that Tribes will be able to comment on regulations during the Assessment and Review processes, 86 FR at 5711, but, as noted above, HHS is reconsidering that conclusion in light of the claims raised in the Complaint.

The Complaint also alleges that Plaintiffs and others are immediately harmed by the SUNSET final rule. The Complaint alleges that the uncertainty resulting from its implementation impacts the entire healthcare sector, which accounts for nearly one-fifth of the U.S. economy and secures individual and community health for hundreds of millions of Americans, and that participants in every single industry the Department regulates, including Plaintiffs, must plan their futures and operations without knowing what regulations will govern their businesses in these notoriously complex regulatory arenas. *See* Complaint, ¶¶ 2, 95–122. While HHS does not concede that Plaintiffs would establish irreparable harm in litigation, HHS agrees that it is appropriate to postpone the effective date of the SUNSET final rule to preserve the status quo and to ensure that HHS has time to evaluate the rule before it takes effect to avoid the possibility of confusion among the regulated community.

In addition, given the scope of work and timeframes set forth in the SUNSET final rule, the review required under the rule would divert the Department's resources from mission-critical endeavors for HHS agencies. For example, based on a count cited in the SUNSET final rule, under the timeline and definitions provided in the final rule, over 7,000 sections of the Code of Federal Regulations promulgated by the Food and Drug Administration (FDA) are more than ten years old or would become more than ten years old during the first five years the rule would be in effect, representing over 95 percent of its current regulations. Unless one of the exemptions applied, these regulations would need to be assessed within five years and, if applicable, reviewed, or be subject to expiration. If the SUNSET final rule were to become effective as scheduled on March 22, 2021, then, in order to meet these new obligations within the specified timeframe to avoid automatic expiration of its regulations, FDA and the Department would need to immediately divert resources toward assessment and review during the ongoing COVID–19 public health emergency. In that event, FDA's reviews of medical product applications, fulfillment of user fee commitments, and actions to address urgent public health matters such as ongoing COVID–19 pandemic relief efforts, outbreaks of foodborne illness, inspections, recalls, and other public health priorities would be significantly impacted. This concentration of resources in conducting regulatory review pursuant to the SUNSET rule could prevent FDA from modernizing its regulatory oversight more efficiently and addressing new regulatory needs. These considerations further support HHS's determination that justice requires a postponement of the SUNSET final rule's effective date. *See* 5 U.S.C. 705.

The SUNSET final rule presents similar burdens for HHS's seven other Public Health Service agencies and three human services agencies, such as the Centers for Medicare & Medicaid Services (CMS), with implications for

many initiatives. For example, comments at the Public Hearing from the American College of Obstetricians and Gynecologists, Center on Budget and Policy Priorities, National Immigration Law Center, and Service Employees International Union raised concerns that the SUNSET rule would undermine the regulations underpinning the Affordable Care Act, potentially with catastrophic consequences for the health care of millions of individuals and families. See Public Hearing Transcript. As another example, Medicare regulations are numerous and have an expansive reach, affecting many health care providers and suppliers in this country. Permitting the rule to go into effect would require CMS to assess thousands of regulations within a relatively short timeframe, and would likely entail a massive expenditure of resources and significantly increase the Department's workload. The rule would also likely result in significant uncertainty and compliance costs to Medicare providers and suppliers, many of which are small businesses. In addition, this rule could cause the loss of program protections to the beneficiaries of HHS programs and create uncertainty for individuals and entities subject to administrative sanctions, or those who seek reinstatement after exclusion from participation in Federal health care programs. The National Health Law Program also commented at the Public Hearing that the rule would create havoc in the Medicaid industry. See Public Hearing Transcript. All of these potential consequences would be detrimental to the public health, underscoring that justice requires a postponement of the SUNSET final rule's effective date pursuant to 5 U.S.C. 705.

Because of these public health concerns, and the harms alleged by the Plaintiffs and echoed in the comments, the balance of equities and the public interest favor the issuance of a stay of the effective date of the SUNSET final rule to preserve the status quo and allow for judicial review of its legality before any implementation.

Accordingly, HHS is issuing this stay of the effective date of this final rule pending judicial review. This postponement applies to all of the regulations established under the SUNSET final rule. As noted above, the Complaint alleges that the SUNSET final rule suffers from a variety of defects, including procedural defects related to its promulgation. The Department believes it is appropriate to review the entire rule in light of the claims raised in the litigation. Thus, this postponement reaches the full rule, consistent with the Complaint's prayer for relief.

Separately, this document addresses and corrects several technical errors identified by the Office of the Federal Register in the SUNSET final rule.

Corrections

In FR 2021–00597 (86 FR 5694), published on January 19, 2021, the following corrections are made:

1. On page 5694, first column, the list of CFR citations in the heading under ''Administration for Children and Families'' that reads ''45 CFR parts 200, 300, 403, 1010, and 1390'' is corrected to read ''45 CFR parts 200, 300, 403, 1010, and 1300.''

2. On page 5751, first column, the reference to ''45 CFR part 1390'' in the List of Subjects is corrected to read ''45 CFR part 1300.''

SUBCHAPTER A [Corrected]

■ 3. On page 5763, first column, in instruction 10, the heading for subchapter A and the table of contents for part 1300 are corrected to read as follows:

SUBCHAPTER A—Administrative Matters

PART 1300—REVIEW OF REGULATIONS

Sec.
1300.1 Retrospective Review of Existing Regulations.
1300.2 through 1300.5 [Reserved]

Norris Cochran,
Acting Secretary.

[FR Doc. 2021–05907 Filed 3–18–21; 4:15 pm]

BILLING CODE 4150–26–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 575

[Docket ID: USA–2020–HQ–0008]

RIN 0702–AB09

Admission to the United States Military Academy

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning policies for the command and control of the United States Military Academy (USMA), the United States Military Academy Preparatory School (USMAPS), and the West Point Military Reservation. This part applies to organizational entities and members within the DoD. Therefore, this part can be removed from the CFR.

DATES: This rule is effective on March 23, 2021.

FOR FURTHER INFORMATION CONTACT: LTC Mark Rea at 703–695–9262.

SUPPLEMENTARY INFORMATION: This rule was last updated on March 2, 1979 (44 FR 11781). It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures. This rule is redundant in that it established policy, assigned responsibilities, and prescribed procedures for members of DoD on the operation and oversight of the Military Service Academies. These internal policies and procedures are publicly available on the Department's issuance website.

DoD internal policies and guidance are current and reflective of requirements in statute, and will continue to be published in Army Regulation 150–1, ''United States Military Academy Organization, Administration, and Operation'' (available at *https://armypubs.army.mil/ProductMaps/PubForm/AR.aspx*).

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review.''

List of Subjects in 32 CFR Part 575

Military academies, Military personnel.

PART 575—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 575 is removed.

James W. Satterwhite Jr.,
Army Federal Register Liaison Officer.

[FR Doc. 2021–05910 Filed 3–22–21; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket Number USCG–2021–0184]

2020 Quarterly Listings; Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notification of expired temporary rules issued.

SUMMARY: This document provides notification of substantive rules issued

by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, and special local regulations, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective, primarily between April 2020 and June 2020, unless otherwise indicated, and were terminated before they could be published in the **Federal Register**.

ADDRESSES: Temporary rules listed in this document may be viewed online, under their respective docket numbers, using the Federal eRulemaking Portal at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this document contact Yeoman First Class Glenn Grayer, Office of Regulations and Administrative Law, telephone (202) 372–3862.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events.

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the end of the effective period, mariners were personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

The following unpublished rules were placed in effect temporarily during the period between April 2020 and June 2020 unless otherwise indicated. To view copies of these rules, visit *www.regulations.gov* and search by the docket number indicated in the following table.

Docket No.	Type	Location	Effective date
USCG–2020–0175	Safety Zones (Parts 147 and 165)	Township, NJ	4/4/2020
USCG–2020–0227	Safety Zones (Parts 147 and 165)	St. Thomas, U.S. Virgin Islands	4/21/2020
USCG–2020–0221	Safety Zones (Parts 147 and 165)	New Richmond, OH	5/8/2020
USCG–2020–0258	Security Zones (Part 165)	San Diego, CA	5/13/2020
USCG–2020–0268	Security Zones (Part 165)	San Diego, CA	5/20/2020
USCG–2020–0253	Safety Zones (Parts 147 and 165)	Copt Detroit Zone	5/22/2020
USCG–2020–0262	Safety Zones (Parts 147 and 165)	Lake Ozark, MO	5/24/2020
USCG–2020–0273	Safety Zones (Parts 147 and 165)	Cape Canaveral, FL	5/27/2020
USCG–2020–0022	Safety Zones (Parts 147 and 165)	Evansville, IN	6/2/2020
USCG–2020–0310	Safety Zones (Parts 147 and 165)	Captain of the port zone	6/4/2020
USCG–2020–0293	Safety Zones (Parts 147 and 165)	Camp Lejeune, NC	6/10/2020
USCG–2020–0329	Safety Zones (Parts 147 and 165)	Springdale, PA	6/12/2020
USCG–2020–0330	Safety Zones (Parts 147 and 165)	Pittsburgh, PA	6/12/2020
USCG–2020–0347	Safety Zones (Parts 147 and 165)	Detroit, MI	6/13/2020
USCG–2020–0333	Special Local Regulations (Part 100)	San Diego, CA	6/13/2020
USCG–2020–0352	Safety Zones (Parts 147 and 165)	Ohio River, Mulfordtown, KY	6/16/2020
USCG–2020–0350	Safety Zones (Parts 147 and 165)	Lake Charles, LA	6/19/2020
USCG–2020–0360	Safety Zones (Parts 147 and 165)	Morehead City, NC	6/20/2020
USCG–2020–0292	Safety Zones (Parts 147 and 165)	Lake Ozark, MO	6/27/2020
USCG–2020–0341	Special Local Regulations (Part 100)	New York, NY	6/29/2020

Dated: March 17, 2021.

M.T. Cunningham,

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. 2021–05902 Filed 3–22–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2020–0573]

RIN 1625–AA09

Drawbridge Operation Regulation; Little Manatee River, Ruskin, Hillsborough County, FL

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the Seaboard Systems Railroad Bridge across the Little Manatee River, mile 2.4, in Ruskin, Hillsborough County, FL. This rule updates the name of the swing bridge and allow the swing bridge to be operated remotely. The draw is maintained in the closed position and will open with a three hour notice to the remote bridge tender.

DATES: This rule is effective April 22, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov.* Type USCG–2020–0573 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Clark W. Sanford with Coast Guard Sector St Petersburg Florida, Waterways Office; telephone 813–228–2191 x8105, email *Clark.W.Sanford@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of proposed rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On October 20, 2020, the Coast Guard published a notice of proposed rulemaking entitled ''Drawbridge Operation Regulation; Little Manatee River, Ruskin, Hillsborough County, FL'' in the **Federal Register** (85 FR 66501). The NPRM invited comments on the proposed rule change. One comment was received from the bridge owner and will be addressed in section IV.

III. Legal Authority and Need for Rule

The bridge owner, CSX Transportation, requested the Coast Guard consider allowing remote operation of the Seaboard System Railroad Bridge across the Little Manatee River, mile 2.4, in Ruskin, Hillsborough County, Florida. The Seaboard System Railroad Bridge across the Little Manatee River, mile 2.4, in Ruskin, Hillsborough County, FL is a swing bridge. The bridge is currently maintained in the closed position with a three hour advance notification for an opening. It has a vertical clearance of 5 feet at mean high water in the closed position and a horizontal clearance of 35 feet.

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard is modifying the operating schedule that governs the Seaboard System Railroad Bridge across the Little Manatee River, mile 2.4, in Ruskin, Hillsborough County, FL. The bridge is currently unmanned and maintained in the closed position.

The bridge owner provided one comment. CSX requested the wording regarding the detection sensors be modified. The detection sensors will not detect approaching vessels but vessels that are within the radius of the swing span of the bridge. This change was made to the regulatory text in paragraph (c).

This rule allows the bridge to be remotely monitored and operated. Visual monitoring of the waterway shall be maintained with the use of cameras and the detection of vessels approaching the span shall be accomplished with detection sensors. Marine radio communication shall be maintained with mariners near the bridge for the safety of navigation. The remote tender may also be contacted via telephone at (813) 677–3974. The span is normally in the fully closed position and will display red lights to indicate that the span is fully closed. This rule would allow vessels to pass through the bridge while taking into account the reasonable needs of other modes of transportation.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget (OMB) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the ability that vessels can still transit the bridge given advanced notice. Vessels that can transit under the bridge without an opening may do so at any time.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Revise § 117.297 to read as follows:

§ 117.297 Little Manatee River.

The draw for the CSX Railroad Bridge, mile 2.4 near Ruskin, FL, shall operate as follows:

(a) The bridge is normally maintained in the closed position.

(b) The bridge is not tendered locally, but will be monitored and operated by a remote bridge tender.

(c) Marine radio communication shall be maintained, by the remote bridge tender, with mariners near the bridge for the safety of navigation. Visual monitoring of the waterway shall be maintained with the use of cameras. Detection sensors shall be installed for the detection of vessels within the radius of the swing span of the bridge.

(d) The draw must open on signal if at least three hours advance notice is requested via marine radio channel 9 VHF or telephone (813) 677–3974.

(e) The bridge shall not be operated from the remote location in the following events: Failure or obstruction of the detection sensors, cameras, or marine radio communications. In these situations, a bridge tender must be on-site and locally operate the bridge.

Dated: March 15, 2021.

Eric C. Jones,

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

[FR Doc. 2021–05770 Filed 3–22–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

Great Lakes St. Lawrence Seaway Development Corporation

33 CFR Part 401

RIN 2135–AA49

Seaway Regulations and Rules

AGENCY: Great Lakes St. Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the GLS is amending the joint regulations by updating the Regulations and Rules in various categories. The changes update the following sections of the Regulations and Rules: Interpretations; Condition of Vessels; Seaway Navigation; Dangerous Cargo; and Schedule II. These changes are to clarify existing requirements in the regulations. In addition, Congress renamed the Saint Lawrence Seaway Development Corporation (SLSDC) as the Great Lakes St. Lawrence Seaway Development Corporation (GLS) as part of the 2021 Consolidated Appropriations Act, signed into law on December 27, 2020. The joint regulations are being amended to reflect the name change.

DATES: This rule is effective on March 24, 2021.

ADDRESSES: For access to the docket to read background documents or comments received, go to *http://www.Regulations.gov*; or in person at the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–001, between 9

a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Carrie Mann Lavigne, Chief Counsel, Great Lakes St. Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; 315/764–3200.

SUPPLEMENTARY INFORMATION: The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the GLS is amending the joint regulations by updating the Regulations and Rules in various categories. The changes update the following sections of the Regulations and Rules: Interpretations; Condition of Vessels; Seaway Navigation; Dangerous Cargo; and Schedule II. These changes are to clarify existing requirements in the regulations. In addition, Congress renamed the Saint Lawrence Seaway Development Corporation (SLSDC) as Great Lakes St. Lawrence Seaway Development Corporation (GLS) as part of the 2021 Consolidated Appropriations Act (Section 512 of Division AA of Pub. L. 116–260), signed into law on December 27, 2020. The joint regulations are being amended to reflect the name change.

Regulatory Notices: Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.Regulations.gov*.

The joint regulations will become effective in Canada on March 24, 2021. For consistency, because these are joint regulations under international agreement, and to avoid confusion among users of the Seaway, the GLS finds that there is good cause to make the U.S. version of the amendments effective on the same date.

Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore, Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

Regulatory Flexibility Act Determination

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of the human environment.

Federalism

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this proposal does not have sufficient federalism implications to warrant a Federalism Assessment.

Unfunded Mandates

The Corporation has analyzed this rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

Paperwork Reduction Act

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Great Lakes St. Lawrence Seaway Development Corporation, under the authority of 33 U.S.C. 981, amends Chapter IV of title 33 of the Code of Federal Regulations as follows:

■ 1. Revise the heading of chapter IV to read as follows:

Chapter IV—Great Lakes St. Lawrence Seaway Development Corporation, Department of Transportation

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

■ 2. The authority citation for subpart A of part 401 continues to read as follows:

Authority: 33 U.S.C. 983(a) and 984(a) (4), as amended; 49 CFR 1.101, unless otherwise noted.

■ 3. In § 401.2, revise paragraph (a) to read as follows:

§ 401.2 Interpretation.

* * * * *

(a) *Corporation* means the Great Lakes St. Lawrence Seaway Development Corporation.

* * * * *

■ 4. In § 401.14 revise the heading and add paragraph (c) to read as follows:

§ 401.14 Anchors, Anchor Marking Buoys.

* * * * *

(c) Every vessel shall be equipped with operational anchor(s) suitably rigged for immediate release, holding, and retrieval. Every vessel shall be responsible for locating and retrieving any anchor deployed by the vessel and shall do so in a timely manner so as not to delay transit of vessels.

■ 5. In § 401.20 revise paragraph (b)(6) to read as follows:

§ 401.20 Automatic Identification System.

* * * * *

(b) * * *

(6) Computation of AIS position reports using differential GPS corrections from Canadian Coast Guard's maritime Differential Global Position System (DGPS) radio beacon services or Wide Area Augmentation System (WAAS); or

* * * * *

■ 6. In § 401.29 revise paragraph (c)(1)(i) to read as follows:

§ 401.29 Maximum draft.

* * * * *

(c) * * *

(1) * * *

(i) An operational AIS with accuracy approved by the Seaway; and

* * * * *

■ 7. In § 401.72 revise paragraph (g) to read as follows:

§ 401.72 Reporting—explosive and hazardous cargo vessels.

* * * * *

(g) If a Safety Data Sheet (SDS) on a hazardous cargo that a vessel is carrying

is not available in a Seaway Traffic Control Center, the vessel shall provide information enabling the preparation of an SDS.

* * * * *

■ 8. In schedule II to subpart A of part 401, under ''Table of Speeds,'' revise the entries for ''3. Upper Entrance, Upper Beauharnois Lock,'' and ''4. Lake St. Francis D1'' to read as follows:

SCHEDULE II TO SUBPART A OF PART 401—TABLE OF SPEEDS [1]

From—	To—	Maximum speed over the bottom, knots	
		Col. III	Col. IV
*	*	*	*
3. Upper Entrance, Upper Beauharnois Lock	Lake St. Francis D1	9 (upb); 10. 5 (dnb).	11 (upb); 13 (dnb)
4. Lake St. Francis D1	Lake St. Francis D49	12	12
*	*	*	*

Issued at Washington, DC, under authority delegated at 49 CFR part 1.101—Great Lakes St. Lawrence Seaway Development Corporation.

Carrie Lavigne,

Chief Counsel.

[FR Doc. 2021–05504 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AR12

New Evidence

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends the regulation governing use of service department records as new evidence to remove the words ''Joint Services Record Research Center.'' This change is necessary because the U.S. Department of Army, Records Management and Declassification Agency (RMDA) has realigned its records research activities and the Joint Services Record Research Center (JSRRC) no longer exists.

DATES: This final rule is effective March 23, 2021.

FOR FURTHER INFORMATION CONTACT: Robert Parks, Chief, Part 3 Regulations Staff (211D) Compensation Service (21C), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9450. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: The purpose of this amendment is make a technical change to VA regulations, without substantive effect, by removing reference to the Joint Services Records Research Center (JSRRC) in title 38, Code of Federal Regulations (CFR), § 3.156(c)(2). The U.S. Department of Army, Records Management and Declassification Agency (RMDA) has realigned its records research activities and the Joint Services Record Research Center (JSRRC) no longer exisits. The JSRRC was a research office that provided support to the Department of Veterans Affairs (VA), acting as an intermediary to conduct multi-service research of official military unit records for information that may verify an incident described by a veteran in a claim for disability compensation. Although the JSRRC no longer exists, the military unit records that were the subject of JSRRC research have not been impacted. Those records remain in the custody of the U.S. military and will be researched by VA as appropriate in the course of adjudicating claims for VA benefits. This amendment does not impact existing standards governing VA's duty to assist a claimant, under 38 U.S.C. 5103A, in obtaining evidence necessary to substantiate a claim.

Currently, 38 CFR 3.156(c) provides that VA will reconsider a previously decided claim if VA receives or associates with the claims file relevant official service department records that existed and had not been associated with the claims file when VA first decided the claim. Moreover, 38 CFR 3.156(c)(2) provides examples of service department records that do not qualify, and references the situation where the claimant had not provided, when VA decided the claim, sufficient information for VA to identify and obtain the records from ''the respective service department, the Joint Services Records Research Center, or from any other official source.'' This regulatory change removes from that section the reference to the JSRRC because it no longer exists. However, this change does not alter the essential import of the provision, as the JSRRC was only listed as an example of an official source from which VA could have obtained the records. The essential standard remains that nonqualifying records include those where the claimant had not provided sufficient information for VA to identify and obtain the records from ''any official source.'' Where the JSRRC existed at the time that VA decided the claim, the JSRRC would, in general, continue to qualify as an ''official source'' at that time for purposes of § 3.156(c)(2). For claims adjudicated after the JSRRC ceased to exist, the military records themselves previously researched by the JSRRC remain available for research by VA as an official source of records, as indicated above.

Administrative Procedure Act

VA finds that there is good cause under the provisions of 5 U.S.C. 553(b)(B) and (d) to publish this final rule without prior opportunity for public comment and with immediate effect. Namely, the removal of reference to JSRRC is minor, does not impact the applicable standard, aligns the regulation with an organizational change within the military that is outside of VA's control, and does not involve VA's exercise of policy-making discretion. Continuing to reference a non-existent research entity in the regulation would create the potential for

[1] Maximum speeds at which a vessel may travel in the identified area in both normal and high water conditions are set out in this schedule. The Manager and the Corporation will, from time to time, designate the set of speed limits that is in effect.

public confusion and an adverse impact on associated records requests. VA therefore for good cause finds that notice and public procedure for this minor, technical update is unnecessary under 5 U.S.C. 553(b)(B). For the same reasons, VA concludes there is good cause not to delay the effective date of the final rule under 5 U.S.C. 553(d)(3).

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this final rule is not a significant regulatory action under Executive Order 12866.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its Regulatory Impact Analysis (RIA) are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). The certification is based on the fact that the technical changes made by this rule do not affect entitlement to VA disability compensation, and in any event there is no impact on small entities or businesses. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.105, Pension to Veterans, Surviving Spouses, and Children; 64.109, Veterans Compensation for Service-Connected Disability; and 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

Congressional Review Act

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on March 11, 2021 and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 3 as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

■ 1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

■ 2. Amend § 3.156 by revising paragraph (c)(2) to read as follows:

§ 3.156 New evidence.

* * * * *

(c) * * *

(2) Paragraph (c)(1) of this section does not apply to records that VA could not have obtained when it decided the claim because the records did not exist when VA decided the claim, or because the claimant failed to provide sufficient information for VA to identify and obtain the records from the respective service department or from any other official source.

* * * * *

[FR Doc. 2021–05875 Filed 3–22–21; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0317; FRL–10021–28–Region 3]

Air Plan Approval; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the State College Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The revision pertains to the Commonwealth's plan, submitted by the Pennsylvania Department of Environmental Protection (PADEP), for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) (referred to as the ''1997 ozone NAAQS'') in the Centre County, Pennsylvania area (State College Area). EPA is approving these revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on April 22, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2020–0317. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Serena Nichols, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2053. Ms. Nichols can also be reached via electronic mail at *Nichols.Serena@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 14, 2020 (85 FR 65008), EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, EPA proposed approval of Pennsylvania's plan for maintaining the 1997 ozone NAAQS in the State College Area through December 14, 2027, in accordance with CAA section 175A. The formal SIP revision was submitted by PADEP on March 10, 2020.

II. Summary of SIP Revision and EPA Analysis

On April 30, 2004 (69 FR 23857, effective June 15, 2004), EPA approved a redesignation request (and maintenance plan) from PADEP for the State College Area. In accordance with CAA section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years, and in *South Coast Air Quality Management District* v. *EPA,*[1] the D.C. Circuit held that this requirement cannot be waived for areas, like the State College Area, that had been redesignated to attainment for the 1997 8-hour ozone NAAQS prior to revocation and that were designated attainment for the 2008 ozone NAAQS. CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan.[2] PADEP's March 10, 2020 submittal fulfills Pennsylvania's obligation to submit a second maintenance plan and addresses each of the five necessary elements.

As discussed in the October 14, 2020 NPRM, EPA allows the submittal of a limited maintenance plan (LMP) to meet the statutory requirement that the area will maintain for the statutory period. Qualifying areas may meet the maintenance demonstration by showing that the area's design value[3] is well below the NAAQS and that the historical stability of the area's air quality levels indicates that the area is unlikely to violate the NAAQS in the future. EPA evaluated PADEP's March 10, 2020 submittal for consistency with all applicable EPA guidance and CAA requirements. EPA found that the submittal met CAA section 175A and all CAA requirements, and proposed approval of the LMP for the State College Area as a revision to the Pennsylvania SIP.

Other specific requirements of PADEP's March 10, 2020 submittal and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

III. EPA's Response to Comments Received

EPA received comments on the October 14, 2020 NPRM from three commenters. All comments received are in the docket for this rulemaking action. A summary of the comments and EPA's responses are provided herein. The first commenter alleges that the plan should not be approved because ''PADEP's schedule is insufficient and the only two regulatory measures the state proposed are measures that have already been implemented,'' and provides specific comments in support of this assertion:

Comment 1: The commenter asserts that PADEP's schedule for promulgating and implementing the contingency measures is not fast enough to prevent a violation of the NAAQS. The commenter notes that the Pennsylvania LMP includes a requirement that Pennsylvania evaluate whether additional local emission control measures are necessary when a monitor in the area exceeds the level of the NAAQS for two consecutive years. Because an area's design value uses three years of data, the commenter argues that this requirement will not provide sufficient time for the State's measures to affect air quality in the third year, which, if above the level of the NAAQS, would lead to a violation. The commenter urges EPA to disapprove the LMP because the ''schedule does not ensure a violation of the NAAQS does not occur by the end of the third year.''

Response 1: EPA does not agree that the plan should be disapproved. CAA section 175A(d) mandates that a maintenance plan must contain ''such contingency provisions as the Administrator deems necessary to assure that the State will promptly *correct any violation* of the standard which occurs after the redesignation of the area as an attainment area.'' (emphasis added). The statute therefore does not include any requirement that a maintenance plan's contingency measures *prevent* a violation of the NAAQS, but rather only that those selected measures be available to address a violation of the NAAQS after it already occurs. As referred to in the comment, Pennsylvania also elected to adopt a ''warning level response,'' which states that PADEP will consider adopting contingency measures if, for two consecutive years, the fourth highest eight-hour ozone concentrations at any monitor in the area are above 84 parts per billion (ppb). But this warning level response is not required under the CAA, and therefore we do not agree with the commenter that the plan should be disapproved based on the commenter's allegation that the warning level response's implementation schedule is insufficient.

Moreover, as a general matter, we do not agree that the schedules for implementation of contingency provisions in the LMP are insufficient. As noted, the CAA provides some degree of flexibility in assessing a maintenance plan's contingency measures—requiring that the plan contain such contingency provisions ''as the Administrator deems necessary'' to assure that any violations of the NAAQS will be ''promptly'' corrected. EPA's longstanding guidance for redesignations, the Calcagni Memo, also does not provide precise parameters for what strictly constitutes ''prompt'' implementation of contingency measures, noting that, for purposes of CAA section 175A, ''a state is not required to have fully adopted contingency measures that will take

[1] 882 F.3d 1138 (D.C. Cir. 2018).

[2] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni Memo).

[3] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum

8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

effect without further action by the state in order for the maintenance plan to be approved.'' Calcagni memo at 12. However, the guidance does state that the plan should ensure that the measures are adopted ''expediently'' once they are triggered, and should provide ''a schedule and procedure for adoption and implementation, and a specific time limit for action by the state.'' *Id.* We think the State's plan, which provides specific lists of regulatory and non-regulatory measures that the state would consider after evaluating and assessing what it believed to be the cause of increased ozone concentrations, and the specific timeframes it would use to expediently implement the various measures, meets the requirements of CAA section 175A.

Comment 2: The commenter questions the validity of the two regulatory contingency measures. The commenter claims that previously implemented measures cannot be used as contingency measures, calling into question one of the contingency measures that was previously approved into Pennsylvania's SIP. The comment also states that another contingency measure regarding portable fuel containers is already in effect nationwide and that PA's SIP submission does not reference the national regulation at 40 CFR part 59, but notes that the Pennsylvania portable fuel container rule was repealed in 2012, and that the State's submission doesn't explain what is intended by this contingency measure. The commenter also states that EPA may not rely on the proposed non-regulatory control measures because those are only ''SIP-strengthening.''

Response 2: The commenter asserts that Pennsylvania cannot implement existing controls as contingency measures. However, as expressly noted in the LMP, Pennsylvania states that both of the contingency measures the commenter objects to, will be in addition to existing controls.

PADEP identifies the consumer products contingency measure as being ''additional controls'' on consumer products. While Pennsylvania already has in place volatile organic compounds (VOC) limits for certain consumer products in its regulations at 25 Pa. Code Chapter 130, EPA understands that PADEP would need to use its rulemaking process to enact additional controls on VOC emissions from consumer products that go beyond those already implemented under 25 Pa. Code Chapter 130. As the commenter points out, PADEP has not identified what those specific additional measures would be. EPA's interpretation of the CAA as stated in the Calcagni memo is that contingency measures are not required to be fully adopted in order to be approved. Therefore, it is reasonable to interpret the use of ''additional'' here as indicating that the State would be adopting new controls the go beyond those already on the books, by, *e.g.,* establishing limits for categories or types of consumer products not already regulated or possibly by regulating more stringently those products already regulated under 25 Pa. Code Chapter 30.

The commenter also objects to PADEP identifying controls on portable fuel containers as a contingency measure. As with the consumer products rule, PADEP clearly contemplates enacting, if the occasion arises, ''additional controls'' beyond any national or state rule already on the books and being implemented. Those ''additional controls'' would, like the consumer product rule, need to establish limits on VOC emissions on portable fuel containers that go beyond any regulations currently in effect in PA. Under the national rule codified 40 CFR 59.697, states are not precluded from adopting and enforcing any emission standard or limitation. EPA promulgates national regulations that provide a floor nationwide, but States have the legal authority under CAA section 116 to regulate more stringently.

We note that no maintenance plan can be expected to cover every possible contingency. *Greenbaum* v. *EPA,* 370 F.3d 527 (6th Cir. 2004). It is possible that PADEP may not complete promulgation of the regulatory measures in its estimated time frame. EPA believes that PADEP has prudently supported its proposed regulatory contingency measures with six non-regulatory contingency measures. It is EPA's belief that the presence of the non-regulatory measures enhances the Commonwealth's ability to respond to remedy any future violation of the NAAQS.

Comment 3: The commenter speculates that for PADEP to implement the non-regulatory measures it must need to identify timely sources of funding for those measures.

Response 3: This comment is purely speculative. The comment does not provide any specific facts or analysis that would call into question Pennsylvania's ability to identify timely sources of funding for the non-regulatory contingency measures if they ever needed to be implemented. As we noted previously, CAA section 175A(d) requires only that the plan contain contingency provisions that the Administrator deems necessary to assure that a violation will be promptly corrected. EPA's analysis is that by including a suite of eight regulatory and non-regulatory contingency measures in the LMP, the Commonwealth increases its opportunities to implement such measures as might ever prove necessary to promptly correct a violation of the NAAQS.

Comment 4: The second commenter claims that EPA must disapprove PADEP's SIP for several reasons. First, the commenter claims that PADEP ''cannot afford to maintain an (sic) SIP that has experienced a significant deterioration in safety under this management plan for more than six months.'' Then, the commenter states additional concerns that ''the agency may be obliged to undertake a higher maintenance program if the plan shows a serious deterioration in safety, due to a significant change in design standards, a significant increase in labor expenditures, or a substantial expansion of the number of workers employed in the SIP. See supra infra at 4–5. However, for the reasons set forth above, there is nothing in the applicable statute to prevent the agency from requiring the maintenance of an (sic) SIP with a plan less severe than what the State requires of a temporary SIP. See supra infra at 4–7.''

Response 4: EPA believes that this comment, although referring to both, maintenance plans and SIPs, appears to be using those terms to refer to something other than the particular maintenance plan and revision to the Pennsylvania SIP that is the subject of this rulemaking. The comment also appears to reference either another document or section of a document (''See supra infra at 4–5,'' etc.) that has not been provided and does not provide context for these comments. EPA believes that this comment is most likely intended to address something other than the subject of this rulemaking, and therefore is not relevant, and does not require a substantive response.

Comment 5: The third commenter claims that ''EPA should disapprove this SIP maintenance plan if the EPA confirms that the plan cannot meet the recommendations contained in Section 7 and 8.'' The commenter references regulations under Section 7, 8, 9, 10, and Part 2 throughout. They also state that the public must be assured that Section 8 and 9 requirements can be fulfilled and the ''CAA requirements are blessed by the OIG.''

Response 5: It is unclear what document the commenter is referencing. Additionally, the reference to the OIG, EPA understands to refer to the Office of Inspector General. The Office of

Inspector General has no role in EPA's SIP approval process. EPA believes that this comment is most likely intended to address something other than the subject of this rulemaking, and therefore is not relevant, and does not require a substantive response.

IV. Final Action

EPA is approving PADEP's second maintenance plan for the State College Area for the 1997 ozone NAAQS as a revision to the Pennsylvania SIP.

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 24, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, approving PADEP's second maintenance plan for the State College Area for the 1997 ozone NAAQS, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 15, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding the entry ''Second Maintenance Plan for the State College 1997 8-Hour Ozone Nonattainment Area'' at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Second Maintenance Plan for the State College 1997 8-Hour Ozone Nonattainment Area.	State College Area	3/10/20	3/23/2021, [insert **Federal Register** citation].	The State College area consists solely of Centre County.

* * * * *

[FR Doc. 2021–05866 Filed 3–22–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0074; FRL–10021–23–Region 5]

Air Plan Approval; Wisconsin; Partial Approval and Partial Disapproval of the Rhinelander SO_2 Nonattainment Area Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is partially approving and partially disapproving a revision to the Wisconsin State Implementation Plan (SIP) intended to provide for attaining the 2010 primary, health-based 1-hour sulfur dioxide (SO_2) national ambient air quality standard (NAAQS or ''standard'') for the Rhinelander SO_2 nonattainment area. This SIP revision (hereinafter referred to as Wisconsin's Rhinelander SO_2 plan or plan) includes Wisconsin's attainment demonstration and other attainment planning elements required under the Clean Air Act (CAA). EPA is approving the base year emissions inventory and affirming that the nonattainment new source review requirements for the area have been met. EPA is also approving the Ahlstrom-Munksjö facility SO_2 emission limit as SIP strengthening. EPA is disapproving the attainment demonstration, since the plan relies on credit for more stack height than is creditable under the regulations for good engineering practice (GEP) stack height. Additionally, EPA is disapproving the plan for failing to meet the requirements for meeting reasonable further progress (RFP) toward attainment of the NAAQS, reasonably available control measures/reasonably available control technology (RACM/RACT), emission limitations and control measures as necessary to attain the NAAQS, and contingency measures.

DATES: This final rule is effective on April 22, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0074. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Abigail Teener, Environmental Engineer, at (312) 353–7314 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Abigail Teener, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–7314, *teener.abigail@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What actions did EPA propose on this SIP submission?

On November 25, 2020,[1] EPA proposed to partially approve and partially disapprove Wisconsin's Rhinelander SO_2 plan submitted on January 22, 2016 and supplemented on July 18, 2016 and November 29, 2016. EPA proposed to approve the base year emissions inventory and to affirm that the new source review requirements for the area had previously been met.[2] EPA also proposed to approve the Ahlstrom-Munksjö (formerly Expera Specialty Solutions LLC (Expera)) SO_2 emission limit as SIP strengthening. Specifically, EPA proposed to approve Wisconsin's Administrative Order AM–15–01, including emission limits and associated compliance monitoring, recordkeeping, and reporting requirements.

At that time, EPA also proposed to disapprove the attainment demonstration. EPA's notice of proposed rulemaking provided an explanation of the provisions in the CAA and in the implementing stack height regulations that limit the stack height that is creditable for attainment planning purposes. In particular, the proposed rulemaking underscored the provisions that allow credit for stack heights above ''formula GEP stack height'' only if suitable control requirements are established, and only to the extent that such credit is necessary to resolve any remaining violations of the air quality standard. In addition, EPA proposed to disapprove the plan for failing to meet the requirements for meeting RFP toward attainment of the NAAQS, RACM/RACT, emission limitations and control measures as necessary to attain the NAAQS, and contingency measures. EPA stated that final action to disapprove portions of the plan would start sanctions and Federal implementation plan (FIP) clocks for this area under CAA sections 179(a)–(b) and 110(c), respectively. EPA noted that the sanctions and FIP clocks would be terminated by an EPA rulemaking approving a revised plan.

II. What is EPA's response to comments received on the proposed rulemaking?

The proposed action described above provided a public comment period that closed on December 28, 2020. EPA received one adverse comment letter from the Wisconsin Department of Natural Resources (Wisconsin) and one anonymous, somewhat supportive comment on the proposed action. These comments are summarized below along with EPA's responses.

Wisconsin Comment: Wisconsin recommends that EPA not finalize the proposed action. Wisconsin stated that they worked cooperatively with EPA on the content of Wisconsin's Rhinelander SO_2 plan, and that EPA Region 5 staff and Wisconsin were in agreement when Wisconsin submitted their plan in January 2016. Wisconsin also asserted that after the facility raised the stack to the GEP height specified in Wisconsin's attainment plan submittal, the monitored SO_2 concentrations greatly decreased and have not recorded NAAQS violations since 2018. Additionally, Wisconsin stated that although they and the facility (Ahlstrom-Munksjö) do not agree with EPA's interpretation of the stack height regulations, they have been working closely with EPA on a submittal that would comply with the regulations. Finally, Wisconsin stated that they understand that EPA is taking this action due to a court-ordered deadline, but objected that they believe this action will create unnecessary burdens for EPA and Wisconsin and not accelerate the timeline for submitting a future plan for attaining the NAAQS, as Wisconsin plans to issue an order with a limit that complies with the EPA stack height regulations on April 1, 2021.

Response: At the time of Wisconsin's submittal in January 2016, EPA Region 5 staff informally shared their

[1] 85 FR 75273 (November 25, 2020).

[2] 79 FR 60064 (October 6, 2014).

preliminary views regarding Wisconsin's submittal. Unfortunately, these views were not informed by a complete understanding of how Wisconsin's submittal related to section 123 of the CAA and EPA regulations at 40 CFR 51.118 and 51.100(hh)–(kk) restricting the circumstances in which increased stack height can be credited in emission limitations in SIPs. As EPA informed Wisconsin in February 2017, in the process of conducting an internal regulatory review of Wisconsin's submittal, EPA found that the plan did not meet the applicable requirements due to the reliance on a stack height above GEP stack height. Specifically, Wisconsin's plan relied on a stack height above the ''formula GEP height'' defined in 40 CFR 51.100(ii)(2) without meeting the control requirements in 40 CFR 51.100(ii)(3) and (kk)(1).

Wisconsin's comments state that Wisconsin and the company disagree with EPA's interpretation of the stack height regulations. However, since Wisconsin identified no specific objections to EPA's interpretation of these regulations as delineated in the proposed rule, EPA has no reason to reevaluate this interpretation as it applies here, and EPA continues to interpret the stack height regulations as prohibiting reliance on stack heights above formula GEP height, unless the plan also establishes control requirements specified in 40 CFR 51.100(ii)(3) and (kk)(1). EPA also notes that its interpretation has been judicially affirmed. See, *Montana Sulphur & Chemical Company* v. *EPA,* 666 F.3d 1174 (9th Cir. 2012).

EPA appreciates that Wisconsin has nevertheless committed to submitting an approvable plan consistent with section 123 of the CAA and EPA's stack height regulations. EPA looks forward to a future rulemaking to address that submittal. EPA also appreciates the continued discussions between EPA and Wisconsin on these issues.

EPA understands that the finalization of the proposed action will not affect the timeline of Wisconsin's planned submittal of a corrective SIP, which Wisconsin expects to submit by March 31, 2021. Nevertheless, EPA may not defer acting on Wisconsin's 2016 submittal, which the State has never withdrawn, but must instead act more promptly due to a court-ordered deadline that was established for EPA to fulfill its obligation under section 110(k) of the CAA to complete rulemaking on this state submittal.

EPA will pursue a separate rulemaking to address a future supplemental submittal from Wisconsin. If EPA issues a rulemaking that shows that Wisconsin has met all applicable requirements, that action would terminate the sanctions and FIP clocks initiated by this action, and Wisconsin would be subject to no further planning obligations with respect to the 2010 SO_2 air quality standard for the Rhinelander area.

Anonymous Comment: The commenter supports the finalization of the proposed action. However, the commenter suggested that EPA could strengthen its justification in several ways. The commenter suggested that EPA clarify the differences between the State's and EPA's interpretation of the stack height regulations, discuss the effects of SO_2 on human health and the environment, and describe some specific actions the facility could take to reduce SO_2.

Response: EPA appreciates the commenter's support in finalizing the proposed action.

The commenter appears to have identified the primary distinction between the State's and EPA's interpretation of the stack height regulation, that EPA unlike the State believes that the stack height regulations require emission control (new source performance standards or, alternatively, best available retrofit technology) as a prerequisite for any credit being granted for stack height above formula GEP height. EPA presented an extensive description of its interpretation of these regulations in its proposed rule, and EPA believes that further discussion of how the State's views might differ is unwarranted in the absence of comments from the State specifying such distinctions in its interpretation. In any event, EPA's interpretation is well-settled, and was affirmed by the U.S. Coury of Appeals for the 9th Circuit in *Montana Sulphur & Chemical Company* v. *EPA,* 666 F.3d 1174 (9th. Cir. 2012).

The commenter is correct that control of SO_2 emissions has a number of environmental benefits; beyond avoiding the health effects that prompted the promulgation of the SO_2 air quality standard, SO_2 emission reductions also reduce the long range formation of fine particulate matter and reduce regional haze. That said, these benefits are pertinent to programs beyond the scope of this SIP action that are addressed under other authority, whereas the purpose of this action is merely to determine whether Wisconsin's plan is consistent with the CAA and with EPA's regulations governing action on attainment demonstration SIPs.

Wisconsin and the facility are well aware of control options for meeting the SO_2 air quality standard without reliance on a stack height above the height that is creditable under the stack height regulations. In any case, the subject of this rule is the adequacy of Wisconsin's 2016 plan, not the options for remedying the deficiencies in Wisconsin's 2016 plan. Therefore, no additional discussion of control options is necessary here.

III. What action is EPA taking?

EPA is approving the base year emissions inventory and affirming that the new source review requirements for the area have been met. EPA is also approving Wisconsin's Administrative Order AM–15–01, containing emission limits and associated compliance monitoring, recordkeeping, and reporting requirements for Ahlstrom-Munksj' (formerly Expera), as SIP strengthening.[3] EPA is disapproving the attainment demonstration, as well as the requirement for meeting RFP toward attainment of the NAAQS, RACM/RACT, emission limitations and control measures as necessary to attain the NAAQS, and contingency measures. This disapproval will start sanctions clocks for this area under CAA section 179(a)–(b), including a requirement for 2-for-1 offsets for any major new sources or major modifications 18 months after the effective date of this action, and highway funding sanctions 6 months thereafter, as well as initiate an obligation for EPA to promulgate a FIP within 24 months under CAA section 110(c), unless in the meantime EPA has approved a plan that satisfies the requirements that EPA is finding unsatisfied.

As noted above, Wisconsin has committed to submit a supplemental submittal addressing EPA's concerns. EPA expects such a submittal to contain more stringent limits for Ahlstrom-Munksjö's Rhinelander facility, such that it may be appropriate for the prospective document containing the expected enhanced limits to replace the administrative order being approved here, with the result that the SIP, if revised by Wisconsin and approved by EPA to incorporate them, would then only include the enhanced requirements. However, any such replacement would be considered in the context of notice-and-comment rulemaking on the prospective Wisconsin submittal and is not germane here.

[3] EPA is approving an order issued to the facility's prior owner, Expera, but the order continues to limit emissions from the facility, which is now owned by Ahlstrom-Munksjö.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Wisconsin's Administrative Order AM–15–01 described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 24, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 15, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, EPA amends title 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.2570 is amended by adding paragraph (c)(142) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(142) On January 22, 2016, July 18, 2016, and November 29, 2016, the Wisconsin Department of Natural Resources submitted a request to revise the Wisconsin State Implementation Plan for attaining the 2010 primary, health-based 1-hour SO_2 national ambient air quality standard for the Rhinelander SO_2 nonattainment area. This submittal includes an emission inventory for this area and an administrative order for the Rhinelander facility formerly owned by Expera.

(i) *Incorporation by reference.* (A) Wisconsin Administrative Order AM–15–01, issued by the Wisconsin Department of Natural Resources on January 15, 2016, to Expera Specialty Solutions LLC for its facility located in Rhinelander, Wisconsin.

(B) [Reserved]

(ii) [Reserved]

■ 3. Section 52.2572 is amended by adding paragraph (c) to read as follows:

§ 52.2572 Approval status.

* * * * *

(c) The Administrator disapproves Wisconsin's attainment demonstration, submitted on January 22, 2016 and supplemented on July 18, 2016 and November 29, 2016, for the Rhinelander SO_2 nonattainment area.

[FR Doc. 2021–05754 Filed 3–22–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2018–0815; FRL 10018–97–OAR]

RIN 2060–AU39

Test Methods and Performance Specifications for Air Emission Sources; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendments.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a final rule that was published in the **Federal Register** on October 7, 2020, and was effective on December 7, 2020. The final rule corrected and updated regulations for source testing of emissions. This correction does not change any final action taken by the EPA on October 7, 2020; this action corrects the amendatory instructions for Methods 4 and 5.

DATES: The correction is effective on March 23, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2018–0815. All documents in the docket are listed at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mrs. Lula H. Melton, Office of Air Quality Planning and Standards, Air Quality Assessment Division (E143–02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–2910; fax number: (919) 541–0516; email address: *melton.lula@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rulemaking published in the **Federal Register** on October 7, 2020 (85 FR 63394), there were some inadvertent errors made to Methods 4 and 5 due to unclear or incorrect amendatory instruction. In this correction document, we are clarifying and correcting the amendatory instructions for ''Appendix A–3 to part 60'' to correct the inadvertent errors and incorporate the revisions from the final rulemaking.

In Method 4, we are revising sections 8.1.3.1, 8.1.3.2, and adding sections 8.1.3.2.1, 8.1.3.2.2, 8.1.3.2.3, 8.1.3.2.4, 8.1.3.3, and 8.1.3.4. We are also revising section 12.1.3.

In Method 5, we are revising sections 12.3, 12.11.1, 12.11.2, 16.1.1.4, and 16.2.3.3.

List of Subjects 40 CFR Part 60

Environmental protection, Air pollution control, Incorporation by reference, Performance specifications, Test methods and procedures.

Joseph Goffman,

Acting Assistant Administrator, Office of Air and Radiation.

Accordingly, 40 CFR part 60 is corrected as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

■ 2. Amend appendix A–3 to part 60 by:
■ a. In Method 4 by:
■ i. Revising sections ''8.1.3.1'' and ''8.1.3.2'';
■ ii. Adding sections ''8.1.3.2.1'', ''8.1.3.2.2'', ''8.1.3.2.3'', ''8.1.3.2.4'', ''8.1.3.3'', and ''8.1.3.4''; and
■ iii. Revising section ''12.1.3''; and
■ b. In Method 5 by revising sections ''12.3'', ''12.11.1'', ''12.11.2'', ''16.1.1.4'', and ''16.2.3.3''.

The additions and revisions read as follows:

Appendix A–3 to Part 60—Test Methods 4 through 5I

* * * * *

Method 4—Determination of Moisture Content in Stack Gases

* * * * *

8.1.3.1 Leak Check of Metering System Shown in Figure 4–1. That portion of the sampling train from the pump to the orifice meter should be leak-checked prior to initial use and after each shipment. Leakage after the pump will result in less volume being recorded than is actually sampled. The following procedure is suggested (see Figure 5–2 of Method 5): Close the main valve on the meter box. Insert a one-hole rubber stopper with rubber tubing attached into the orifice exhaust pipe. Disconnect and vent the low side of the orifice manometer. Close off the low side orifice tap. Pressurize the system to 13 to 18 cm (5 to 7 in.) water column by blowing into the rubber tubing. Pinch off the tubing and observe the manometer for one minute. A loss of pressure on the manometer indicates a leak in the meter box; leaks, if present, must be corrected. 8.1.3.2 Pretest Leak Check. A pretest leak check of the sampling train is recommended, but not required. If the pretest leak check is conducted, the following procedure should be used. 8.1.3.2.1 After the sampling train has been assembled, turn on and set the filter and probe heating systems to the desired operating temperatures. Allow time for the temperatures to stabilize. 8.1.3.2.2 Leak-check the train by first plugging the inlet to the filter holder and pulling a 380 mm (15 in.) Hg vacuum. Then connect the probe to the train, and leak-check at approximately 25 mm (1 in.) Hg vacuum; alternatively, the probe may be leak-checked with the rest of the sampling train, in one step, at 380 mm (15 in.) Hg vacuum. Leakage rates in excess of 4 percent of the average sampling rate or 0.00057 m^3/min (0.020 cfm), whichever is less, are unacceptable. 8.1.3.2.3 Start the pump with the bypass valve fully open and the coarse adjust valve completely closed. Partially open the coarse adjust valve, and slowly close the bypass valve until the desired vacuum is reached. Do not reverse the direction of the bypass valve, as this will cause water to back up into the filter holder. If the desired vacuum is exceeded, either leak-check at this higher vacuum, or end the leak check and start over. 8.1.3.2.4 When the leak check is completed, first slowly remove the plug from the inlet to the probe, filter holder, and immediately turn off the vacuum pump. This prevents the water in the impingers from being forced backward into the filter holder and the silica gel from being entrained backward into the third impinger. 8.1.3.3 Leak Checks During Sample Run. If, during the sampling run, a component (*e.g.,* filter assembly or impinger) change becomes necessary, a leak check shall be conducted immediately before the change is made. The leak check shall be done according to the procedure outlined in section 8.1.3.2, except that it shall be done at a vacuum equal to or greater than the maximum value recorded up to that point in the test. If the leakage rate is found to be no greater than 0.00057 m^3/min (0.020 cfm) or 4 percent of the average sampling rate (whichever is less), the results are acceptable, and no correction will need to be applied to the total volume of dry gas metered; if, however, a higher leakage rate is obtained, either record the leakage rate and plan to correct the sample volume as shown in section 12.3 of Method 5, or void the sample run.

Note: Immediately after component changes, leak checks are optional. If such leak checks are done, the procedure outlined in section 8.1.3.2 should be used.

8.1.3.4 Post-Test Leak Check. A leak check of the sampling train is mandatory at the conclusion of each sampling run. The leak check shall be performed in accordance with the procedures outlined in section 8.1.3.2, except that it shall be conducted at a vacuum equal to or greater than the maximum value reached during the sampling run. If the leakage rate is found to be no greater than 0.00057 m^3 min (0.020 cfm) or 4 percent of the average sampling rate (whichever is less), the results are acceptable, and no correction need be applied to the total

volume of dry gas metered. If, however, a higher leakage rate is obtained, either record the leakage rate and correct the sample volume as shown in section 12.3 of Method 5 or void the sampling run.

* * * * *

12.1.3 Volume of Water Collected in Silica Gel.

$$V_{wsg(std)} = \frac{(W_f - W_i)RT_{std}}{P_{std}M_wK_2} \quad Eq.\ 4\text{-}2$$

$$= K_3(W_f - W_i)$$

Where:

K_3 = 0.001335 m³/g for metric units = 0.04716 ft³/g for English units.

* * * * *

Method 5—Determination of Particulate Matter Emissions From Stationary Sources

* * * * *

12.3 Dry Gas Volume. Correct the sample volume measured by the dry gas meter to standard conditions (20 °C, 760mm Hg or 68 °F, 29.92 in. Hg) by using Equation 5–1.

$$V_{m(std)} = V_m Y \frac{T_{std}(P_{bar} + \frac{\Delta H}{13.6})}{T_m P_{std}} \quad Eq.\ 5-1$$

$$= K_1 V_m Y \frac{P_{bar} + (\frac{\Delta H}{13.6})}{T_m}$$

Where:

K_1 = 0.38572 °K/mm Hg for metric units = 17.636 °R/in. Hg for English units.

Note: Equation 5–1 can be used as written unless the leakage rate observed during any of the mandatory leak checks (*i.e.,* the post-test leak check or leak checks conducted prior to component changes) exceeds L_a. If L_p or L_i exceeds La, Equation 5–1 must be modified as follows:

(a) Case I. No component changes made during sampling run. In this case, replace V_m in Equation 5–1 with the expression:

$$(V_m - (L_p - L_a)\theta)$$

(b) Case II. One or more component changes made during the sampling run. In this case, replace Vm in Equation 5–1 by the expression:

$$[V_m - (L_1 - L_a)\theta_1 - \sum_{i=2}^{n}(L_1 - L_a)\theta_p]$$

and substitute only for those leakage rates (L_i or L_p) which exceed L_a.

* * * * *

12.11.1 Calculation from Raw Data.

$$I = \frac{100T_s[K_4V_{1c} + \frac{V_mY}{T_m}(P_{bar} + \frac{\Delta H}{13.6})}{60\theta v_s P_s A_n} \quad Eq.\ 5.7$$

Where:

K_4 = 0.003456 ((mm Hg)(m³))/((ml)(°K)) for metric units,

= 0.002668 ((in. Hg)(ft³))/((ml)(°R)) for English units.

12.11.2 Calculation from Intermediate Values.

$$I = \frac{T_s V_{m(std)} P_{std} 100}{T_{std} v_s \theta A_n P_s 60(1 - B_{ws})} \quad Eq.\ 5\text{-}8$$

$$= K_5 \frac{T_s V_{m(std)}}{T_{std} v_s A_n \theta (1 - B_{ws})}$$

Where:

K_5 = 4.3209 for metric units = 0.09450 for English units.

* * * * *

16.1.1.4 Calculate flow rate, Q, for each run using the wet test meter volume, V_w, and the run time, θ. Calculate the DGM coefficient, Y_{ds}, for each run. These calculations are as follows:

$$Q = K_1 \frac{P_{bar} V_w}{(T_w + T_{std})\theta} \quad Eq.\ 5\text{-}9$$

$$Y_{ds} = \frac{V_w (T_{ds} + T_{std}) P_{bar}}{V_{ds}(T_w + T_{std})(P_{bar} + \frac{\Delta p}{13.6})} \quad Eq.\ 5\text{-}10$$

Where:

K_1 = 0.38572 °K/mm Hg for metric units = 17.636 °R/in. Hg for English units.

V_w = Wet test meter volume, liter (ft3).

V_{ds} = Dry gas meter volume, liter (ft3).

T_{ds} = Average dry gas meter temperature, °C (°F).

T_{adj} = 273.15 °C for metric units = 459.67 °F for English units.

T_w = Average wet test meter temperature, °C (°F).

P_{bar} = Barometric pressure, mm Hg (in. Hg).

Δp = Dry gas meter inlet differential pressure, mm H_2O (in. H_2O).

θ = Run time, min.

* * * * *

16.2.3.3 Calculate the standard volumes of air passed through the DGM and the critical orifices, and calculate the DGM calibration factor, Y, using the equations below:

$$V_{m(std)} = \frac{K_1 V_m [P_{bar} + \left(\frac{\Delta H}{13.6}\right)]}{T_m} \quad Eq.\ 5\text{-}12$$

$$V_{cr(std)} = K' \frac{P_{bar}\theta}{\sqrt{T_{amb}}} \quad Eq.\ 5\text{-}13$$

$$Y = \frac{P_{bar}\theta}{V_{m(std)}} \quad \text{Eq. 5-14}$$

Where:

$V_{cr(std)}$ = Volume of gas sample passed through the critical orifice, corrected to standard conditions, dscm (dscf).

K_1 = 0.38572 °K/mm Hg for metric units = 17.636 °R/in. Hg for English units.

* * * * *

[FR Doc. 2021–05761 Filed 3–22–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 51c

RIN 0906–AB25

Implementation of Executive Order on Access to Affordable Life-Saving Medications; Final Rule; Delay of Effective Date

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Final rule; delay of effective date.

SUMMARY: This final rule implements a further delay until July 20, 2021, of the effective date of the rule entitled ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' published in the **Federal Register** on December 23, 2020. This rule was scheduled to take effect on March 22, 2021, after a delay from its original effective date of January 22, 2021. HHS is delaying the effective date of the rule to July 20, 2021, to ensure that implementation of the rule does not impede HHS's and health centers' immediate priority work, on a nationwide basis, of responding to and mitigating the spread of COVID–19, including ensuring widespread and equitable access to COVID–19 vaccines, and maintaining the delivery of comprehensive primary health services to medically underserved populations, while considering how to address administrative/implementation issues raised by commenters and further address comments regarding the impact of the rule.

DATES: As of March 22, 2021, the effective date of the final rule published at 85 FR 83822 (December 23, 2020), which was delayed at 86 FR 7059 (January 26, 2021), is further delayed until July 20, 2021.

FOR FURTHER INFORMATION CONTACT: Jennifer Joseph, Director, Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, 5600 Fishers Lane, Rockville, MD 20857; by email at *jjoseph@hrsa.gov;* telephone: 301–594–4300; fax: 301–594–4997.

SUPPLEMENTARY INFORMATION:

I. Public Participation

On March 9, 2021, the Office of the Federal Register placed a HHS notice of proposed rulemaking (NPRM) on file for public inspection. This NPRM was published in the **Federal Register** on March 11, 2021, proposing to further delay, until July 20, 2021, the effective date of the rule entitled ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' published in the **Federal Register** on December 23, 2020. The comment period closed on March 14, 2021, with HHS receiving 198 comments on the proposed delay.

Section 553(d) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et*

seq.) requires that Federal agencies provide at least 30 days after publication of a final rule in the **Federal Register** before making it effective, unless good cause can be found not to do so. HHS finds that there is good cause for making this final rule effective less than 30 days after publication in the **Federal Register** given that failure to do so would result in the final rule going into effect before the delay begins. Allowing for a 30-day delay between publication and the effective date is both unnecessary and impracticable, as it would undermine this rule's objective of delaying the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule so that HHS can fully review it for questions of law, policy, and fact.

HHS has considered all comments in finalizing this rule, as outlined in Section III below, and presents a summary of all significant comments and HHS responses.

II. Background

HHS published a NPRM in the **Federal Register** on September 28, 2020 (85 FR 60748), and a final rule on December 23, 2020 (85 FR 83822). The rule, ''Implementation of Executive Order on Access to Affordable Life-Saving Medications,'' established a new requirement directing all health centers receiving grants under section 330(e) of the Public Health Service Act (42 U.S.C. 254b(e)) that participate in the 340B Drug Pricing Program (340B Program) (42 U.S.C. 256b), to the extent that they plan to make insulin and/or injectable epinephrine available to their patients, to provide assurances that they have established practices to provide these drugs at or below the discounted price paid by the health center or subgrantees under the 340B Program (plus a minimal administration fee) to health center patients with low incomes, as determined by the Secretary, who have a high cost sharing requirement for either insulin or injectable epinephrine; have a high unmet deductible; or have no health insurance.

As stated in the NPRM, consistent with Regulatory Freeze Memorandum and OMB Memorandum M–21–14, a delay of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule will provide HHS additional time to review and consider further questions of fact, law, and policy the rule may raise, including whether revision or withdrawal of the rule may be warranted. HHS invited comments on the impact of the rule's administrative requirements, costs of new processes and procedures that would be necessary under the rule, the impact of the establishment of a new income eligibility threshold for health center operations, and the overall impact on care delivery and service levels for health center patients.

After HHS review of submitted comments, HHS believes that this delay is reasonable, and will allow HHS to consider the impact that the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule may have. The delay will also ensure that, consistent with concerns raised by commenters, implementation of the rule does not impede HHS's and health centers' immediate priority work, on a nationwide basis, of responding to and mitigating the spread of COVID–19, including ensuring equitable access to COVID–19 vaccines, and maintaining the delivery of comprehensive primary health services to medically underserved populations, while considering how to address administrative/implementation issues raised by commenters and further address comments regarding the impact of the rule. In addition, the delay will not be disruptive since the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule has not yet taken effect and neither HHS nor health centers have undertaken the administrative changes associated with implementation of the rule.

III. Public Comments and Responses

Consistent with Regulatory Freeze Memorandum and OMB Memorandum M–21–14, HHS requested comment on whether a delay of the final rule would provide HHS additional time to review and consider further questions of fact, law, and policy the rule may raise, including whether revision or withdrawal of the rule may be warranted. HHS stated that it would further consider comments regarding the impact of the rule's administrative requirements, costs of new processes and procedures that would be necessary under the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule, the impact of the establishment of a new income eligibility threshold for health center operations, and the overall impact on care delivery and service levels for health center patients.

HHS received a total of 198 comments. Commenters identified themselves as individuals requiring insulin or injectable epinephrine and their family members, health centers, associations and organizations representing health centers, a professional organization, a diabetes research foundation, a pharmaceutical manufacturer, and clinical professionals. The vast majority of comments (187) favored a further delay in the effective date of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule. Three comments opposed further delay of the effective date for the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule and supported implementation of the rule, though one commenter opposed to a further delay also urged HHS to take steps to limit administrative burden to health centers. The remaining comments did not explicitly support or oppose the delay.

Many commenters (175), including many health centers, primary care associations, and a number of other individuals and organizations, including a Health Care Controlled Network and a Medicaid Accountable Care Organization, also strongly urged that the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule be rescinded. Three commenters supported implementation of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule, although one of those commenters also supported a delay to allow health centers time to come into compliance with the regulation.

All comments were considered in developing this final rule. This section presents a summary of all major issues raised by commenters, grouped by subject, as well as responses to the comments. Commenters used the terms ''Federally Qualified Health Centers (FQHCs)'' and ''health centers'' interchangeably. For consistency, and as this rule applies to health centers funded under Section 330(e) of the PHS Act and not to other FQHCs this final rule uses ''health center'' throughout.

1. Delay Implementation Based on ''Regulatory Freeze Pending Review'' Memo

Approximately 181 commenters supported the delay as consistent with the ''Regulatory Freeze Pending Review'' issued by the White House Chief of Staff on January 20, 2021. Specifically, commenters noted that this delay aligns with the Regulatory Freeze language to delay implementation ''where necessary to continue to review these questions of fact, law, and policy,'' and acknowledged the effort required for HHS to address those questions.

Response: HHS appreciates these comments and agrees that delaying the

effective date of this final rule is consistent with the intent of the ''Regulatory Freeze Pending Review'' memorandum.

2. Delay Implementation Based on Health Centers' Role in National COVID–19 Vaccination Campaign

Approximately 169 commenters suggested that the impact of implementing the ''Implementation of Executive Order on Access to Affordable Life-Saving Medications'' rule on health centers' efforts to vaccinate hard-to-reach populations against COVID–19 should be considered as a new issue of ''fact, law, and policy,'' necessitating a further delay. These commenters noted that since the rule was initially delayed in January, health centers have been requested to perform a critical role in the national efforts to vaccinate hard-to-reach populations. Commenters stated that, in taking on this responsibility, health centers' staff and resources are being stretched to unprecedented levels, making the administrative and financial burden of implementing the rule even more challenging.

Response: HHS agrees that health centers' need to focus efforts on expeditiously vaccinating their patient populations against COVID–19, including as part of the Health Center COVID–19 Vaccine Program, is a factor that supports a further delay in the effective date of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule. Health centers across the nation are engaging in mitigating and otherwise responding to the effects of COVID–19, and many health centers are participating in the Health Center COVID–19 Vaccine Program, to ensure the nation's underserved communities and those disproportionately affected by COVID–19 are equitably vaccinated against COVID–19. In addition, under the American Rescue Plan Act of 2021 (Pub. L. 117–2), HHS will soon be issuing additional funds for health centers to increase efforts to plan, prepare for, promote, distribute, administer, and track COVID–19 vaccines and to carry out a range of activities to further support detecting, diagnosing, tracing, and monitoring of COVID–19 infections necessary to mitigate the spread of COVID–19.

3. Delay Implementation Due to Administrative Procedure Act Concerns

One commenter urged HHS to rescind the rule implementing Executive Order 13937 or delay implementation until the rule could be adequately considered and ''substantive shortcomings'' under the Administrative Procedure Act (APA) addressed. This commenter further noted that neither a rational basis nor legal authority was offered to target health centers for differential treatment nor to establish different policies for insulin and injectable epinephrine. In addition, the commenter expressed concern that the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule neither provided a rational basis for implementation of the new policy, nor addressed comments concerning the complexity and administrative challenges of implementation.

Response: HHS appreciates the commenter's support for delaying the effective date of the rule. During the period of additional delay, HHS will consider whether potential APA issues were raised by the promulgation of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule. HHS plans to use the delay period to review and consider all questions of fact, law, and policy.

4. Delay Implementation for Duration of COVID–19 Public Health Emergency

One commenter requested HHS consider delaying the effective date of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule for the duration of the COVID–19 public health emergency.

Response: HHS appreciates the commenter's support for delaying the effective date of the rule. This final rule will delay the effective date of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule for 120 days, until July 20, 2021. HHS plans to use the delay period to review and consider all questions of fact, law, and policy that would be presented by implementation of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule, including the ongoing COVID–19 public health emergency. As the NPRM for this delay specified the new effective date of July 20, 2021, and as the duration of the COVID–19 public health emergency is currently unknown, HHS declines at this time to change the period of delay to extend through the duration of the COVID–19 public health emergency.

5. Delay To Allow Health Centers Time To Come Into Compliance With the Regulation

One commenter, a patient with Type 1 diabetes who supported the underlying rule, requested HHS delay the effective date of the rule to allow health centers time and resources to come into compliance with the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule. The commenter also stated that implementing the new rule will take substantial time and resources for health centers who are currently playing a critical role leading the national COVID–19 vaccination campaign.

Response: HHS appreciates the commenter's support for delaying the effective date of the rule. HHS agrees that health centers need to continue to focus efforts on the critical work of responding to the COVID–19 public health emergency while continuing to provide essential comprehensive primary care to medically underserved communities. HHS will continue during the delay period to further consider and review questions of fact, law, and policy that impact the implementation of the final rule.

6. Opposition to Proposed Delay

Three commenters opposed further delaying the effective date of the rule.

Two of the three commenters opposed to delaying the effective date of the rule, including the family member of a patient with diabetes, cited the importance of insulin to patients with Type 1 diabetes. One of the three commenters opposed to delaying the effective date, supported implementation of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule because access to affordable insulin is a top priority that can help those with Type 1 diabetes avoid emergency room visits, inpatient admissions, other complications, and save lives. The commenter cited the cost of insulin as a substantial economic burden for those living with Type 1 diabetes, and stated that the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule will benefit certain health center patients between 200% and 350% of the Federal Poverty Guidelines by helping them afford the insulin they need to survive. The commenter also encouraged HHS to limit any administrative burden to health centers subject to the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule. Another of the three commenters, a patient of a health center, expressed concern that further delaying of the effective date would keep much-needed pharmaceuticals out of the hands of certain patients, especially those with disabilities.

Response: HHS appreciates the commenters' opposition to delaying the effective date of the rule, as well as the concern about limiting administrative burden to health centers associated with

implementing the rule. Given the overwhelming support by other commenters for delaying implementation of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule, HHS is finalizing this rule to delay the effective date to July 20, 2021. HHS will use the delay period to review and consider the questions of fact, law, and policy posed by and the potential impact of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule, including on access to affordable insulin for health center patients, including those with Type 1 diabetes, patients with disabilities, and those with incomes up to 350% of the Federal Poverty Guidelines.

Another commenter, a pharmaceutical manufacturer, opposed any further delay of the effective date, arguing that policymakers are operating under the erroneous assumption that 340B discounts directly benefit patient access to drugs. Instead, the commenter stated, covered entity middlemen pocket the discounts, rather than pass them on to patients. The commenter provided data suggesting that the markup charged by some covered entities on insulin is as much as 200,000%. However, the commenter noted that none of the covered entities examined were health centers. The commenter encouraged HHS to look at its own data to see if ''spread pricing'' on penny priced insulin is an appropriate policy solution for federal grantees. The commenter stated that they have implemented a program for 340B pass-through pricing where patients receive insulin at the 340B price at the point-of-sale, which five covered entities have instituted, as evidence that such a policy is operationally feasible. The commenter stated that the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule would dramatically lower the cost of insulin for many of the most vulnerable patients in the country.

Response: HHS appreciates the commenter's opposition to delaying the effective date of the rule. However, given the overwhelming support by other commenters for delaying implementation of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule, HHS is finalizing this rule to delay the effective date to July 20, 2021. HHS will use the delay period to review and consider the questions of fact, law, and policy posed by and the potential impact of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule, whether the rule would be likely to significantly lower the cost of insulin for the most vulnerable patients.

As stated in the NPRM for this delay, HHS will further consider and review comments submitted, including those made on the substance of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule.

7. Comments on the Underlying Rule

Most commenters raised issues that concerned the underlying rule, in particular, the high cost of these drugs, and the significant administrative costs associated with the rule. The nature of these comments suggests that a further delay of the ''Implementation of Executive Order on Access to Affordable Life-saving Medications.'' rule is warranted. This final rule does not address these substantive issues, but rather responds to concerns raised regarding the proposed delayed effective date. However, as stated in the NPRM, HHS will consider and review these comments on the substance of the underlying rule during the delay period.

8. Miscellaneous

Other commenters raised a variety of issues that do not pertain directly to either the delay period extended by this final rule or to the underlying ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' rule. This final rule does not address those issues as they are outside of its scope.

IV. Regulatory Impact Analysis

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when rulemaking is necessary, to select regulatory approaches that provide the greatest net benefits (including potential economic, environmental, public health, safety, distributive, and equity effects). In addition, under the Regulatory Flexibility Act, if a rule has a significant economic effect on a substantial number of small entities, HHS must specifically consider the economic effect of a rule on small entities and analyze regulatory options that could lessen the impact of the rule.

The Office of Information and Regulatory Affairs has determined that this rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866.

HHS has determined that no resources are required to implement the requirements in this rule because compensation will continue to be made consistent with the status quo. Therefore, in accordance with the Regulatory Flexibility Act of 1980 (RFA), and the Small Business Regulatory Enforcement Act of 1996, which amended the RFA, HHS certifies that this rule will not have a significant impact on a substantial number of small entities.

HHS has also determined that this rule does not meet the criteria for a major rule under the Congressional Review Act or Executive Order 12866 and would have no major effect on the economy or federal expenditures. Similarly, it will not have effects on state, local, and tribal governments and on the private sector such as to require consultation under the Unfunded Mandates Reform Act of 1995. Nor on the basis of family well-being will the provisions of this rule affect the following family elements: Family safety; family stability; marital commitment; parental rights in the education, nurture and supervision of their children; family functioning; disposable income or poverty; or the behavior and personal responsibility of youth, as determined under section 654(c) of the Treasury and General Government Appropriations Act of 1999.

V. Impact of the New Rule

This final rule delays the effective date of the rule entitled ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' until July 20, 2021, to allow HHS additional opportunity for review and consideration of the rule. This delay is reasonable and will not be disruptive because the underlying rule has not yet been implemented or taken effect.

VI. Paperwork Reduction Act of 1995

This rule has no information collection requirements.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021–05981 Filed 3–19–21; 11:15 am]

BILLING CODE 4165–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 11

[Docket No. FWS–HQ–LE–2020–0139; FF09L00200–FX–LE12200900000]

RIN 1018–BF11

Civil Penalties; 2021 Inflation Adjustments for Civil Monetary Penalties

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) is issuing this final rule, in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act) and Office of Management and Budget (OMB) guidance, to adjust for inflation the statutory civil monetary penalties that may be assessed for violations of Service-administered statutes and their implementing regulations. We are required to adjust civil monetary penalties annually for inflation according to a formula specified in the Inflation Adjustment Act. This rule replaces the previously issued amounts with the updated amounts after using the 2021 inflation adjustment multiplier provided in the OMB guidance.

DATES: This rule is effective March 23, 2021.

ADDRESSES: This rule may be found on the internet at *http://www.regulations.gov* in Docket No. FWS–HQ–LE–2020–0139.

FOR FURTHER INFORMATION CONTACT: Victoria Owens, Special Agent in Charge, Branch of Investigations, U.S. Fish and Wildlife Service, Office of Law Enforcement, (703) 358–1949.

SUPPLEMENTARY INFORMATION:

Background

The regulations in title 50 of the Code of Federal Regulations at 50 CFR part 11 provide uniform rules and procedures for the assessment of civil penalties resulting from violations of certain laws and regulations enforced by the Service.

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (sec. 701 of Pub. L. 114–74) (Inflation Adjustment Act) required 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.

Under section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the Inflation Adjustment Act, each Federal agency is required to issue regulations adjusting for inflation the statutory civil monetary penalties (civil penalties) that can be imposed under the laws administered by that agency. The Inflation Adjustment Act provided that the initial ''catch up adjustment'' take effect no later than August 1, 2016, followed by subsequent adjustments to be made no later than January 15 every year thereafter. This final rule adjusts the civil penalty amounts that may be imposed pursuant to each statutory provision beginning on the date specified above in **DATES**.

On June 28, 2016, the Service published in the **Federal Register** an interim rule that revised 50 CFR part 11 (81 FR 41862) to carry out the Inflation Adjustment Act. The Service subsequently published a final rule to that interim rule on December 23, 2016 (81 FR 94274). The Service published final rules in 2017, 2018, and 2019, further adjusting the civil penalty amounts in 50 CFR 11.33 per OMB guidance (82 FR 6307, January 19, 2017; 83 FR 5950, February 12, 2018; and 84 FR 15525, April 16, 2019). Most recently, we published a final rule on February 24, 2020, updating the civil penalty amounts with the 2020 inflation multiplier (85 FR 10310). This final rule adjusts the civil monetary penalty amounts that were listed in the 2020 final rule and subsequently codified at 50 CFR 11.33 by using the 2021 inflation multiplier provided to all Federal agencies by OMB (see below).

OMB issued a memorandum, M–21–10, entitled ''Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,'' which provides the cost-of-living adjustment multiplier for 2021: 1.01182. Therefore, we multiplied each penalty in the table in 50 CFR 11.33 by 1.01182 to obtain the 2021 annual adjustment. The new amounts are reflected in the table in the rule portion of this document and replace the current amounts in 50 CFR 11.33.

Required Determinations

In this final rule, we affirm the required determinations we made in the June 28, 2016, interim rule (81 FR 41862); for descriptions of our actions to ensure compliance with the following statutes and Executive orders, see that rule:

- National Environmental Policy Act (42 U.S.C. 4321 *et seq.*);
- Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2));
- Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*);
- Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*);
- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, and 13563.

Administrative Procedure Act

As stated above, under section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note, as amended by the Inflation Adjustment Act, Public Law 114–74, 129 Stat. 584 (2015), each Federal agency is required to issue regulations adjusting for inflation the statutory civil monetary penalties that can be imposed under the laws administered by that agency. The Inflation Adjustment Act provided for an initial ''catch up adjustment'' to take effect no later than August 1, 2016, followed by subsequent adjustments to be made no later than January 15 every year thereafter. This final rule adjusts the civil penalty amounts that may be imposed pursuant to each statutory provision beginning on the effective date of this rule. To comply with the Inflation Adjustment Act, we are issuing these regulations as a final rule.

Section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) 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. The Service finds that providing for public comment before issuing this rule is unnecessary as this rulemaking is a nondiscretionary action. The Service is required to publish this rule in order to update the civil penalty amounts by the specified formula described above. The Service has no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Since this update to the February 24, 2020, final rule (85 FR 10310) is merely ministerial, we find that pre-publication notice and public comment with respect to the revisions set forth in this rule is unnecessary. We also believe that we have good cause under 5 U.S.C. 553(d) to make this rule effective upon publication to meet the statutory deadline imposed by the Inflation Adjustment Act.

List of Subjects in 50 CFR Part 11

Administrative practice and procedure, Exports, Fish, Imports, Penalties, Plants, Transportation, Wildlife.

Regulation Promulgation

For the reasons described above, we amend part 11, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below.

PART 11—CIVIL PROCEDURES

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

Authority: 16 U.S.C. 470aa–470mm, 470aaa–470aaa–11, 668–668d, 1361–1384, 1401–1407, 1531–1544, 3371–3378, 4201–4245, 4901–4916, 5201–5207, 5301–5306; 18 U.S.C. 42–43; 25 U.S.C. 3001–3013; and Sec. 107, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

■ 2. Revise the table in § 11.33 to read as follows:

§ 11.33 Adjustments to penalties.

* * * * *

Law	Citation	Type of violation	Maximum civil monetary penalty
(a) African Elephant Conservation Act	16 U.S.C. 4224(b)	Any violation	$10,832
(b) Bald and Golden Eagle Protection Act	16 U.S.C. 668(b)	Any violation	13,685
(c) Endangered Species Act of 1973	16 U.S.C. 1540(a)(1)	(1) Knowing violation of section 1538	54,157
		(2) Other knowing violation	25,995
		(3) Any other violation	1,368
(d) Lacey Act Amendments of 1981	16 U.S.C. 3373(a)	(1) Violations referred to in 16 U.S.C. 3373(a)(1)	27,371
		(2) Violations referred to in 16 U.S.C. 3373(a)(2)	684
(e) Marine Mammal Protection Act of 1972	16 U.S.C. 1375	Any violation	27,371
(f) Recreational Hunting Safety Act of 1994	16 U.S.C. 5202(b)	(1) Violation involving use of force or violence or threatened use of force or violence.	17,416
		(2) Any other violation	8,708
(g) Rhinoceros and Tiger Conservation Act of 1998.	16 U.S.C. 5305a(b)(2)	Any violation	19,053
(h) Wild Bird Conservation Act	16 U.S.C. 4912(a)(1)	(1) Violation of section 4910(a)(1), section 4910(a)(2), or any permit issued under section 4911.	45,907
		(2) Violation of section 4910(a)(3)	22,034
		(3) Any other violation	919

Shannon A. Estenoz,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2021–05779 Filed 3–22–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 210224–0030]

RIN 0648–BH59

International Fisheries; Eastern Pacific Tuna Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Area of Overlap Between the Convention Areas of the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fisheries Commission

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

ACTION: Final rule; date of effectiveness for collection-of-information requirements.

SUMMARY: NMFS announces approval by the Office of Management and Budget (OMB) of revisions to collection-of-information requirements published in a final rule on June 22, 2020 (June 2020 Final Rule). The June 2020 Final Rule revised the management regime for U.S. fishing vessels that target tunas and other highly migratory species (HMS) in the area of overlapping jurisdiction in the Pacific Ocean between the Inter-American Tropical Tuna Commission (IATTC) and the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and revised the reporting and recordkeeping requirements applicable in that area. The June 2020 Final Rule did not include an effective date for those changes because OMB had not yet approved the collection-of-information revisions. This final rule announces OMB approval of the revisions to the collection-of-information requirements under OMB Control Numbers 0648–0649 and 0648–0218 and an effective date for the revisions to reporting requirements included in the June 2020 Final Rule.

DATES: This final rule is effective March 23, 2021. The amendment in instruction 7 to 50 CFR 300.218, published at 85 FR 37376 (June 22, 2020), is effective on March 23, 2021.

ADDRESSES: Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Building 176, Honolulu, HI 96818 and to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Emily Reynolds, NMFS PIRO, 808–725–5039.

SUPPLEMENTARY INFORMATION: Under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act; 16 U.S.C. 6901 *et seq.*) and the Tuna Conventions Act (16 U.S.C. 951 *et seq.*), NMFS implemented changes in management of the area of overlapping jurisdiction between the IATTC and the WCPFC (overlap area), in accordance with WCPFC and IATTC decisions regarding the overlap area (June 2020 Final Rule).

Background

The June 2020 Final Rule changes management of the overlap area so that all NMFS regulations implementing

IATTC resolutions apply in the overlap area and some regulations implementing WCPFC decisions apply in the overlap area. The June 2020 Final Rule revised certain recordkeeping and reporting requirements so that they no longer apply in the overlap area. Specifically, the transshipment reporting requirements at 50 CFR 300.218(b) and (d), the discard reporting requirements at 50 CFR 300.218(e), the net sharing reporting requirements at 50 CFR 300.218(f), the daily purse seine fishing effort reports at 50 CFR 300.218(g), and the whale shark reporting requirements at 50 CFR 300.218(h) no longer apply in the overlap area. A more detailed description of these changes can be found in the June 2020 Final Rule. The June 2020 Final Rule was published in the **Federal Register** on June 22, 2020 (85 FR 37376), and the associated regulations are found at 50 CFR part 300. Other than the changes to the collection-of-information requirements at 50 CFR 300.218, the requirements of the June 2020 Final Rule entered into effect on July 22, 2020. On November 10, 2020, OMB approved the collection-of-information requirements contained in the June 2020 Final Rule under OMB Control Numbers 0648–0649 and 0648–0218, which specified that certain reporting and recordkeeping requirements no longer apply in the overlap area. Other existing collection-of-information requirements under OMB Control Numbers 0648–0148, 0648–0595, and 0648–0204 continue to apply in the overlap area. Accordingly, this final rule announces the approval and effective date of the changes to the reporting requirements found in the regulations at 50 CFR 300.218(c), (d), (e), (f), (g), and (h), and reflected in OMB Control Numbers 0648–0649 and 0648–0218.

Classification

The Administrator, Pacific Islands Region, NMFS, has determined that this final rule is consistent with the WCPFC Implementation Act, and other applicable laws.

Administrative Procedure Act (APA)

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and opportunity for public comment for this action because notice and comment would be unnecessary and contrary to the public interest. This action simply provides notice of OMB's approval of the changes to the reporting requirements, which were described in the proposed rule (84 FR 60040; November 7, 2019) and the June 2020 Final Rule (85 FR 37376; June 22, 2020). Thus, this action does not involve any further exercise of agency discretion by NMFS or OMB. Moreover, the public has had prior notice and the opportunity to comment on the collection-of-information requirements. NMFS published a proposed rule including some of the changes to the collection-of-information requirements (84 FR 60040; November 7, 2019), with comments accepted until November 22, 2019. No comments were received relating to the changes to collection-of-information requirements. The June 2020 Final Rule (85 FR 37376; June 22, 2020) included additional changes to the collection-of-information requirements. As explained in the June 2020 Final Rule, the transshipment reporting requirements at 50 CFR 300.218(b) and (d), the discard reporting requirements at 50 CFR 300.218(e), the net sharing reporting requirements at 50 CFR 300.218(f), the daily purse seine fishing effort reports at 50 CFR 300.218(g), and the whale shark reporting requirements at 50 CFR 300.218(h) no longer apply in the overlap area. The whale shark reporting requirements were described as no longer applicable in the overlap area under the proposed rule. However, the other requirements listed are changes from the proposed rule in response to comments on the proposed rule. In addition, the June 2020 Final Rule indicated that this final rule would be published to announce the effective date for the reporting requirements upon OMB approval of OMB Control Numbers 0648–0649 and 0648–0218.

Because this rule relieves a restriction by putting into effect changes to certain reporting requirements so that they no longer apply in the overlap area, it is not subject to the 30-day delayed effectiveness provision of the APA pursuant to 5 U.S.C. 553(d)(1).

Executive Order 12866

The June 2020 Final Rule that amended the requirements at 50 CFR 300.218 was determined to be not significant for purposes of Executive Order 12866. The June 2020 Final Rule removed certain regulations from application in the overlap area and revised certain reporting requirements so that they no longer apply in the overlap area. This final rule makes effective the revisions to reporting requirements for which the effective date was delayed in the June 2020 Final Rule.

Regulatory Flexibility Act

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable to this particular action. However, we note that, as described in the proposed rule and the June 2020 Final Rule, an initial regulatory flexibility analysis and final regulatory flexibility analysis were prepared and published for the regulatory changes that would go into effect with this final rule. Please see 84 FR 60040, published November 7, 2019 and 85 FR 37376, published June 22, 2020.

Paperwork Reduction Act

This final rule contains collection-of-information requirements, which are subject to the Paperwork Reduction Act (PRA), and which OMB approved under OMB Control Numbers 0648–0649 and 0648–0218. Specifically, the purse seine discard reporting requirements, purse seine net sharing reporting requirements, and purse seine daily effort reports at 50 CFR 300.218 no longer apply in the overlap area. The transshipment reporting requirements and transshipment notice requirements at 50 CFR 300.218 no longer apply in the overlap area to transshipment of fish caught in the overlap area, but continue to apply to fish caught in other parts of the area of application of the Convention on the Conservation of Highly Migratory Species in the Western and Central Pacific Ocean and transshipped in the overlap area. The purse seine whale shark encirclement reporting requirements at 50 CFR 300.218 also no longer apply in the overlap area, but similar reporting requirements at 50 CFR 300.22 do apply. Because this final rule makes effective certain changes to reporting and recordkeeping requirements so that they no longer apply in the overlap area, this final rule would not affect the estimated public reporting burden of these collections. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS (see **ADDRESSES**) and to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number. All currently approved NOAA

collections of information may be viewed at *https://www.cio.noaa.gov/services_programs/prasubs.html.*

Authority: 16 U.S.C. 6901 *et seq.*

Dated: March 15, 2021.

Samuel D. Rauch, III,

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

[FR Doc. 2021–05679 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140818679–5356–02]

RTID 0648–XA942

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2021 Red Snapper Recreational For-Hire Fishing Season in the Gulf of Mexico

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces the 2021 recreational fishing season for the Federal charter vessel/headboat (for-hire) component for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) through this temporary rule. The red snapper recreational for-hire component in the Gulf EEZ opens on June 1, 2021, and will close at 12:01 a.m., local time, on August 3, 2021. This closure is necessary to prevent the Federal for-hire component from exceeding its quota and to prevent overfishing of the Gulf red snapper resource.

DATES: The closure is effective at 12:01 a.m., local time, on August 3, 2021, until 12:01 a.m., local time, on January 1, 2022.

FOR FURTHER INFORMATION CONTACT: Daniel Luers, NMFS Southeast Regional Office, telephone: 727–551–5719, email: *daniel.luers@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery, which includes red snapper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Amendment 40 to the FMP established two components within the recreational sector fishing for Gulf red snapper: The private angling component, and the Federal for-hire component (80 FR 22422, April 22, 2015). Amendment 40 also allocated the red snapper recreational ACL (recreational quota) between the components and established separate seasonal closures for the two components. The Federal for-hire component's red snapper annual catch target (ACT) is 9 percent below the for-hire component quota (85 FR 9684, February 20, 2020; 50 CFR 622.41(q)(2)(iii)(B)).

The red snapper for-hire component seasonal closure is projected from the component ACT. Projecting the for-hire component's seasonal closure using the ACT reduces the likelihood of the harvest exceeding the component quota and the total recreational quota.

All weights described in this temporary rule are in round weight.

The Federal for-hire component 2021 ACT for red snapper in the Gulf EEZ is 2.848 million lb (1.292 million kg) (50 CFR 622.41(q)(2)(iii)(B)).

The 2021 Federal Gulf red snapper for-hire fishing season has been determined to be 63 days based on NMFS' projection of the date landings are expected to reach the component ACT. For details about the calculation of the projection for 2021, see *https://www.fisheries.noaa.gov/southeast/sustainable-fisheries/gulf-mexico-recreational-red-snapper-management.* Therefore, the 2021 recreational season for the Federal for-hire component will begin at 12:01 a.m., local time, on June 1, 2021, and close at 12:01 a.m., local time, on August 3, 2021.

On and after the effective date of the Federal for-hire component closure, the bag and possession limits for red snapper for Federal for-hire vessels are zero. When the Federal for-hire component is closed, these bag and possession limits apply in the Gulf on board a vessel for which a valid Federal for-hire permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters. In addition, a person aboard a vessel that has been issued a charter vessel/headboat permit for Gulf reef fish any time during the fishing year may not harvest or possess red snapper in or from the Gulf EEZ when the Federal charter vessel/headboat component is closed.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is taken under 50 CFR 622.41(q)(2)(i) and (ii), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866., and other applicable laws.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary and contrary to the public interest.

Such procedures are unnecessary because the rule implementing the recreational red snapper quotas and ACTs, and the rule implementing the requirement to close the for-hire component when its ACT is projected to be reached have already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because many for-hire operations book trips for clients in advance and require as much notice as NMFS is able to provide to adjust their business plans to account for the fishing season.

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

Dated: March 18, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–05971 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 54
Tuesday, March 23, 2021

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0188; Project Identifier MCAI–2020–00642–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters. This proposed AD was prompted by a report that damage (scorch marks) was found on an internal life raft installation that contained a half rescue kit. This proposed AD would require identifying the part number and serial number of each half rescue kit located in the internal life raft installation and, depending on the findings, inspecting the life raft for damage, inspecting the condition of the flashlight battery, testing the flashlight battery, and replacing the life raft or flashlight battery (including the leak test) as applicable, as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 7, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 0000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0188.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0188; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Program Manager, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax (206) 231–3218; email *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0188; Project Identifier MCAI–2020–00642–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Kathleen Arrigotti, Program Manager, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax (206) 231–3218; email *kathleen.arrigotti@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA (now European Union Aviation Safety Agency), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0028, dated February 15, 2016 (EASA AD 2016–0028) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Helicopters Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters.

This proposed AD was prompted by a report that damage (scorch marks) was found on an internal life raft installation that contained a half rescue kit. Investigation revealed that the damage was caused by an unsuitable folding process for the life raft, which led to compression of the flashlight battery in the half rescue kit. This compression caused an electrolyte leakage, followed by a short-circuit that damaged the internal life raft. The FAA is proposing this AD to address leakage of the flashlight battery in a half rescue kit, which could result in damage to the internal life raft, and subsequent failure of the internal life raft to deploy (for example after a ditching), which could impede or prevent safe evacuation of the occupants from the helicopter. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2016–0028 describes procedures for identifying the part number and serial number of each half rescue kit located in the internal life raft installation, inspecting the life raft for damage (scorch marks), inspecting the condition of the flashlight battery (including cracks, impacts, swelling, damage, distorted case, and the connecting wire), testing the flashlight battery (turning on the flashlight), and replacing the life raft or flashlight battery (including the leak test). This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2016–0028 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under ''Differences Between this Proposed AD and the MCAI.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2016–0028 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2016–0028 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2016–0028 that is required for compliance with EASA AD 2016–0028 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0188 after the FAA final rule is published.

Differences Between This Proposed AD and the MCAI

Although the service information referenced in EASA AD 2016–0028 specifies to return damaged life rafts to the manufacturer, this AD does not include that requirement.

Where EASA AD 2016–0028 refers to its effective date or to January 7, 2016 (the effective date of EASA AD 2015–0242), this AD requires compliance within 3 months after the effective date of this AD.

Although the service information referenced in EASA AD 2016–0028 specifies that trained and authorized Zodiac Aerospace personnel must do the inspection of the half rescue kit, this AD does not require that Zodiac Aerospace personnel do the inspection.

Costs of Compliance

The FAA estimates that this proposed AD affects 30 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$3,000	$3,085	$92,550

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
7.5 work-hours × $85 per hour = $637.50	$77,900	$78,537.50

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2021–0188; Project Identifier MCAI–2020–00642–R.

(a) Comments Due Date

The FAA must receive comments by May 7, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Airbus Helicopters Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters, certificated in any category, as identified in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2016–0028, dated February 15, 2016 (EASA AD 2016–0028).

(d) Subject

Joint Aircraft System Component (JASC) Code 2564, Life Raft.

(e) Reason

This AD was prompted by a report that damage (scorch marks) was found on an internal life raft installation that contained a half rescue kit. Investigation revealed that the damage was caused by an unsuitable folding process for the life raft, which led to compression of the flashlight battery in the half rescue kit. The FAA is issuing this AD to address leakage of the flashlight battery in a half rescue kit, which could result in damage to the internal life raft, and subsequent failure of the internal life raft to deploy (for example after a ditching), which could impede or prevent safe evacuation of the occupants from the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2016–0028.

(h) Exceptions to EASA AD 2016–0028

(1) Where EASA AD 2016–0028 refers to its effective date or to January 7, 2016 (the effective date of EASA AD 2015–0242), this AD requires compliance within 3 months after the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2016–0028 does not apply to this AD.

(3) Although the service information referenced in EASA AD 2016–0028 specifies to return certain parts, this AD does not include that requirement.

(4) Although the service information referenced in EASA AD 2016–0028 specifies that trained and authorized Zodiac Aerospace personnel must do the inspection of the half rescue kit, this AD does not require that Zodiac Aerospace personnel do the inspection.

(i) Alternative Methods of Compliance (AMOCs):

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

(1) For EASA AD 2016–0028, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 0000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu*. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0188.

(2) For more information about this AD, contact Kathleen Arrigotti, Program Manager, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax (206) 231–3218; email *kathleen.arrigotti@faa.gov*.

Issued on March 11, 2021.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05883 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1170; Project Identifier MCAI–2020–00720–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Bell Textron Canada Limited (Bell) Model 429 helicopters. This proposed AD would require inspecting certain serial-numbered Emergency Flotation System (EFS) inflation hoses and depending on the results of those inspections, marking certain parts or removing certain parts from service. This proposed AD was prompted by a report that a float compartment on an EFS did not inflate. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 7, 2021.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1170; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the Transport Canada AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone 450–437–2862 or 800–363–8023; fax 450–433–0272; or at *https://www.bellcustomer.com.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Daniel E. Moore, Aviation Safety Engineer, Denver ACO Branch, Compliance & Airworthiness Division, FAA, 26805 East 68th Ave., Denver, CO 80249; telephone 303–342–1086; email *daniel.e.moore@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2020–1170; Project Identifier MCAI–2020–00720–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Daniel E. Moore, Aviation Safety Engineer, Denver ACO Branch, Compliance & Airworthiness Division, FAA, 26805 East 68th Ave., Denver, CO 80249; telephone 303–342–1086; ; email *daniel.e.moore@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

Transport Canada, which is the aviation authority for Canada, has issued Canadian AD No. CF–2020–21R1, issued August 19, 2020 to correct an unsafe condition for Bell Model 429 helicopters, all serial numbers. The Transport Canada AD advises that during maintenance on an EFS, the third compartment of the left forward float did not inflate. Transport Canada advises that an investigation determined the supply hose for the gas flow from the pressurized cylinder to the float compartment was blocked due to a manufacturing defect. Bell advised that similar supply hoses are installed on various EFS part numbers, which could be installed on different helicopter type designs. Transport Canada advises that this condition, if not detected and corrected, could result in partial inflation of the EFS during an emergency landing on water, preventing a timely egress from the helicopter, and injury to helicopter occupants.

FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with Canada, Transport Canada, its technical representative, has notified the FAA of the unsafe condition described in the Transport Canada AD. The FAA is proposing this AD after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other helicopters of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Safran Aerosystems Services Service Bulletin No. 025–69–21, Revision 00, dated, March 23, 2020 (SB 025–69–21). SB 025–69–21 is attached as an appendix to Bell Alert Service Bulletin No. 429–20–52, dated March 30, 2020 (ASB 429–20–52). SB 025–69–21 is proposed for incorporation by reference in this proposed AD. ASB 429–20–52 is not proposed for incorporation by reference in this proposed AD. SB 025–69–21 specifies, for certain EFSs manufactured

before July 2019, and any float supply hose manufactured before January 2014, performing a special inspection to verify that there is no blockage through the float supply hoses of the EFS inflation system.

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

Proposed AD Requirements

This proposed AD would require, within 100 hours time-in-service (TIS), removing each EFS supply hose and inspecting each end (also referred to as fitting or banjo) of the EFS supply hose using a certain plastic cable tie, and depending on the results of those inspections, removing from service certain parts and replacing those parts with airworthy parts. This proposed AD would also require marking a green dot on the base of certain supply hoses and writing ''SB 025–69–21'' above the external identification marking of the EFS with indelible ink. Finally, the proposed AD would prohibit installing any EFS supply hose manufactured before January 2014 unless it has been inspected in accordance with the proposed AD.

Differences Between This Proposed AD and the Transport Canada AD

The Transport Canada AD requires compliance within 600 hours air time or within the next 24-month inspection of the EFS, whichever occurs first, whereas this proposed AD would require compliance within 100 hours TIS. The Transport Canada AD limits the applicability to certain EFS supply hoses listed in SB 025–69–21, whereas this proposed AD would apply to certain EFS supply hoses manufactured before January 2014 but excludes EFS supply hoses marked with ''SB 025–69–21.''

Costs of Compliance

The FAA estimates that this proposed AD would affect 110 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Removing and inspecting each EFS supply hose would take about 0.75 work-hour, for an estimated cost of $64 per hose.

Installing or replacing each EFS supply hose would take about 0.10 work-hour with a minimal parts cost, for an estimated cost of $9 per hose.

Marking each EFS supply hose with a green dot and the applicable service bulletin number would take a minimal amount of time at a nominal cost.

According to Safran's service information, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage by Safran. Accordingly, all costs are included in this cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

2. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bell Textron Canada Limited Helicopters: Docket No. FAA–2020–1170; Project Identifier MCAI–2020–00720–R.

(a) Applicability

This airworthiness directive (AD) applies to Bell Textron Canada Limited (Bell) Model 429 helicopters, certificated in any category, with a Bell Emergency Flotation System (EFS) kit P/N 429–706–069–101/–103/–105/–121/–123/–125/–139/–141/–143/or –157 manufactured before July 2019, with a float supply hose manufactured before January 2014, installed, except for float supply hoses marked with ''SB 025–69–21'' above the external identification marking.

(b) Unsafe Condition

This AD defines the unsafe condition as a blocked float supply hose installed on an EFS. This condition could result in partial inflation of an EFS float during an emergency landing on water and subsequently preventing a timely egress from the helicopter.

(c) Comments Due Date

The FAA must receive comments by May 7, 2021.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 100 hours time-in-service (TIS): (i) Remove each EFS supply hose from the float and inspect each end of the EFS supply hose by inserting a plastic cable tie, 300 mm minimum × 5 mm maximum (11.811 in. minimum × .196 in. maximum), into the holes of the related fitting as shown in Figure 1 of Safran Aerosystems Services Service Bulletin No. 025–69–21, Revision 00, dated March 23, 2020 (SB 025–69–21).

Note 1 to paragraph (e)(1)(i) of this AD: Each end of the supply hose may also be referred to as fitting or banjo.

(ii) If the cable tie does not pass through the hose, before further flight, remove the EFS supply hose from service and replace it with an airworthy part.

(iii) If the cable tie passes through the supply hose, mark a green dot with indelible ink on the base of the supply hose and write ''SB 025–69–21'' above the external identification marking of the EFS with indelible ink.

(2) As of the effective date of this AD, do not install an EFS supply hose manufactured before January 2014 on any helicopter unless

the requirements in paragraph (e)(1) of this AD have been completed.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Daniel E. Moore, Aviation Safety Engineer, Denver, ACO Branch, Compliance & Airworthiness Division, FAA, 26805 East 68th Ave., Denver, CO 80249; telephone 303–342–1086; email *9-Denver-Aircraft-Cert@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

The subject of this AD is addressed in Transport Canada AD No. CF–2020–212R1, dated August 19, 2020. You may view the Transport Canada AD on the internet at *https://www.regulations.gov* in the AD Docket.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2560, Emergency Equipment.

Issued on January 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–04200 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0597; Project Identifier 2019–NE–05–AD]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The FAA is revising a notice of proposed rulemaking (NPRM) that applied to certain CFM International, S.A. (CFM) CFM56–5B, CFM56–5C, and CFM56–7B model turbofan engines with a certain rotating air high-pressure turbine (HPT) front seal. This action revises the NPRM by requiring CFM56–5B or CFM56–7B model turbofan engines with an installed reconfigured rotating air HPT front seal, which was previously installed and operated in a CFM56–5C model turbofan engine, to follow the removal requirements for the CFM56–5C model turbofan engine. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM the agency is requesting comments on this SNPRM.

DATES: The FAA must receive comments on this SNPRM by May 7, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this SNPRM, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com*. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0597; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, this SNPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Christopher McGuire, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7120; fax: (781) 238–7199; email: *Chris.McGuire@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2019–0597; Project Identifier 2019–NE–05–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may again revise this proposal because of those comments.

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

Confidential Business Information

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

Background

The FAA issued an NPRM to amend 14 CFR part 39 to supersede AD 2019–12–05, Amendment 39–19660 (84 FR 28717, June 20, 2019), (AD 2019–12–05). AD 2019–12–05 applies to all CFM CFM56–5B, CFM56–5C, and CFM56–7B model turbofan engines with a certain rotating air HPT front seal. The NPRM published in the **Federal Register** on October 23, 2019 (84 FR 56709). The NPRM was prompted by cracks found in the rotating air HPT front seal. In the NPRM, the FAA proposed to require replacement of the affected rotating air

HPT front seal with a part eligible for installation.

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, CFM has issued CFM Service Bulletin (SB) CFM56–5B S/B 72–1074, Revision 02, dated November 6, 2019; CFM SB CFM56–5C S/B 72–0794, Revision 02, dated November 6, 2019; and CFM SB CFM56–7B S/B 72–1042, Revision 02, dated November 6, 2019. These SBs provide service information for following the removal limits established for CFM56–5C model turbofan engines for CFM56–5B or CFM56–7B model turbofan engines with a reconfigured rotating air HPT front seal that was previously operated in a CFM56–5C model turbofan engine.

Comments

The following discussion presents the comments received on the NPRM and the FAA's response.

Request To Revise and Remove Installation Prohibition

American Airlines, CFM, and Lufthansa Technik AG requested the FAA revise the language in the Installation Prohibition to specify that it is only applicable to those rotating air HPT front seals that have affected serial numbers (S/Ns). Lufthansa Technik AG also requested the FAA remove the Installation prohibition from this proposed rule. Lufthansa Technik AG indicated that this AD already requires the removal of rotating air HPT front seals at an interval that will prevent an unsafe condition.

The FAA partially agrees. The FAA has revised this proposed AD by adding language to the Installation Prohibition referencing the specific S/Ns in the Applicability section to ensure that the rotating air HPT front seals affected by the Installation Prohibition are clear. The FAA disagrees with the request to remove the Installation Prohibition. The requirement to remove rotating air HPT front seals is necessary to address the unsafe condition and provide a drawdown period to remove the affected rotating air HPT front seals from service. Rotating air HPT front seals installed on a different HPT disk from which they were removed after the effective date of the AD will not meet the certified removal limits established in the Airworthiness Limitations Section.

Request To Clarify Engine and Rotating Air HPT Front Seal Intermix Requirements

American Airlines requested the FAA clarify the engine and rotating air HPT front seal intermix requirements, since CFM has released SB revisions that provide guidance on rotating air HPT front seals that have been operated in multiple engine models.

The FAA agrees and has revised this proposed AD. The FAA revised the compliance requirements in this proposed AD by adding additional required actions for CFM56–5C model turbofan engines with an affected rotating air HPT front seal that was assembled to a second or later HPT disk since being reconfigured.

Request To Specify No Reporting Requirement

American Airlines requested the FAA add a paragraph to this proposed AD to specify that there are no reporting requirements. The commenter noted that the CFM SBs specify reporting information to CFM.

The FAA disagrees. The required actions of this AD do not mandate the use of the referenced service information to comply with this AD. The reporting instructions included in the SBs are not required by this AD. The FAA made no change to this AD.

Request To Clarify Inclusion of Engine Models

Lufthansa Technik AG requested the FAA provide clarification regarding the NPRM supersedure preamble's discussion of expanding the applicability of the AD to include CFM56–5B, CFM56–5C, and CFM56–7B model turbofan engines. The commenter indicated that those engine models are already included in applicability of the AD 2019–12–05.

The NPRM supersedure preamble states that AD 2019–12–05 only addresses the highest risk engines with an affected rotating air HPT seal that has a specified number of cycles since being reconfigured. The NPRM supersedure proposes to expand the affected engine models to include all CFM CFM56–5B, CFM56–5C, and CFM56–7B model turbofan engines, including those engines that have fewer cycles since being reconfigured. The NPRM supersedure does not propose the addition of affected engine models to the applicability. The FAA made no change to this proposed AD.

FAA's Determination

The FAA is proposing this AD after determining the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the NPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Related Service Information

The FAA reviewed CFM Service Bulletin (SB) CFM56–5B S/B 72–1074, Revision 02, dated November 6, 2019; CFM SB CFM56–5C S/B 72–0794, Revision 02, dated November 6, 2019; and CFM SB CFM56–7B S/B 72–1042, Revision 02, dated November 6, 2019. CFM SB CFM56–5B S/B 72–1074, Revision 02, describes procedures for replacement of the affected rotating air HPT front seal on CFM CFM56–5B model turbofan engines. CFM SB CFM56–5C S/B 72–0794, Revision 02, describes procedures for replacement of the affected rotating air HPT front seal on CFM CFM56–5C model turbofan engines. CFM SB CFM56–7B S/B 72–1042, Revision 02, describes procedures for replacement of the affected rotating air HPT front seal on CFM CFM56–7B model turbofan engines.

Proposed AD Requirements in This SNPRM

This proposed AD would retain the requirements of AD 2019–12–05 (84 FR 28717, June 20, 2019) (AD 2019–12–05). The proposed AD would expand the applicability to require the replacement of affected rotating air HPT front seals installed on CFM CFM56–5B, CFM56–5C, and CFM56–7B model turbofan engines that have fewer cycles since being reconfigured than the engines affected by AD 2019–12–05. This proposed AD would also require CFM56–5B and CFM56–7B model turbofan engines with a reconfigured rotating air HPT front seal that was previously operated in a CFM56–5C model turbofan engine to follow the removal requirements of the CFM56–5C model turbofan engine.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect four engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the rotating air HPT front seal	1 work-hour × $85 per hour = $85	$344,600	$344,685	$1,378,740

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2019–12–05, Amendment 39–19660 (84 FR 28717, June 20, 2019), and adding the following new AD:

CFM International, S.A.: Docket No. FAA–2019–0597; Project Identifier 2019–NE–05–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 7, 2021.

(b) Affected ADs

This AD replaces AD 2019–12–05, Amendment 39–19660 (84 FR 28717, June 20, 2019).

(c) Applicability

This AD applies to:

(1) CFM International, S.A. (CFM) CFM56–5B1, –5B2, –5B4, –5B5, –5B6, –5B7, –5B1/P, –5B2/P, –5B3/P, –5B4/P, –5B5/P, –5B6/P, –5B7/P, –5B8/P, –5B9/P, –5B3/P1, –5B4/P1, –5B1/2P, –5B2/2P, –5B3/2P, –5B4/2P, –5B6/2P, –5B9/2P, –5B3/2P1, –5B4/2P1, –7B20, –7B22, –7B24, –7B26, –7B27, –7B22/B1, –7B24/B1, –7B26/B1, –7B26/B2, –7B27/B1, –7B27/B3, –7B20/2, –7B22/2, –7B24/2, –7B26/2, –7B27/2, –7B27A model turbofan engines with a:

(i) Rotating air high-pressure turbine (HPT) front seal:

(A) With part number (P/N) 1795M36P01 or P/N 1795M36P02 and serial numbers (S/Ns) GWNDN949 through GWNSE969 or S/Ns GWN000CE through GWN0990L, not including S/Ns GWN08ND7, GWN0923A, GWN0971E, GWN098A1, GWN098W6, GWN098W8, GWN098WA, and GWN0990G, installed, and

(B) That has been removed from the original HPT disk and re-assembled to a different HPT disk.

(ii) [Reserved]

(2) CFM CFM56–5C2, –5C2/4, –5C2/F, –5C2/F4, –5C2/G, –5C2/G4, –5C2/P, –5C3/F, –5C3/F4, –5C3/G, –5C3/G4, –5C3/P, –5C4, –5C4/1, –5C4/P, –5C4/1P model turbofan engines with a:

(i) Rotating air HPT front seal:

(A) With P/N 1795M36P01 or P/N 1795M36P02 and S/Ns GWNDN949 through GWNSE969 or S/Ns GWN000CE through GWN0990L, not including S/Ns GWN08ND7, GWN0923A, GWN0971E, GWN098A1, GWN098W6, GWN098W8, GWN098WA, and GWN0990G, installed, and

(B) That has been removed from the original HPT disk and re-assembled to a different HPT disk.

(ii) [Reserved]

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by cracks found in the rotating air HPT front seal. The FAA is issuing this AD to prevent failure of the rotating air HPT front seal. The unsafe condition, if not addressed, could result in the uncontained release of the rotating air HPT front seal, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For all affected CFM CFM56–5B and CFM56–7B model turbofan engines:

(i) If, on July 5, 2019 (the effective date of AD 2019–12–05), the rotating air HPT front seal has 7,000 cycles or greater since being reconfigured, remove the part from service within 50 cycles after July 5, 2019 (the effective date of AD 2019–12–05), or before further flight, whichever occurs later, and replace with a part eligible for installation.

(ii) If, on July 5, 2019 (the effective date of 2019–12–05), the rotating air HPT front seal has between 6,001 and 6,999 cycles, inclusive, since being reconfigured, remove the part from service within 500 cycles after July 5, 2019 (the effective date of AD 2019–12–05), but not to exceed 7,050 cycles since being reconfigured, or before further flight, whichever occurs later, and replace with a part eligible for installation.

(iii) For all remaining CFM56–5B and CFM56–7B model turbofan engines, remove the rotating air HPT front seal from service before accumulating 6,500 cycles since being reconfigured, or within 50 cycles after the effective date of this AD, whichever occurs later.

(2) For all affected CFM CFM56–5C model turbofan engines:

(i) If, on July 5, 2019 (the effective date of AD 2019–12–05), the rotating air HPT front seal has 4,250 cycles or greater since being reconfigured, remove the part from service within 25 cycles after July 5, 2019 (the effective date of AD 2019–12–05), within 1,500 cycles since the last fluorescent penetrant inspection (FPI) of the rotating air HPT front seal, or before further flight after the effective date of this AD, whichever occurs later, and replace with a part eligible for installation.

(ii) If, on July 5, 2019 (the effective date of AD 2019–12–05), the rotating air HPT front

seal has between 3,751 and 4,249 cycles, inclusive, since being reconfigured, remove the part from service within 250 cycles after July 5, 2019 (the effective date of AD 2019–12–05), before accumulating 4,275 cycles since being reconfigured, within 1,500 cycles since the last FPI of the rotating air HPT front seal, or before further flight after the effective date of this AD, whichever occurs later, and replace with a part eligible for installation.

(iii) For all remaining CFM CFM56–5C model turbofan engines, remove the rotating air HPT front seal from service before accumulating 4,000 cycles since being reconfigured, or within 50 cycles after the effective date of this AD, whichever occurs later.

(3) For CFM56–5B or CFM56–7B model turbofan engines with an affected rotating air HPT front seal that has been operated in a CFM56–5C model turbofan engine since being reconfigured, remove the rotating air HPT front seal from service using the cycle limits in paragraph (g)(2) of this AD.

(h) Definition

For the purpose of this AD, ''reconfigured'' occurs when a rotating air HPT front seal has been removed from the original HPT disk and re-assembled to a different HPT disk.

(i) Installation Prohibition

After the effective date of this AD, do not assemble any rotating air HPT front seal with greater than 0 cycles since new, having a S/N listed in paragraph (c) of this AD onto a HPT disk unless it is the same S/N HPT disk on which it has previously been assembled.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Christopher McGuire, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7120; fax: (781) 238–7199; email: *Chris.McGuire@faa.gov.*

(2) For service information identified in this AD, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on March 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05600 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0881; Project Identifier 2018–CE–024–AD]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 79–01–03, which applies to certain Piper Aircraft, Inc. (Piper) Model PA–36–285 airplanes, and AD 83–20–03, which applies to Piper Models PA–36–285, PA–36–300, and PA–36–375 airplanes. AD 79–01–03 requires repetitive inspections of the spar carry through assembly until it is replaced with a different part numbered spar carry through assembly. AD 83–20–03 establishes life limits for the wing spar structural components. Since the FAA issued AD 79–01–03 and AD 83–20–03, the FAA identified inspection and life limit requirements that were inadvertently omitted from those ADs. This proposed AD would retain the requirements in AD 79–01–03 and AD 83–20–03 and require the spar carry through assembly inspection from AD 79–01–03 for additional airplanes and add life limits for certain wing structural components previously omitted from AD 83–20–03 for certain serial numbered airplanes. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 7, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax*: (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 567–4361; website: *https://www.piper.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0881; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Dan McCully, Aviation Safety Engineer, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5548; fax: (404) 474–5606; email: *william.mccully@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0881; Project Identifier 2018–CE–024–AD.'' The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan McCully, Aviation Safety Engineer, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 79–01–03, Amendment 39–3383 (44 FR 36, January 2, 1979), Docket No. 78–EA–69 (AD 79–01–03), for certain Piper Model PA–36–285 airplanes. AD 79–01–03 requires repetitive inspections of spar carry through assembly part number (P/N) 97370–00, with repair as necessary, until the spar carry through assembly is replaced with P/N 76824–02. AD 79–01–03 was prompted by reports of cumulative damage to the wing spar carry through assembly, which resulted from fatigue testing and other field evidence of movement between the leg of the spar cap and the spar web. The FAA issued AD 79–01–03 to prevent hazards in flight associated with damage of the wing spar carry through assembly.

The FAA also issued AD 83–20–03, Amendment 39–4739 (48 FR 45535, October 6, 1983), Docket No. 83–CE–23–AD (AD 83–20–03), for Piper Models PA–36–285, PA–36–300, and PA–36–375 airplanes. AD 83–20–03 establishes life limits for certain wing structural components. AD 83–20–03 was prompted by manufacturer laboratory fatigue tests of the wing structure that identified the need to establish a service life limit for the wing structural components. The FAA issued AD 83–20–03 to prevent failure of the wing structural components because of fatigue damage.

Actions Since AD 79–01–03 and AD 83–20–03 Were Issued

Since the FAA issued AD 79–01–03 and AD 83–20–03, the FAA identified inconsistencies between the two ADs and the airplanes' type certificate. The FAA determined that the life limits for the spar carry through assembly, P/N 97370–00 or 76824–02, were inadvertently omitted from AD 83–20–03 for certain airplanes. The FAA is issuing this NPRM to add the life limit for the spar carry through assembly for Models PA–36–285 and PA–36–300 airplanes, serial numbers 36–7660123 through 36–8160023, and Model PA–36–375 airplanes, serial numbers 36–7802001 through 36–8302025. The FAA also determined the repetitive inspections of the spar carry through assembly required by AD 79–01–03 should apply to both Model PA–36–285 and Model PA–36–300 airplanes until the life limit replacement of the spar carry through assembly with P/N 76824–02. After the initial life limit replacement of the wing spar carry through assembly required by AD 83–20–03 (P/N 97370–00 with P/N 76824–02), the inspections required by AD 79–01–03 are no longer be required. In this NPRM, the FAA proposes to supersede both of those ADs.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Piper Aircraft, Inc., Service Bulletin No. 552A, dated August 3, 2018 (Piper SB No. 552A); Piper Aircraft PA–36, Pawnee Brave Kit 764–394, Right Wing Main Spar Caps Replacement, dated June 9, 2012 (Piper Kit 764–394); and Piper Aircraft PA–36, Pawnee Brave Kit 764–393, Left Wing Main Spar Caps Replacement, dated June 9, 2012 (Piper Kit 764–393). Piper SB No. 552A applies to Models PA–36–285 and PA–36–300 airplanes and contains procedures for repetitively inspecting wing spar carry through assembly P/N 97370–00. Piper Kit 764–394 identifies the applicable parts and specifies procedures for replacing the right wing main spar caps, which includes the attachment bolts and wing carry through spar fittings and assembly. Piper Kit 764–393 identifies the applicable parts and specifies procedures for replacing the left wing main spar caps, which includes the attachment bolts and wing carry through spar fittings and assembly. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA also reviewed Piper Aircraft Corporation Service Bulletin No. 552, dated February 3, 1978 (Piper SB No. 552). Piper SB No. 552 contains the same procedures as Piper SB No. 552A, but Piper SB No. 552 only applies to Model PA–36–285 airplanes.

Proposed AD Requirements in This NPRM

This proposed AD would retain all of the requirements of AD 79–01–03 and AD 83–20–03 but would apply some of the requirements to additional serial-numbered airplanes.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 123 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of P/N 97370–00 wing spar carry through assembly.	8 work-hours × $85 per hour = $680.	Not applicable	$680	$83,640
Replacement of the wing attachment upper bolt and lower bolt.	10 work-hours × $85 per hour = $850.	$1,310 (both bolts)	2,160	265,680
* Replacement of wing carry through spar assembly.	30 work-hours × $85 per hour = $2,550.	$23,467	26,017	3,200,091

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
** Replacement of Piper Kit 764–393 (Left) and Piper Kit 764-394 (Right).	20 work-hours × $85 per hour = $1,700.	$26,867 (both kits)	28,567	3,513,741

* The wing carry through spar fitting, P/N 97713–03, is included in the wing carry through spar assembly, P/N 76824–02.
** The replacement for the wing spar fitting P/N 97712–00 and the replacement for spar assembly P/Ns 97701–00 and 97701–01 are included in Piper Kit 764–393 and Piper Kit 764–394.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Would not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 79–01–03, Amendment 39–3383 (44 FR 36, January 2, 1979), Docket No. 78–EA–69; and Airworthiness Directive 83–20–03, Amendment 39–4739 (48 FR 45535, October 6, 1983), Docket No. 83–CE–23–AD; and

■ b. Adding the following new airworthiness directive:

Piper Aircraft, Inc.: Docket No. FAA–2020–0881; Project Identifier 2018–CE–024–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by May 7, 2021.

(b) Affected ADs

This AD replaces AD 79–01–03, Amendment 39–3383 (44 FR 36, January 2, 1979), Docket No. 78–EA–69 (AD 79–01–03); and AD 83–20–03, Amendment 39–4739 (48 FR 45535, October 6, 1983), Docket No. 83–CE–23–AD (83–20–03).

(c) Applicability

This AD applies to Piper Aircraft, Inc. Models PA–36–285, PA–36–300, and PA–36–375 airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5700, Wings.

(e) Unsafe Condition

This AD was prompted by a review of AD 83–20–03 and AD 79–01–03 and the determination that the requirements of those ADs did not address all of the affected airplanes. The FAA is issuing this AD to prevent fatigue damage to the wing structural components. The unsafe condition, if not addressed, could result in failure of the wing structure with consequent loss of control.

(f) Compliance

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

(g) Inspection of the Wing Spar Carry Through Assembly

(1) For Models PA–36–285 and PA–36–300 airplanes, serial numbers 36–7360001 through 36–7560003, with a wing spar carry through assembly part number (P/N) 97370–00 installed, before the airplane accumulates a total of 2,000 hours time-in-service (TIS) or within 25 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 100 hours TIS, inspect the wing spar carry through assembly by following the Instructions, section 1, of Piper Aircraft, Inc., Service Bulletin No. 552A, dated August 3, 2018, (Piper SB No. 552A).

(2) If any damage is found during any inspection required by paragraph (g)(1) of this AD, before further flight, repair or replace the wing spar carry through assembly by following the Instructions, section 2, of Piper SB No. 552A.

(3) Replacing wing spar carry through assembly P/N 97370–00 with wing spar carry through assembly P/N 76824–02 terminates the repetitive inspections required by paragraph (g)(1) of this AD.

(h) Life Limit Replacement of Wing Structural Components

Remove from service the wing structural components specified in paragraphs (h)(1) through (8) of this AD before the part accumulates the life limit hours TIS set forth in table 1 to paragraph (h) of this AD. If, on the effective date of this AD, the component will reach its life limit within 100 hours TIS or has already reached its life limit, remove the part from service within 100 hours TIS after the effective date of this AD.

(1) Remove from service wing attachment upper bolt P/N 77245–00 and replace with an unused (zero hours TIS) wing attachment upper bolt P/N 77245–00.

(2) Remove from service any wing carry through spar fitting P/Ns 97713–00, 97713–02, or 97713–03 and replace with an unused (zero hours TIS) wing carry through spar fitting P/N 97713–03.

Note 1 to paragraph (h)(2): Wing carry through spar fitting P/N 97713–03 is included as part of spar carry through assembly P/N 76824–02.

(3) Remove from service wing spar fitting P/N 97712–00 and replace with an unused (zero hours TIS) wing spar fitting P/N 97712–00 by following steps D(1)(a) through D(1)(c)

or section D(2), in Piper Aircraft, PA–36, Pawnee Brave Kit 764–393, Left Wing Main Spar Caps Replacement, dated June 9, 2012 (Piper Kit 764–393), or Piper Aircraft, PA–36, Pawnee Brave Kit 764–394, Right Wing Main Spar Caps Replacement, dated June 9, 2012 (Piper Kit 764–394), as applicable.

Note 2 to paragraph (h)(3): This note applies to paragraphs (h)(3) and (7) of this AD. Replacement parts for the left and right wing spar fittings P/N 97712–00 and the right, left, top, and bottom spar assemblies P/Ns 97701–00 and 97701–01 are included with Piper Kit 764–393 and Piper Kit 764–394.

(4) Remove from service spar carry through assembly P/N 97370–00 or 76824–02, as applicable, and replace with an unused (zero hours TIS) spar carry through assembly P/N 76824–02.

(5) Remove from service spar assembly P/Ns 97701–00 and 97701–01, Revision P or later revision, and replace with an unused (zero hours TIS) spar assembly by following the Instructions, sections B. and C., in Piper Kit 764–393 or Piper Kit 764–394, as applicable.

(6) Remove from service any spar carry through assembly P/N 76767–00 or P/N 76824–02 and replace with an unused (zero hours TIS) spar carry through assembly P/N 76824–02.

(7) Remove from service spar assemblies P/Ns 97701–00 and 97701–01, Revision N or earlier revision, and replace with an unused (zero hours TIS) left spar cap replacement kit P/N 764–393 and right spar cap replacement kit P/N 764–394 by following the Instructions, sections B. and C., in Piper Kit 764–393 or Piper Kit 764–394, as applicable.

(8) Remove from service wing attachment lower bolt P/N 77245–00 and replace with an unused (zero hours TIS) P/N 77245–00 bolt.

BILLING CODE 4910–13–P

Table 1 to paragraph (h)—*Compliance Times for Life Limit Replacement of Wing Components*

Airplanes	Type of Replacement	Paragraph of this AD					
		(h)(1) (h)(2) (h)(3)	(h)(4)	(h)(5)	(h)(6)	(h)(7)	(h)(8)
Models PA-36-285 and PA-36-300		**Life Limit Hours Time-in-Service on the Component**					
Serial Numbers (S/Ns) 36-7360001 through 36-7560003	Initial Repetitive	4,100 4,100	4,100 4,100	N/A N/A	N/A N/A	3,100 4,100	2,000 2,000
S/Ns 36-7560004 through 36-7560055	Initial Repetitive	4,100 4,100	N/A N/A	N/A N/A	4,000 4,100	3,100 4,100	2,000 2,000
S/Ns 36-7560056 through 36-7660122	Initial Repetitive	4,100 4,100	N/A N/A	4,100 4,100	4,000 4,100	N/A N/A	2,000 2,000
S/Ns 36-7660123 through 36-8160023	Initial Repetitive	4,100 4,100	4,100 4,100	4,100 4,100	N/A N/A	N/A N/A	2,000 2,000
Model PA-36-375		**Life Limit Hours Time-in-Service on the Component**					
		(h)(1) (h)(2) (h)(3)	(h)(4)	(h)(5)	(h)(6)	(h)(7)	(h)(8)
S/Ns 36-7802001 through 36-8302025	Initial Repetitive	4,100 4,100	4,100 4,100	4,100 4,100	N/A N/A	N/A N/A	2,000 2,000

(i) Credit for Previous Actions

You may take credit for the actions required by paragraph (g) of this AD if you performed those actions before the effective date of this AD using Piper Aircraft Corporation Service Bulletin No. 552, dated February 3, 1978.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(3) AMOCs approved for AD 79–01–03 and AD 83–20–03 are approved as AMOCs for the corresponding provisions of this AD.

(k) Related Information

(1) For more information about this AD, contact Dan McCully, Aviation Safety Engineer, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5548; fax: (404) 474–5606; email: *william.mccully@faa.gov*.

(2) For service information identified in this AD, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 567–4361; website: *www.piper.com*. You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on March 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05584 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0187; Project Identifier AD–2020–01664–E]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain CFM International, S.A. (CFM) LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A model turbofan engines. This proposed AD was prompted by a report of a manufacturing quality escape found during an inspection of a high-pressure turbine (HPT) case. This proposed AD would require the removal from service of the affected HPT case. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 7, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com*. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0187; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Chris McGuire, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7120; fax: (781) 238–7199; email: *Chris.McGuire@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0187; Project Identifier AD–2020–01664–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

Background

The FAA received a report of a manufacturing quality escape that identified certain HPT cases did not meet their approved type design. CFM determined the nonconforming parts could lead to over-temperature of the HPT mid-seal and uncontained rotor failure. A review of several x-rays of the bleed ports of the HPT case showed 148 parts with nonconforming indications, 8 of which were significant enough to impact the life of the HPT case. This condition, if not addressed, could result in failure of the HPT case, uncontained rotor release, damage to the engine, and damage to the airplane.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed CFM Service Bulletin (SB) LEAP–1A–72–00–0421–01A–930A–D, Issue 001, dated October 22, 2020. This SB specifies procedures for replacing the affected HPT cases. This service information is reasonably available because the interested parties

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

Proposed AD Requirements in This NPRM

This proposed AD would require removing the affected HPT cases from service and replacing the HPT case with a part eligible for installation.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 8 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove and replace the HPT case	1 work-hour × $85 per hour = $85	$217,600	$217,685	$1,741,480

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

CFM International, S.A.: Docket No. FAA–2021–0187; Project Identifier AD–2020–01664–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 7, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to CFM International, S.A. (CFM) LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A model turbofan engines, with a high-pressure turbine (HPT) case, part number (P/N) 2668M94G01, that contains a stage 7 port, P/N 2614M30P01, with a port casting serial number (S/N) listed in Table 1 in Planning Information, Paragraph 3.A., of CFM Service Bulletin (SB) LEAP–1A–72–00–0421–01A–930A–D, Issue 001, dated October 22, 2020.

(d) Subject

Joint Aircraft System Component (JASC) Code of America Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a report of a manufacturing quality escape found during inspection of an HPT case. The FAA is issuing this AD to prevent failure of the HPT case. The unsafe condition, if not addressed, could result in failure of the HPT case, uncontained rotor release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

Before the HPT case exceeds the cycles since new limit in Table 1 in Planning Information, Paragraph 3.A., of CFM SB LEAP–1A–72–00–0421–01A–930A–D, Issue 001, dated October 22, 2020, or during the next piece part exposure, whichever occurs first after the effective date of this AD, remove the affected HPT case from service and replace with a part eligible for installation.

(h) Definitions

For the purpose of this AD:

(1) A part eligible for installation is an HPT case, P/N 2668M94G01, that contains a stage 7 port, P/N 2614M30P01, with an S/N that is not listed in Table 1 in Planning Information, Paragraph 3.A., of CFM SB LEAP–1A–72–00–0421–01A–930A–D, Issue 001, dated October 22, 2020.

(2) Piece-part exposure is when the HPT case is removed from the engine and fully disassembled.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For more information about this AD, contact Chris McGuire, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7120; fax: (781) 238–7199; email: *Chris.McGuire@faa.gov*.

(2) For service information identified in this AD, contact CFM International, S.A.,

Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com*. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on March 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05591 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0176; Airspace Docket No. 21–ACE–8]

RIN 2120–AA66

Proposed Amendment of Class D and E Airspace; Sioux City, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D and Class E airspace at Sioux Gateway Airport/Brigadier General Bud Day Field, Sioux City, IA. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Sioux City VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program. The name and geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before May 7, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–0176/Airspace Docket No. 21–ACE–8 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace, the Class E surface airspace, and the Class E airspace extending upward from 700 feet above the surface at Sioux Gateway Airport/Brigadier General Bud Day Field, Sioux City, IA, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0176/Airspace Docket No. 21–ACE–8.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by:

Amending the Class D airspace at Sioux Gateway Airport/Brigadier General Bud Day Field, Sioux City, IA,

by adding an extension 1 mile each side of the 001° bearing from the airport extending from the 4.3-mile radius to 4.4 miles north of the airport; updating the name (previously Sioux Gateway/Col. Bud Day Field) and geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the cities associated with the airports to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; and updating the outdated term ''Airport/Facility Directory'' to ''Chart Supplement'';

Amending the Class E surface airspace at Sioux Gateway Airport/Brigadier General Bud Day Field by adding an extension 1 mile each side of the 001° bearing from the airport extending from the 4.3-mile radius to 4.4 miles north of the airport; updating the name (previously Sioux Gateway/Col. Bud Day Field) and geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the cities associated with the airports to comply with changes to FAA Order 7400.2M; and updating the outdated term ''Airport/Facility Directory'' to ''Chart Supplement'';

And amending the Class E airspace extending upward from 700 feet above the surface at Sioux Gateway Airport/Brigadier General Bud Day Field by removing the Sioux City VORTAC and associated extension from the airspace legal description; amending the extension northwest of the airport to within 3.9 miles (reduced from 4 miles) either side of the 316° (previously 001°) bearing from the Sioux Gateway/Brig. General Bud Day FLD: RWY 13–LOC (previously Sioux Gateway Airport/Col. Bud Day Field) extending from the 6.8-mile radius of the Sioux Gateway Airport/Brigadier General Bud Day Field to 14.4 miles northwest of the Sioux Gateway Airport/Brigadier General Bud Day Field; adding an extension 3.9-miles each side of the 316° bearing from the airport extending from the 6.8-mile radius of the airport to 7.1 miles northwest of the airport; removing the city associated with the airport to comply with changes to FAA Order 7400.2M; and updating the name (previously Sioux Gateway Airport/Col. Bud Day Field) and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is necessary due to an airspace review caused by the decommissioning of the Sioux City VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

Class D and E airspace designations are published in paragraph 5000, 6002, and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designation listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

■ 1. The authority citation for 14 CFR 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ACE IA D Sioux City, IA [Amended]

Sioux Gateway Airport/Brigadier General Bud Day Field, IA
(Lat. 42°24′09″ N, long. 96°23′05″ W)
Martin Field, NE
(Lat. 42°27′15″ N, long. 96°28′21″ W)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.3-mile radius of Sioux Gateway Airport/Brigadier General Bud Day Field excluding that airspace within a 1-mile radius of Martin Field, and within 1 mile either side of the 001° bearing from the Sioux Gateway Airport/Brigadier General Bud Day Field extending from the 4.3-mile radius of Sioux Gateway Airport/Brigadier General Bud Day Field to 4.4 miles north of the Sioux Gateway Airport/Brigadier General Bud Day Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Airspace.

* * * * *

ACE IA E2 Sioux City, IA [Amended]

Sioux Gateway Airport/Brigadier General Bud Day Field, IA
(Lat. 42°24′09″ N, long. 96°23′05″ W)
Martin Field, NE
(Lat. 42°27′15″ N, long. 96°28′21″ W)

That airspace within a 4.3-mile radius of Sioux Gateway Airport/Brigadier General Bud Day Field, excluding that airspace within a 1-mile radius of Martin Field, and within 1 mile either side of the 001° bearing from the Sioux Gateway Airport/Brigadier General Bud Day Field extending from the 4.3-mile radius of Sioux Gateway Airport/Brigadier General Bud Day Field to 4.4 miles north of the Sioux Gateway Airport/Brigadier General Bud Day Field. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ACE IA E5 Sioux City, IA [Amended]

Sioux Gateway Airport/Brigadier General Bud Day Field, IA
(Lat. 42°24′09″ N, long. 96°23′05″ W)
Sioux Gateway/Brig. General Bud Day FLD: RWY 13–LOC
(Lat. 42°23′21″ N, long. 96°22′17″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile

radius of Sioux Gateway Airport/Brigadier General Bud Day Field, and within 3.9 miles each side of the 316° bearing from Sioux Gateway/Brig. General Bud Day FLD: RWY 13–LOC extending from the 6.8-mile radius of the Sioux Gateway Airport/Brigadier General Bud Day Field to 14.4 miles northwest of the Sioux Gateway Airport/Brigadier General Bud Day Field, and within 3.9 miles each side of the 316° bearing from the airport extending from the 6.8-mile radius of the airport to 7.1 miles northwest of the airport.

Issued in Fort Worth, Texas, on March 17, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–05854 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0177; Airspace Docket No. 21–ACE–9]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Neosho, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Neosho Hugh Robinson Airport, Neosho, MO. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Neosho VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program.

DATES: Comments must be received on or before May 7, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–0177/Airspace Docket No. 21–ACE–9 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Neosho Hugh Robinson Airport, Neosho, MO, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0177/Airspace Docket No. 21–ACE–9.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (reduced from a 7-mile) radius of Neosho Hugh Robinson Airport, Neosho, MO; and removing the Neosho

VOR/DME and associated extension from the airspace legal description.

This action is necessary due to an airspace review caused by the decommissioning of the Neosho VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

■ 1. The authority citation for 14 CFR 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

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

* * * * *

ACE MO E5 Neosho, MO [Amended]

Neosho Hugh Robinson Airport, MO
(Lat. 36°48′39″ N, long. 94°23′30″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Neosho Hugh Robinson Airport.

Issued in Fort Worth, Texas, on March 17, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–05853 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–115057–20]

RIN 1545–BP98

Mandatory 60-Day Postponement of Certain Tax-Related Deadlines by Reason of a Federally Declared Disaster; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed regulations that relates to the new mandatory 60-day postponement of certain time-sensitive tax-related deadlines by reason of a Federally declared disaster.

DATES: The teleconference public hearing, originally scheduled on Tuesday, March 23, 2021 at 10:00a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Regina Johnson of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 317–5177 (not a toll-free number) or at *publichearings@irs.gov* (REG–115057–20).

SUPPLEMENTARY INFORMATION: A notice of public hearing that appeared in the **Federal Register** on Wednesday, February 3, 2021 (86 FR 7987) announced that a public hearing was scheduled on Tuesday, March 23, 2021 at 10:00 a.m. as a teleconference public hearing, the Internal Revenue Service Building, 1111 Constitution Avenue NW, Washington, DC. The subject of the public hearing is under section 7508A of the Internal Revenue Code. The public comment period for these regulations expired on March 15, 2021. The notice of hearing instructed those interested in testifying at the public hearing to submit an outline of the topics to be discussed. The outline of topics to be discussed was due by March 15, 2021. As of March 15, 2021, no one has requested to speak. Therefore, the public hearing scheduled for March 23, 2021 at 10:00 a.m. is cancelled.

Crystal Pemberton,

Senior Federal Register Liaison, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2021–05871 Filed 3–22–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 9

RIN 2900–AQ53

Servicemembers' Group Life Insurance Traumatic Injury Protection Program Amendments

AGENCY: Department of Veterans Affairs.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On August 19, 2020, the Department of Veterans Affairs (VA) published a notice of proposed rulemaking to amend its regulations that govern the Servicemembers' Group Life Insurance Traumatic Injury Protection (TSGLI) program. This supplemental notice of proposed rulemaking (SNPRM) clarifies that VA's proposed denial of a petition for rulemaking, as set forth in that proposed rulemaking, is a proper subject for the submission of comments and provides a new opportunity for submission of such comments.

DATES: Comments must be received on or before May 24, 2021.

ADDRESSES: Comments may be submitted through *www.Regulations.gov* or mailed to Department of Veterans Affairs Insurance Center (310/290B), 5000 Wissahickon Avenue, Philadelphia, PA 19144]. Comments should indicate that they are submitted in response to AQ53-Servicemembers' Group Life Insurance Traumatic Injury Protection Program. Comments received will be available at *regulations.gov* for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Paul Weaver, Department of Veterans Affairs Insurance Center (310/290B), 5000 Wissahickon Avenue, Philadelphia, PA 19144, (215) 842–2000, ext. 4263. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 19, 2020, VA published a notice of proposed rulemaking to amend VA regulations governing the TSGLI program. 85 FR 50973. That rulemaking also proposed to deny a petition for rulemaking requesting that VA:

1. Amend the definition of ''traumatic event'' in current § 9.20(b)(1) to include ''application of . . . explosive ordnance . . . causing damage to a living being.''
2. Amend the definition of ''traumatic injury'' in current § 9.20(c)(2)(ii) to include a ''physical illness or disease . . . caused by . . . explosive ordnance.''
3. Amend the list of exclusions in current § 9.20(e)(4)(i) to provide that a scheduled loss resulting from a ''physical illness or disease caused by explosive ordnance'' will not be excluded from TSGLI coverage.
4. Add the following definition of ''explosive ordnance'' to current § 9.20(e)(6): ''all munitions containing explosives, . . . includ[ing], but . . . not limited to, improvised explosive devices (IEDs).''

This SNPRM does not propose any substantive changes to the previously published proposed rule. Rather, through this SNPRM, we simply seek to (1) clarify that VA proposes to deny the petition for rulemaking for the reasons set forth in the preamble to the proposed rulemaking, *see* 85 FR 50982–83, and (2) provide additional opportunity for public comment on that subject specifically because the August 2020 proposed rule may not have been entirely clear that the issues raised in the petition and the proposed denial thereof were subject to public comment.

VA hereby invites comments on the petition and the proposed denial thereof. Before making a final decision on the petition and the issuance of a final rulemaking, VA will consider all comments received during the comment period ending on October 19, 2020, in response to the August 2020 proposed rule and all comments received in response to this SNPRM by the closing date. If you submitted a comment regarding the petition in response to the August 2020 proposed rule, you do not need to submit the same comment again. This SNPRM does not reopen the other proposals that were contained in the August 2020 proposed rulemaking or request further comments on those proposals.

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number and title for the program affected by this document is 64.103, Life Insurance for Veterans.

List of Subjects in Part 9

Life insurance, Servicemembers, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on March 8, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2021–05852 Filed 3–22–21; 8:45 am]

BILLING CODE 8320–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2021–3; Order No. 5847]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal One). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 3, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Proposal One
III. Notice and Comment
IV. Ordering Paragraphs

I. Introduction

On March 11, 2021, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.[1] The Petition identifies the proposed analytical changes filed in this docket as Proposal One.

II. Proposal One

Background. Proposal One is a request to change the methodology for estimating revenue, pieces, and weight for domestic products reported into the Revenue, Pieces, and Weight (RPW) Report. Petition at 2. The Postal Service cites the introduction of numerous census system sources over the last 10 years as reducing the need to rely on Origin-Destination Information System—Revenue, Pieces, and Weight (ODIS–RPW) sampling estimates. *Id.* The Postal Service states that its proposed methodology would enable significant reductions in manual data collection and the accompanying costs, while maintaining statistical reliability. *Id.* The Postal Service additionally filed under-seal materials related to RPW data for competitive products.[2]

Proposal. The Postal Service's proposal seeks to update its current RPW system used to generate the RPW report filed quarterly with the Commission in conformance with 39 CFR 3050.25. Petition at 2. The current system relies on a variety of source systems, including the ODIS–RPW probability sampling system.[3] The Postal Service's proposed methodology redesigns the non-digital sampling portion of ODIS–RPW and makes minor changes to the digital portion, along with a two-thirds (for non-digital) and one-third (for digital) reduction in sampling size. *Id* at 12.

The Postal Service notes that past reliance on ODIS–RPW for business decisions has been replaced by the alternative disaggregated data source Informed Visibility (IV), addressing the Commission's previous concern that alternative disaggregated data sources be developed prior to reducing the sampling size of ODIS–RPW. *Id.* at 11. Similarly, the current Service Performance Measurement (SPM) system does not rely on ODIS–RPW volumes, so service measurement would be unaffected by the proposed changes to ODIS–RPW. *See id.* at 11–12.

The proposed updates to ODIS–RPW include consolidation of non-digital sample areas from 189 to 10 to reduce the chance of the smaller sampling size creating strata with no usable tests. *Id.* at 13. Mail characteristic stratification are defined uniformly at the national level, and sample data would be pooled across sample areas to ensure a sufficient sample size for each of the twenty strata. *Id.* The Postal Service additionally proposes using a ratio estimator for the non-digital sample using total reference volume across letters, flats, and parcels as the auxiliary variable to obtain national estimates from the sampled data. *See id.* Updates to the digital sample areas are limited to the same consolidation of sample areas, and an increase in the number of stratum from five to six. *Id.* at 16.

Overall, the Postal Service proposes to reduce ODIS–RPW sample sizes from approximately 31,000 to 18,000 tests per quarter. *Id.* at 17. The Postal Service justifies this reduction by the proposed methodology changes and the fact that much of the Postal Service's mail product information, including RPW reporting, now comes from census source systems. *Id.* The Postal Service would prefer to begin the reduced sampling starting July 1, 2021. *Id.*

Rationale and impact. The Postal Service justifies the proposed changes to ODIS–RPW as a comprehensive design that would ''reduce sampling without compromising the integrity of the RPW program.'' *Id.* at 18. The Postal Service states that estimates from ODIS–RPW, when combined with census source RPW information, would provide reliable and consistent information. *Id.* The Postal Service conducted simulation studies of the impact of the proposed changes and compared the results to census source data, and provides a table that shows the affected lines of the RPW report. *Id.* at 18–20. The Postal Service states that coefficients of variability impacted by the proposed change would grow from 2.3 percent to 2.9 percent quarterly, and 1.2 percent to 1.4 percent annually, noting that there is no universal standard for acceptable levels of variation. *Id.* at 20. The Postal Services states that it does not view the potential minor increases in variability for RPW reporting as a cause for concern, and further states that it sees little or no practical impact of its proposal on the accuracy or reliability of estimates generated for the RPW report. *Id.*

III. Notice and Comment

The Commission establishes Docket No. RM2021–3 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *http://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal One no later than May 3, 2021. Pursuant to 39 U.S.C. 505, Manon Boudreault is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2021–3 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal One), filed March 11, 2021.

2. Comments by interested persons in this proceeding are due no later than May 3, 2021.[4]

3. Pursuant to 39 U.S.C. 505, the Commission appoints Manon Boudreault to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2021–05831 Filed 3–22–21; 8:45 am]

BILLING CODE 7710–FW–P

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal One), March 11, 2021 (Petition). The Postal Service also filed a notice of non-public materials relating to Proposal One. Notice of Filing of USPS–RM2021–3–NP1 and Application for Nonpublic Treatment, March 11, 2021.

[2] *See* Library Reference USPS–RM2021–3–NP1, March 11, 2021.

[3] *Id.* at 2–3. The Postal Service references Library References USPS–LR–L–16 and USPS–LR–L–17 in Docket No. R2006–1 as the most recent full documentation for the ODIS–RPW system. *Id.*

[4] The Commission reminds interested persons that its revised and reorganized Rules of Practice and Procedure became effective April 20, 2020, and should be used in filings with the Commission after April 20, 2020. The new rules are available on the Commission's website and can be found in Order No. 5407. Docket No. RM2019–13, Order Reorganizing Commission Regulations and Amending Rules of Practice, January 16, 2020 (Order No. 5407).

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–51; RM–11876; DA 21–160; FR ID 17523]

Television Broadcasting Services Cedar Rapids, Iowa

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Video Division has before it a petition for rulemaking filed November 27, 2020 (Petition) by Gray Television Licensee, LLC (Petitioner), the licensee of KCRG–TV (ABC), channel 9 (KCRG or Station), Cedar Rapids, Iowa. The Petitioner requests the substitution of channel 32 for channel 9 at Cedar Rapids, Iowa in the digital television (DTV) Table of Allotments.

DATES: Comments must be filed on or before April 22, 2021 and reply comments on or before May 7, 2021.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Joan Stewart, Esq., Wiley Rein LLP, 1776 K Street NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Andrew Manley, Media Bureau, at (202) 418–0596 or *Andrew.Manley@fcc.gov*.

SUPPLEMENTARY INFORMATION: In support of its channel substitution request, the Petitioner states that the Commission has recognized that VHF channels have certain propagation characteristics which may cause reception issues for some viewers, and also that the ''reception of VHF signals require larger antennas . . . relative to UHF channels.'' According to the Petitioner, ''many of its viewers experience significant difficulty receiving KCRG–TV's signal.'' The Petitioner further states that its channel substitution proposal will result in no loss of service. We believe that the Petitioner's channel substitution proposal warrants consideration. Channel 32 can be substituted for channel 9 at Cedar Rapids, Iowa, as proposed, in compliance with the principal community coverage requirements of § 73.625(a) of the Commission's rules at coordinates 42–18–59.0 N and 91–51–31.0 W. In addition, we find that this channel change meets the technical requirements set forth in §§ 73.616 and 73.623 of the rules.

This is a synopsis of the Commission's *notice of proposed rulemaking,* MB Docket No. 21–51; RM–11876; DA 21–160, adopted February 12, 2021, and released February 12, 2021. The full text of this document is available for download at *https://www.fcc.gov/edocs*. To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a notice of proposed rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in § 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See §§ 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622(i), amend the Post-Transition Table of DTV Allotments under Iowa by revising the entry for Cedar Rapids to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
Iowa	
* * * * *	
Cedar Rapids	27, 29, 32, 47.
* * * * *	

[FR Doc. 2021–04633 Filed 3–22–21; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 86, No. 54
Tuesday, March 23, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Information Collection Activities: Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request

AGENCY: U.S. Agency for International Development.

ACTION: Notice of information collection.

SUMMARY: The U.S. Agency for International Development (USAID), 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 continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimates; ways to enhance the quality, utility, and clarity of the information collected; and ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: Interested persons are invited to submit written comments regarding the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), 725 7th Street NW, Washington, DC 20543. Attention: Desk Officer for USAID.

FOR FURTHER INFORMATION CONTACT: U.S. Agency for International Development, Office of Human Capital and Talent Management, Office of Workforce Planning, Policy, and Systems Management (PPSM)—Washington, DC 20523; tel. 202–712–1234, option #2.

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of this collection is to determine if a candidate is eligible to receive Physician and Dentist Pay under the provisions of Title 38. This information will be maintained by USAID and made available to the Internal Revenue Service for tax and withholding purposes and to the U.S. Office of Personnel Management. Disclosure is voluntary. However, without the requested information, USAID will not be able to process a candidate's request to receive Physician and Dentist Pay. Authority to collect this information is contained in 5 U.S.C. 1104 and 5 U.S.C. 5371. The Office of U.S. Office of Personnel Management delegated authority to USAID to use provisions of Title 38, U.S.C. until June 30, 2022.

II. Method of Collection

Paper.

III. Data

(a) Full Name
(b) Organization
(c) Position
(d) Position Description Number (Federal candidates only)
(e) Additional Comments (as necessary)
(f) Current Occupation
(g) Pay Information
  a. Federal Candidate: Pay Plan, Step, Tier, Title, Clinical Specialty/Board Certification, General Schedule Employee Current Pay
  b. Non-Federal Candidate: Clinical Specialty/Board Certifications, Total Annual Compensation
(h) Official Tour of Duty (Full Time or Part Time)

IV. Format

(a) Form Title: Request for Title 38 Physician and Dentist Pay
(b) Form Number: AID Form 465–1
(c) Type of Review: Initial
(d) Affected Public: Individuals
(e) Estimated Number of Respondents: 200
(f) Estimated Total Annual Burden Hours: 100–200

V. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of USAID, including whether the information collected has practical utility; (b) the accuracy of USAID's estimate of the burden (including both hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. The comments will also become a matter of public record.

Dated: March 11, 2021.

Alexandra Riboul,

Deputy Director, Office of Human Capital and Talent Management (HCTM), Office of Workforce Planning, Policy, and Systems Management (PPSM).

[FR Doc. 2021–05943 Filed 3–22–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 18, 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 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 this information collection received by April 22, 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.* 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.

Food and Nutrition Service

Title: Survey of SNAP Employment and Training (E&T) Case Management.

OMB Control Number: 0584–NEW.

Summary of Collection: Section 17 of the Food and Nutrition Act of 2008 provides general legislative authority for the planned data collection. It authorizes the Secretary of Agriculture to enter into contracts with private institutions to undertake research that will help improve the administration and effectiveness of the Supplemental Nutrition Assistance Program (SNAP) in delivering nutrition-related benefits. Under SNAP, States are required to operate an Employment and Training (E&T) program to help participants acquire skills, training, and work experience that lead to employment and greater economic self-sufficiency. Section 4005 of the Agricultural Improvement Act of 2018 (2018 Farm Bill) requires States to provide case management in their SNAP E&T programs by October 1, 2019. Case management involves assessing participants' skills, interests, strengths, and challenges, and using this information to develop an individualized plan to connect E&T participants to programs and activities that best meet their employment needs.

Participants who receive support in their quest to obtain and maintain jobs that pay livable wages may be more likely to engage in program services and progress toward their goals than those who do not receive such support. Studies of case management in Temporary Assistance for Needy Families E&T programs have found that participants who worked with case managers who handled both program eligibility and E&T were more likely to participate in E&T activities, and that team-based case management with integrated services showed promise in increasing participants' employment and earnings.

Need and Use of the Information: The primary purpose of this voluntary, one-time data collection is to gather information on how SNAP E&T programs provide case management (including assessments, participant reimbursements, and other supports). The data collection from this study will help identify lessons learned and best practices that FNS can share with States to implement robust SNAP E&T programs and fulfill the new requirement.

Description of Respondents: Individuals/Households (248), Business-not-for-Profit (50), State, Local, or Tribal Government (268).

Number of Respondents: 570.

Frequency of Responses: Reporting; On occasion.

Total Burden Hours: 555.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–05937 Filed 3–22–21; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of the Chief Information Officer, USDA.

ACTION: 30-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the Office of the Chief Information Officer has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA).

DATES: Comments regarding this information collection received by April 22, 2021 will be considered.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Ruth Brown, 202–270–8958.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The Agency received 1 comment in response to the 60-day notice published in the **Federal Register** of December 29, 2020 (85 FR 85579). The comments were not relevant to this collection.

Below we provide the Office of the Chief Information Officer's projected average estimates for the next three years:

OMB Control Number: 0503–0021.

Current Actions: Revision/Extension.

Type of Review: Extension.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of activities: 20.

Respondents: 30,000.

Annual responses: 30,000.

Frequency of Response: Once per request.

Average minutes per response: 30.

Burden hours: 16,750.

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 Office of Management and Budget control number.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–05945 Filed 3–22–21; 8:45 am]

BILLING CODE 3410–KR–P

DEPARTMENT OF AGRICULTURE

Office of Partnerships and Public Engagement

Advisory Committee on Minority Farmers; Conference Call Meeting

AGENCY: Office of Partnerships and Public Engagement, USDA.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the Department of Agriculture and the Federal Advisory Committee Act (FACA), that a public teleconference of the Advisory Committee on Minority Farmers (ACMF) will be held to discuss USDA outreach, technical assistance, and capacity building for and with minority farmers; the implementation of the Socially Disadvantaged and Veteran Farmer and Rancher Grant Program (2501 Program); and methods of maximizing the participation of minority farmers and ranchers in the U.S. Department of Agriculture; and to plan mechanisms for best providing advice to the Secretary on the issues outlined above.

DATES: The conference begins at 1:00 p.m. Central Time on April 7, 2021; you may join the conference 10 minutes prior.

ADDRESSES:

Step 1: Dial into the conference.

Dial-in: 888–251–2949 or 215–861–0694

Access Code: 4511838#

Need an international dial-in number?

Step 2: Join the conference on your computer.

Entry Link: https://ems8.intellor.com/login/837630

When you access the entry link above, you will be provided a choice—to install the WebEx plug-in for your preferred browser or to join the web conference using a temporary path. Either option is acceptable.

Need technical assistance?

Audio Connection: 1–888–796–6118

WebEx Connection: 1–888–793–6118

Please be advised that before being placed into the conference call, the operator will 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 USDA will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Public Comments: Written comments for the Committee's consideration may be submitted to email: *ACMF@usda.gov.* Written comments must be received by April 6, 2021.

Availability of Materials for the Meeting: General information about the ACMF as well as any updates concerning the meeting announced in this notice, may be found on the ACMF website at *https://www.usda.gov/partnerships/advisory-committee-on-minority-farmers.*

Accessibility: USDA is committed to ensuring that all persons are included in our programs and events. If you are a person with a disability and require reasonable accommodations to participate in this meeting Please contact Eston Williams at *Eston.Williams@usda.gov* or (202) 596–0226.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: General information about the committee can also be found at *https://www.usda.gov/partnerships/advisory-committee-on-minority-farmers.* Any member of the public wishing to obtain information concerning this public meeting may contact Eston Williams, Designated Federal Officer (DFO), at *Eston.Williams@usda.gov* or at (202) 596–0226.

SUPPLEMENTARY INFORMATION:

Background: The Committee was established in the U.S. Department of Agriculture pursuant to section 14008 of the Food Conservation and Energy Act of 2008, Public Law 110–246, 122 Stat. 1651, 2008 (7 U.S.C. 2279).

The Committee works in the interest of the public to ensure socially disadvantaged farmers have equal access to USDA programs. The Committee advises the Secretary on the implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990; methods of maximizing the participation of minority farmers and ranchers in U.S. Department of Agriculture programs; and civil rights activities within the Department, as such activities relate to participants in such programs.

Dated: March 16, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–05924 Filed 3–22–21; 8:45 am]

BILLING CODE 3412–88–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Quarterly Summary of State and Local Government Tax Revenues

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 January 15, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau.

Title: Quarterly Summary of State and Local Government Tax Revenues.

OMB Control Number: 0607–0112.

Form Number(s): F–71, F–72, F–73.

Type of Request: Regular submission, Request for a Revision of a Currently Approved Collection.

Number of Respondents: 7,351.

Average Hours per Response: 16 minutes.

Burden Hours: 8,002.

Needs and Uses: The Census Bureau conducts the Quarterly Summary of State & Local Government Tax Revenues (QTax Survey) to provide quarterly estimates of state and local government tax revenue at a national level, as well as detailed tax revenue data for individual states. Quarterly measurement of, and reporting on, these fund flows provides valuable insight into trends in the national economy and that of individual states. Information collected on the type and quantity of taxes collected gives comparative data on how the various levels of government fund their public sector obligations. There are three components to the QTax Survey; the first component is the Quarterly Survey of Property Tax Collections (F–71), which collects property tax data from local governments, the second component is the Quarterly Survey of State Tax Collections (F–72), which collects data on 25 different tax categories for all 50 states, and the third component is the Quarterly Survey of Selected Non-Property Taxes (F–73), which collects local tax revenue data for three taxes: Sales and gross receipts, individual income, and corporation net income taxes.

The Census Bureau is requesting approval to conduct the 2021, 2022 and 2023 Quarterly Summary of State & Local Government Tax Revenues. The Census Bureau is also requesting approval to add the collection of cannabis sales and sports betting sales taxes to the F72 component and remove the collection of all license taxes from the F–72 component of the QTax Survey. This will modernize the survey's content to maintain the relevancy and sustainability of these data.

The information contained in this survey is the most current information available on a nationwide basis for state and local government tax collections. Data are collected for fifty state governments and the District of Columbia and a sample of the local governments (approximately 7,300).

The Census Bureau conducts the three components of the QTax Survey to collect state and local government tax data for this data series established in 1962. It serves as a timely source of tax data for many data users and policy makers and is the most current information available on a nationwide basis for government tax collections Tax collection data are used to measure economic activity nationwide, as well as for comparison among the states. These data are also used in comparing the variety of taxes employed by individual states and in determining the revenue raising capacity of different types of taxes in different states.

Key users of these data include the Bureau of Economic Analysis (BEA), the Federal Reserve Board (FRB), and the Department of Housing and Urban Development (HUD) who rely on these data to provide they provide insight into and the most current information on the complex nature and fiscal health of state and local government finances. These data are included in the quarterly estimates of the National Income and Product Accounts developed by BEA. HUD has used the property tax data as one of nine cost indicators for developing Section 8 rent adjustments. These data are widely used by Federal, state, and local legislators, policy makers, analysts, economists, and researchers to follow the changing characteristics and monitor trends in public sector revenues. The data are also widely used by the media and academia.

Affected Public: State, Local, or Tribal government.

Frequency: Quarterly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Sections 161 and 182.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0112.

Sheleen Dumas,

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

[FR Doc. 2021–05977 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–46–2021]

Foreign-Trade Zone 40—Cleveland, Ohio; Application for Subzone Expansion; Swagelok Company, Eastlake, Ohio

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Cleveland Cuyahoga County Port Authority, grantee of FTZ 40, requesting an expansion of Subzone 40I on behalf of Swagelok Company (Swagelok) in Eastlake, Ohio. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on March 15, 2021.

Subzone 40I currently consists of the following sites: *Site 1* (70 acres) 29500 Solon Rd & 29495 FA Lennon Dr., Solon, Cuyahoga County; *Site 2* (13.3 acres) 31400 Aurora Rd., Solon, Cuyahoga County; *Site 3* (5 acres) 29500 Ambina Dr., Solon, Cuyahoga County; *Site 4* (7.82 acres) 26651 & 26653 Curtiss Wright Parkway, Willoughby Hills, Cuyahoga County; *Site 5* (16.8 acres) 318, 348, & 358 Bishop Rd., Highland Heights, Cuyahoga County; *Site 6* (23.95 acres) 6050, 6060, & 6100 Cochran Rd., Solon, Cuyahoga County; *Site 7* (3 acres) 29900 Solon Industrial Parkway, Solon, Cuyahoga County; *Site 8* (5 acres) 32550 Old South Miles Rd., Solon, Cuyahoga County; *Site 9* (9.5 acres) 15400 Foltz Parkway, Strongsville, Cuyahoga County; and, *Site 10* (8.87 acres), 935 N. Freedom St., Ravenna, Portage County.

The proposed expanded subzone would include the following additional site: *Site 11* (2.394 acres), 1924 East 337th Street, Eastlake, Lake County. No authorization for expanded production activity has been requested at this time. The subzone would be subject to the existing activation limit of FTZ 40.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is May 3, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 17, 2021.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov.*

Dated: March 17, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–05963 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Competitive Enhancement Needs Assessment Survey Program

AGENCY: Bureau of Industry and Security, 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 May 24, 2021.

ADDRESSES: Interested persons are invited to submit comments by email to Mark Crace, IC Liaison, Bureau of Industry and Security, at *mark.crace@bis.doc.gov* or to *PRAcomments@doc.gov.* Please reference OMB Control Number 0694–0083 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Mark Crace, IC Liaison, Bureau of Industry and Security, phone 202–482–8093 or by email at *mark.crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Defense Production Act of 1950, as amended, and Executive Order 12919, authorizes the Secretary of Commerce to assess the capabilities of the defense industrial base to support the national defense. They also develop policy alternatives to improve the international competitiveness of specific domestic industries and their abilities to meet defense program needs. The information collected from voluntary surveys will be used to assist small- and medium-sized firms in defense transition and in gaining access to advanced technologies and manufacturing processes available from Federal Laboratories. The goal is to improve regions of the country adversely affected by cutbacks in defense spending and military base closures.

II. Method of Collection

Electronically or on paper.

III. Data

OMB Control Number: 0694–0083.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,400.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 2,400.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.

Legal Authority: Public Law 81–774 Sec 2151, DPA 1950, E.O. 12919.

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. 2021–05979 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Statement by Ultimate Consignee and Purchaser

AGENCY: Bureau of Industry and Security, 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. This collection is necessary under Part 748.11 of the Export Administration Regulations (EAR). 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 May 24, 2021.

ADDRESSES: Interested persons are invited to submit comments by email to Mark Crace, IC Liaison, Bureau of Industry and Security, at *mark.crace@bis.doc.gov* or to *PRAcomments@doc.gov.* Please reference OMB Control Number 0694–0021 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Mark Crace, IC Liaison, Bureau of Industry and Security, phone 202–482–8093 or by email at *mark.crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Sections 4812(b)(7) and 4814(b)(1)(B) of the Export Control Reform Act (ECRA), authorizes the President and the Secretary of Commerce to issue regulations to implement the ECRA including those provisions authorizing the control of exports of U.S. goods and technology to all foreign destinations, as necessary for the purpose of national security, foreign policy and short supply, and the provision prohibiting U.S. persons from participating in certain foreign boycotts.

Export control authority has been assigned directly to the Secretary of Commerce by the ECRA and delegated by the President to the Secretary of Commerce. This authority is administered by the Bureau of Industry and Security through the Export Administration Regulations (EAR). The ECRA is not permanent legislation, and when it has lapsed due to the failure to enact a timely extension, Presidential executive orders under the International Emergency Economic Powers Act (IEEPA) have directed and authorized the continuation in force of the EAR.

The collection is necessary under Part 748.11 of the EAR. This section states that the Form BIS–711, Statement by Ultimate Consignee and Purchaser, or a statement on company letterhead (in accordance with 748.11(b)(1), unless one or more of the exemptions set forth in Section 748.11(a)) exists. The BIS–711 or letter provides information on the foreign importer receiving the U.S. technology and how the technology will be utilized. The BIS–711 or letter provides assurances from the importer that the technology will not be misused, transferred or re-exported in violation of the EAR. The form is also required for certain reexport authorizations specified in Part 748.12(b) of the EAR.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0012.

Form Number(s): BIS–711.

Type of Review: Regular submission. Extension of a current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 414.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 110.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Voluntary.

Legal Authority: EAR Part 748.11.

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. 2021–05978 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Antidumping Duty Administrative Review; 2018–2019

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

SUMMARY: On November 23, 2020, the Department of Commerce (Commerce) published the preliminary results of the administrative review of the antidumping duty (AD) order on polyethylene terephthalate film, sheet, and strip (PET film) from India. The period of review is July 1, 2018, through June 30, 2019. We continue to find that Jindal Poly Films Ltd. (India)(Jindal) did not make sales at less than normal value.

DATES: Applicable March 23, 2021.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5255.

Background

On November 23, 2020, Commerce published the *Preliminary Results* for this administrative review.[1] In the *Preliminary Results,* we invited interested parties to comment within 30 days.[2] No interested party submitted comments or requested a hearing in this administrative review. The current deadline for these final results is March 23, 2021. Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the AD order are all gauges of raw, pretreated, or primed PET film, whether extruded or coextruded. Excluded are metalized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of polyethylene terephthalate film, sheet, and strip are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from India: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2018–2019,* 85 FR 74690 (November 23, 2020) (*Preliminary Results*), and accompanying memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review Polyethylene Terephthalate Film, Sheet, and Strip from India; 2018–2019,'' dated November 17, 2020 (Preliminary Decision Memorandum).

[2] *See Preliminary Results.*

purposes. The written description of the scope of the AD order is dispositive.

Final Results of Review

As noted above, Commerce received no comments concerning the *Preliminary Results.* As there are no changes from, or comments upon, the *Preliminary Results,* Commerce finds that there is no reason to modify its analysis and calculations. Accordingly, we adopt the analysis and explanation in our *Preliminary Results* for the purposes of these final results and we have not prepared an Issues and Decision Memorandum to accompany this **Federal Register** notice. The final weighted-average dumping margin for the period July 1, 2018, through June 30, 2019, for Jindal is 0.00 percent.

Assessment Rates

Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries in this review, in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1). Commerce intends to issue assessment instructions directly to CBP no earlier than 35 days after 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 statutory injunction has expired (*i.e.,* within 90 days of publication). Because we calculated a zero margin in the final results of this review for Jindal, in accordance with 19 CFR 351.212 we will instruct CBP to liquidate the appropriate entries without regard to dumping duties.[3]

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 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) The cash deposit rate for Jindal will be zero, the rate established in the final results of this review; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period in which that company participated; (3) if the exporter is not a firm covered in this or any previous review or in the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash-deposit rate will be the rate established for the manufacturer of the merchandise in these final results of review or in the final results for the most recent period in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the investigation, the cash-deposit rate will continue to be the all-others rate of 5.71 percent, which is the all-others rate established by Commerce in the LTFV investigation.[4] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose here because Commerce made no changes to the analysis or calculations in the *Preliminary Results.*[5]

Reimbursement of Duties

This notice also 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 and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a 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/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation, which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: March 16, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–05961 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–DS–P

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

[4] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip from India,* 67 FR 44175 (July 1, 2002); *see also Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from India,* 67 FR 34899 (May 16, 2002).

[5] For disclosure of calculations made in the *Preliminary Results, see* Memorandum ''Analysis Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from India: Jindal Poly Films Ltd. (India),'' dated November 17, 2020.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–844]

Steel Concrete Reinforcing Bar From Mexico: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Deacero S.A.P.I. de C.V. (Deacero) sold subject merchandise in the United States at prices below normal value during the November 1, 2018, through October 31, 2019 period of review (POR). In addition, Commerce preliminarily determines that Ternium Mexico, S.A. de C.V. (Ternium) had no shipments of subject merchandise during the POR. We invite interested parties to comment on these preliminary results.

DATES: Applicable March 23, 2021.

FOR FURTHER INFORMATION CONTACT: David Lindgren, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1671.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 2014, Commerce published the antidumping duty order on steel concrete reinforcing bar (rebar) from Mexico in the **Federal Register**.[1]

[1] *See Steel Concrete Reinforcing Bar from Mexico: Antidumping Duty Order,* 79 FR 65925 (November 6, 2014) (*Order*).

On January 17, 2020, pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), Commerce initiated an administrative review of the *Order*.[2]

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[3] Subsequently, on July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.[4] On October 9, 2020, we extended the deadline for the preliminary results to March 19, 2021.[5]

Commerce initiated this administrative review covering the following companies: AceroMex S.A.; Aceros Especiales Simec Tlaxcala; Arcelor Mittal; Arcelor Mittal Celaya; ArcelorMittal Cordoba S.A. de C.V.; ArcelorMittal Lazaro Cardenas S.A. de C.V.; Cia Siderurgica De California, S.A. de C.V.; Compania Siderurgica de California, S.A. de C.V.; DE ACERO SA. DE CV.; Deacero; Grupo Simec; Grupo Villacero S.A. de C.V.; Industrias CH; Orge S.A. de C.V.; Siderurgica Tultitlan S.A. de C.V.; Simec International S.A. de C.V.; Talleres y Aceros, S.A. de C.V.; and, Ternium Mexico, S.A. de C.V. On March 4, 2020, we limited the number of respondents selected for individual examination in this administrative review to Deacero.[6] We did not select the remaining companies for individual examination, and these companies remain subject to this administrative review.[7]

Scope of the Order

The product covered by the *Order* is steel concrete reinforcing bar from Mexico. For a complete description of the scope, *see* the Preliminary Decision Memorandum.[8]

Preliminary Determination of No Shipments

We preliminarily determine that Ternium made no shipments of subject merchandise during the POR. Moreover, consistent with our practice, we are not preliminarily rescinding the review with respect to Ternium, but, rather, we will complete the review with respect to the company and issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results of this review.[9] For further discussion, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Act. Constructed export price was calculated in accordance with section 772 of the Act. Normal value was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary results, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.*

Rate for Non-Selected Companies

We are applying to the non-selected companies the rate preliminarily calculated for Deacero in this administrative review, which is the only calculated rate in this administrative review that is not zero, *de minimis* or determined entirely on the basis of facts available. For a detailed discussion, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Review

We preliminarily determine the following weighted-average dumping margins exist for the POR:

Producer and/or exporter	Weighted-average dumping margin (percent)
Deacero S.A.P.I de C.V.[10]	5.05
Grupo Simec (Aceros Especiales Simec Tlaxcala, S.A. de C.V.; Compania Siderurgica del Pacifico S.A. de C.V.; Fundiciones de Acero Estructurales, S.A. de C.V.; Grupo Chant S.A.P.I. de C.V.; Operadora de Perfiles Sigosa, S.A. de C.V.; Orge S.A. de C.V.; Perfiles Comerciales Sigosa, S.A. de C.V.; RRLC S.A.P.I. de C.V.; Siderúrgicos Noroeste, S.A. de C.V.; Siderurgica del Occidente y Pacifico S.A. de C.V.; Simec International 6 S.A. de C.V.; Simec International, S.A. de C.V.; Simec International 7 S.A. de C.V.; and, Simec International 9 S.A. de C.V.)[11]	5.05
AceroMex S.A	5.05
Arcelor Mittal	5.05
ArcelorMittal Celaya	5.05

[2] *See Initiation of Antidumping Duty and Countervailing Duty Administrative Reviews,* 85 FR 3014 (January 17, 2020) (*Initiation Notice*).

[3] *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.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[5] *See* Memorandum, ''Extension of Deadline for Preliminary Results,'' dated October 9, 2020.

[6] *See* Memorandum, ''2018–2019 Antidumping Duty Administrative Review of Steel Concrete Reinforcing Bar from Mexico: Respondent Selection,'' dated March 4, 2020.

[7] While the petitioner requested a review of both DE ACERO SA. DE CV. and Deacero, Commerce has previously determined that DE ACERO SA. DE CV. is the same company as Deacero and therefore, we are treating DE ACERO SA. DE CV. as the same as Deacero. Further, we previously collapsed, or found affiliated, 4 of the 18 firms listed in the *Initiation Notice* (*i.e.,* Aceros Especiales Simec Tlaxcala, Grupo Simec, Orge S.A. de C.V., and Simec International S.A. de C.V.) into the single entity ''Grupo Simec.'' Commerce has previously collapsed several additional companies into the single entity, ''Grupo Simec'' which are identified in the rates section below. *See, e.g., Steel Concrete Reinforcing Bar from Mexico: Final Results of Antidumping Duty Administrative Review; 2017–2018,* 85 FR 71053 (November 6, 2020) (*2017–2018 AR Mexico Rebar Final*), at 71053–71054.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: Steel Concrete Reinforcing Bar from Mexico; 2018–2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[9] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013,* 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013,* 79 FR 51306 (August 28, 2014).

[10] This also applies to any entries made under the name DE ACERO SA. DE CV., as noted above.

[11] Commerce has previously collapsed the following entities into a single entity: Grupo Simec; Aceros Especiales Simec Tlaxcala, S.A. de C.V.; Compania Siderurgica del Pacifico S.A. de C.V.; Fundiciones de Acero Estructurales, S.A. de C.V.; Grupo Chant S.A.P.I. de C.V.; Operadora de Perfiles Sigosa, S.A. de C.V.; Orge S.A. de C.V.; Perfiles Comerciales Sigosa, S.A. de C.V.; RRLC S.A.P.I. de C.V.; Siderúrgicos Noroeste, S.A. de C.V.; Siderurgica del Occidente y Pacifico S.A. de C.V.; Simec International 6 S.A. de C.V.; Simec International, S.A. de C.V.; Simec International 7 S.A. de C.V.; and, Simec International 9 S.A. de C.V. *See, e.g., 2017–2018 AR Mexico Rebar Final,* 85 FR at 71053–71054.

Producer and/or exporter	Weighted-average dumping margin (percent)
ArcelorMittal Cordoba S.A. de C.V	5.05
ArcelorMittal Lazaro Cardenas S.A. de C.V	5.05
Cia Siderurgica de California, S.A. de C.V	5.05
Compania Siderurgica de California, S.A. de C.V	5.05
Grupo Villacero S.A. de C.V	5.05
Industrias CH	5.05
Siderurgica Tultitlan S.A. de C.V	5.05
Talleres y Aceros, S.A. de C.V	5.05

Disclosure and Public Comment

We intend to disclose the calculations performed in these preliminary results to parties in this proceeding within five days of the date of publication of this notice.[12] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.[13] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14] Case and rebuttal briefs should be filed using ACCESS [15] and must be served on interested parties.[16] Executive Summaries should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via Commerce's electric records system, ACCESS. An electronically filed request must be received successfully in its entirety by 5:00 p.m. Easter Time within 30 days after the date of publication of this notice.[17] 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. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.[18] 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, including the results of our analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, unless extended.[19]

Assessment Rate

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries. If the weighted-average dumping margin for Deacero (*i.e.,* the sole individually examined respondent in this review) is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates for the merchandise based on the ratio of the total amount of dumping calculated for the examined sales made during the POR to each importer and the total entered value of those same sales, in accordance with 19 CFR 351.212(b)(1). Where an importer-specific *ad valorem* assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2). If a respondent's weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.'' [20] For the companies which were not selected for individual review, we will assign an assessment rate based on the weighted-average dumping margin calculated for the sole individually examined respondent in this review, Deacero.

For entries of subject merchandise during the POR produced by Deacero for which the producer did not know its merchandise was destined for the United States, or for any respondent for which we have a final determination of no shipments, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company (or companies) involved in the transaction.[21]

Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a).

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 entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Deacero and other companies listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent, and therefore *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the

[12] *See* 19 CFR 351.224(b).

[13] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect)''); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See generally* 19 CFR 351.303.

[16] *See* 19 CFR 351.303(f).

[17] *See* 19 CFR 351.310(c).

[18] *See* 19 CFR 351.310(d).

[19] *See* section 751(a)(3)(A) of the Act; and 19 CFR 351.213(h).

[20] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

[21] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or in the investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 20.58 percent, the rate established in the investigation of this proceeding.[22] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(1).

Dated: March 17, 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. Preliminary Determination of No Shipments
V. Margin for Companies Not Selected for Individual Examination
VI. Discussion of the Methodology
VII. Recommendation

[FR Doc. 2021–05959 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–DS–P

[22] *See Steel Concrete Reinforcing Bar from Mexico: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 79 FR 54967 (September 15, 2014).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–891]

Carbon and Alloy Steel Wire Rod From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2017–2019

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

SUMMARY: The Department of Commerce (Commerce) determines that POSCO, a producer and exporter of carbon and alloy steel wire rod from the Republic of Korea (Korea) sold the subject merchandise at prices below normal value during the period of review (POR), October 31, 2017, through April 30, 2019.

DATES: Applicable March 23, 2021.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2316.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 2020, Commerce published the *Preliminary Results* [1] covering the sole producer and exporter of the subject merchandise subject to the review, POSCO. We invited interested parties to comment on the *Preliminary Results.* On September 28 and October 9, 2020, the petitioners [2] and POSCO filed case and rebuttal briefs.[3] On January 14 and 21, 2021, we held video conferences with the counsels for POSCO and the petitioners, respectively.[4] Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[5] Subsequently, on July 21, 2020, Commerce tolled all preliminary and final results in administrative reviews by an additional 60 days.[6] On December 1, 2020, we extended the deadline for issuing the final results until March 17, 2021.[7]

Scope of the Order [8]

The scope of the *Order* includes certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. On April 8, 2019, Commerce excluded from the scope of the *Order* grade 1078 and higher tire cord quality wire rod used in the production of tire cord wire.[9] On June 13, 2019, Commerce excluded from the scope of the *Order* valve spring quality steel products defined as wire rod.[10] For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.[11]

Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum. A list of these issues is attached in an appendix to this

[1] *See Carbon and Alloy Steel Wire Rod from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review;* 2017–2019, 85 FR 44858 (July 24, 2020), and accompanying Preliminary Decision Memorandum.

[2] The petitioners are Charter Steel, Liberty Steel USA, Nucor Corporation, and Optimus Steel LLC (collectively, the petitioners).

[3] *See* Petitioners' Letter, ''Carbon and Alloy Steel Wire Rod from the Republic of Korea—Petitioners' Case Brief,'' dated September 28, 2020; *see also* POSCO's Letter, ''Carbon and Alloy Steel Wire Rod from the Republic of Korea—POSCO's Case Brief,'' dated September 28, 2020; Petitioners' Letter, ''Carbon and Alloy Steel Wire Rod from the Republic of Korea—Petitioners' Rebuttal Brief,'' dated October 9, 2020; and POSCO's Letter, ''Carbon and Alloy Steel Wire Rod from the Republic of Korea—POSCO's Rebuttal Brief,'' dated October 9, 2020.

[4] *See* Memoranda, ''Carbon and Alloy Steel Wire Rod from the Republic of Korea—*Ex Parte* Meeting with POSCO's Counsel,'' dated January 15, 2021, and ''Carbon and Alloy Steel Wire Rod from the Republic of Korea—*Ex Parte* Meeting with Petitioners' Counsel,'' dated January 21, 2021.

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020 (the deadline for the final results was actually tolled by 57 days because the tolling started three day before the publication date of the *Preliminary Results*).

[7] *See* Memorandum, ''Carbon and Alloy Steel Wire Rod from the Republic of Korea—Extension of Deadline for Final Results,'' dated December 1, 2020.

[8] *See Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, Spain, the Republic of Turkey, and the United Kingdom: Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determinations for Spain and the Republic of Turkey,* 83 FR 23417 (May 21, 2018) (*Order*).

[9] *See Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 84 FR 13888 (April 8, 2019).

[10] *See Carbon and Alloy Steel Wire Rod from the Republic of Korea: Final Results of Antidumping Duty Changed Circumstances Review;* 84 FR 27582 (June 13, 2019).

[11] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Administrative Review of the Antidumping Duty Order on Carbon and Alloy Steel Wire Rod from the Republic of Korea; 2017–2019,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

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 directly at *http://enforcement.trade.gov/frn/index.html.*

Changes Since the Preliminary Results

We made two changes to the preliminary margin calculation: (1) We refined conversion costs by diameters using ratios derived from the reported production-line-month specific costs; (2) we corrected the beginning date for U.S. sales. For a full discussion of these changes, *see* Comments 1 and 2 in the Issues and Decision Memorandum.

Final Results of the Review

Commerce determines that the following weighted-average dumping margin exists for the period October 31, 2017 through April 30, 2019:

Producer and/or exporter	Weighted-average dumping margin (percent)
POSCO	0.94

Disclosure

We intend to disclose the calculations performed for the final results of review within five days of the publication date of this notice in the **Federal Register**, in accordance with section 751(a) of the Act and 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[12] In accordance with 19 CFR 351.212(b)(1), Commerce calculated an importer-specific *ad valorem* antidumping assessment rate for POSCO that is not zero or *de minimis,* and will instruct CBP to assess antidumping duties on all appropriate entries covered by this review.

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by POSCO for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[13]

Consistent with its recent notice,[14] 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 for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for POSCO is equal to the weighted-average dumping margin established in the final results of this review; (2) for previously investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter was not covered in this 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 subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 41.10 percent, the all-others rate established in the original less-than-fair-value investigation.[15] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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 review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: March 16, 2021.

Christian Marsh,

Acting 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 Issues
  Comment 1: Whether Commerce Should Apply AFA to POSCO's Reported Cost
  Comment 2: Whether the Beginning Dates in the Margin Program are Correct
  Comment 3: Whether U.S. Sales of Further-Manufactured Merchandise Should be Excluded
  Comment 4: Whether to Grant POSCO a Constructed Export Price (CEP) Offset
VI. Recommendation

[FR Doc. 2021–05960 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–DS–P

[12] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[13] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[14] *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).

[15] *See Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–869]

Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan: Final Results of the Antidumping Duty Administrative Review; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) finds that sales of diffusion-

annealed, nickel-plated flat-rolled steel products (nickel-plated steel products) from Japan were made at less than normal value during the period of review, May 1, 2018, through April 30, 2019.

DATES: Applicable March 23, 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

This review covers one producer/exporter of the subject merchandise, Toyo Kohan Co., Ltd. (Toyo Kohan). On July 21, 2020, Commerce published the *Preliminary Results* and invited interested parties to comment.[1] Also on July 21, 2020, Commerce tolled all deadlines in this administrative review by 60 days.[2] On August 27, 2020, we received a case brief on behalf of Thomas Steel Strip Corporation (the petitioner).[3] On September 3, 2020, we received a rebuttal brief on behalf of Toyo Kohan.[4]

Scope of the Order

The merchandise subject to the order is diffusion-annealed, nickel-plated flat-rolled steel products from Japan. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7212.50.0000 and 7210.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive.[5]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are listed in the Appendix to this notice and addressed in the IDM.[6] Interested parties can find a complete discussion of these issues and the corresponding recommendations in this public memorandum, which 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 IDM can be accessed directly at *https://enforcement.trade.gov/frn/index.html.*

Changes Since the Preliminary Results

Based on our analysis of the comments received from interested parties on the *Preliminary Results,* we made changes to the preliminary margin calculations for Toyo Kohan.[7]

Final Results of the Review

As a result of this review, Commerce determines that a weighted-average dumping margin of 4.56 percent exists for Toyo Kohan for the period May 1, 2018, through April 30, 2019.

Assessment Rates

Pursuant to section 751(a)(2)(C) of 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 of subject merchandise in accordance with the final results of this review. Pursuant to 19 CFR 351.212(b)(1), Toyo Kohan reported the entered value of its U.S. sales such that we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Consistent with its recent notice,[8] 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 for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Toyo Kohan will be equal to the weighted-average dumping margin that is established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the cash deposit rate established for the most recently completed segment for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 45.42 percent, the all-others rate established in the LTFV investigation.[9] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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 review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

[1] *See Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Preliminary Results of the Antidumping Duty Administrative Review; 2018–2019,* 85 FR 44041 (July 21, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[3] *See* Petitioner's Case Brief, ''Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products from Japan: Case Brief of Thomas Steel Strip Corporation,'' dated August 27, 2020.

[4] *See* Toyo Kohan's Rebuttal Brief, ''Toyo Kohan's AD Rebuttal Brief: Diffusion-Annealed, Nickel-Plated Flat Rolled Steel Products from Japan,'' dated September 3, 2020.

[5] For a full description of the scope of the order, *see Preliminary Results* PDM.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2018–2019 Administrative Review of the Antidumping Duty Order on Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan,'' dated concurrently with, and hereby adopted by, this notice (IDM).

[7] *See* IDM at 2.

[8] *See Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 884 (January 15, 2021).

[9] *See Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Antidumping Duty Order,* 79 FR 30816 (May 29, 2014).

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/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

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 16, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the IDM

I. Summary
II. Background
III. Margin Calculations
IV. Discussion of the Issues
  Comment 1: Which Control Number (CONNUMs) to Use for Downstream Home Market Sales Made by Kohan Shoji Co., Ltd. (Kohan Shoji)
  Comment 2: Ministerial Error in the *Preliminary Results*
V. Recommendation

[FR Doc. 2021–05962 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA951]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Survey Working Group via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Friday, April 9, 2021 at 9 a.m. via webinar.

ADDRESSES: All meeting participants and interested parties can register to join the webinar at *https://attendee.gotowebinar.com/register/4346896544231280400.* Call In information: +1 (415) 655–0052; Access Code: 552–423–569.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Survey Working Group (SSWG) will meet to discuss expectations for the (newly created) working group, including the Statement of Organization, Practices, and Procedures. They will also talk about the Terms of Reference (TORs): Review the draft terms of reference and initial input from working group members. Develop recommendations for final TORs for approval. Identify methods and analyses needed to address TORs, including timelines for completion, and SSWG sub-groups to complete the work. Other business may be discussed, as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: March 16, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–05746 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA958]

Marine Mammals; File No. 25520

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the BBC Natural History and Factual Productions Ltd, Broadcasting House, Whiteladies Road, Bristol, BS8 2LR, United Kingdom (Responsible Party: Daniel Rasmussen), has applied in due form for a permit to conduct commercial or educational photography on marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before April 22, 2021.

ADDRESSES: These documents are available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 25520 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jordan Rutland or Shasta McClenahan, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film bottlenose dolphins (*Tursiops truncatus*) to obtain footage for an episode of a wildlife series on mammals. Up to 400 animals may be filmed annually from a helicopter and up to 360 animals may be filmed annually from a vessel, a remotely operated vehicle, or unmanned aircraft

system. The permit would expire on August 31, 2022.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 17, 2021.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–05925 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA940]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application submitted by the Northeast Fisheries Science Center in support of the 2021 Study Fleet Program contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt participating vessels from minimum fish sizes and possession limits for species of interest, for sampling purposes only. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notice to provide interested parties the opportunity to comment on Exempted Fishing Permit applications.

DATES: Comments must be received on or before *April 7, 2021.*

ADDRESSES: You may submit written comments by the following method:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''NEFSC STUDY FLEET EFP.''

FOR FURTHER INFORMATION CONTACT: Maria Fenton, Fishery Management Specialist, 978–281–9196.

SUPPLEMENTARY INFORMATION: The Northeast Fisheries Science Center (Center) submitted a complete application for an Exempted Fishing Permit (EFP) in support of the 2021 Study Fleet Program. This EFP would exempt 20 commercial fishing vessels from minimum fish sizes and possession limits for species of interest.

The Center established the Study Fleet Program in 2002 to more fully characterize commercial fishing operations and provide sampling opportunities to augment NMFS's data collection programs. As part of the program, the Center contracts commercial fishing vessels to collect biological data and fish specimens for the Center to use in research relevant to stock assessments and fish biology. The Center's Study Fleet Program trains participating captains and crew to conduct at-sea sampling consistent with Center sampling protocols for survey and observer programs. During EFP trips, crew would sort, weigh, measure, and collect biological data from fish prior to discarding. During sampling, some discarded fish would remain on deck slightly longer than they would under normal sorting procedures. Exemptions from minimum fish sizes and possession restrictions would allow vessels to temporarily retain catch for at-sea sampling.

Table 1 lists the regulations from which participating vessels would be exempt for at-sea sampling or when retaining and landing fish for research purposes. The exemptions listed in Table 1 are necessary for contracted vessels to acquire the biological samples needed to meet Center research objectives.

TABLE 1—LIST OF VESSEL EXEMPTIONS FOR RETAINING AND LANDING FISH

2021 Study Fleet Program EF	
Number of vessels	20
Exempted regulations in 50 CFR part 648	*Minimum fish sizes:* § 648.83 Northeast multispecies minimum fish sizes for haddock, yellowtail flounder, winter flounder, and American plaice. *Possession restrictions:* § 648.86(a) Haddock. § 648.86(d) Small-mesh multispecies. § 648.86(g) Yellowtail flounder. § 648.86(o) Possession limits implemented by the Regional Administrator.

When directed by the Center, participating vessels would be authorized to retain and land specific amounts of fish exceeding possession limits and/or below minimum fish sizes, for research purposes only. The captain or crew would deliver these fish to Center staff or local Port Agents upon landing. In these limited circumstances, the Study Fleet Program would give participating vessels a formal biological sampling request prior to landing. This would ensure that the landed fish do not exceed any collection needs of the Study Fleet Program, as detailed in Table 2.

TABLE 2—2021 STUDY FLEET PROGRAM BIOLOGICAL SAMPLE COLLECTION NEEDS

Species	Stock area *	Gear types #	Collection frequency	Individual fish per collection period	Maximum weight allowed per trip	Maximum allowance
Haddock	GOM, GB	OTF, DRS	Monthly (Dec–Mar).	80 per week (40 from each stock area).	300 lb (136 kg)	4,800 lb (2,177 kg)

TABLE 2—2021 STUDY FLEET PROGRAM BIOLOGICAL SAMPLE COLLECTION NEEDS—Continued

Species	Stock area *	Gear types #	Collection frequency	Individual fish per collection period	Maximum weight allowed per trip	Maximum allowance
Winter Flounder	GOM, GB, SNE	OTF, DRS	Monthly (Jan–Apr).	120 per week (40 from each stock area).	240 lb (109 kg)	3,840 lb (1,742 kg)
Yellowtail Flounder	GOM, GB, SNE	OTF, DRS	Monthly (Jan–Apr).	120 per week (40 from each stock area).	135 lb (61 kg)	2,160 lb (980 kg)
American Plaice	Any Area	OTF	Monthly (May–Apr).	100 per month	300 lb (136 kg)	5,760 lb (2,613 kg)
Atlantic Mackerel	SNE	OTM, OTF Jig	Monthly (Jan–Jun).	300 per trip	300 lb (136 kg)	1,800 lb (816 kg)
Shortfin Squid	Any Area	OTM, OTF	Monthly (Dec–Mar).	30 per month	15 lb (7 kg)	60 lb (27 kg)
Summer Flounder	Any Area	OTF	Opportunistic	Maximum 5 per trip	65 lb (29 kg)	650 lb (295 kg)
Black Sea Bass	Any Area	OTF	Opportunistic	Maximum 5 per trip	22 lb (10 kg)	220 lb (100 kg)
Scup	Any Area	OTM, OTF	Opportunistic	Maximum 5 per trip	13 lb (6 kg)	130 lb (59 kg)
Haddock	Any Area	OTF	Opportunistic	Maximum 5 per trip	20 lb (9 kg)	200 lb (91 kg)
Bluefish	Any Area	OTF	Opportunistic	Maximum 5 per trip	61 lb (28 kg)	610 lb (277 kg)
Witch Flounder	Any Area	OTF	Opportunistic	Maximum 5 per trip	10 lb (5 kg)	100 lb (45 kg)
Yellowtail Flounder	Any Area	OTF	Opportunistic	Maximum 5 per trip	10 lb (5 kg)	100 lb (45 kg)
Atlantic Herring	Any Area	OTM, OTF, Jig	Opportunistic	Maximum 5 per trip	5 lb (2 kg)	50 lb (23 kg)
Atlantic Mackerel	Any Area	OTM, OTF, Jig	Opportunistic	Maximum 5 per trip	5 lb (2 kg)	50 lb (23 kg)
Butterfish	Any Area	OTM, OTF	Opportunistic	Maximum 5 per trip	5 lb (2 kg)	50 lb (23 kg)

* Stock area abbreviations: Gulf of Maine (GOM); Georges Bank (GB); Southern New England (SNE).
# Gear abbreviations: Otter trawl (OTF); sea scallop dredge (DRS); otter trawl midwater (OTM).

All catch would be attributed to the appropriate commercial fishing quota. For a vessel fishing on a groundfish sector trip, all catch of groundfish stocks allocated to sectors would be deducted from the vessel's sector's annual catch entitlement (ACE). Once the ACE for a stock has been reached in a sector, vessels would no longer be allowed to fish in that stock area unless the sector acquired additional ACE for the stock in question. For common pool vessels, all groundfish catch would be counted toward the appropriate trimester total allowable catch (TAC). Common pool vessels would be exempt from the possession and trip limits listed in Table 1, but would still be subject to trimester TAC closures.

If approved, the Center may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impact that does not change the scope of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: March 17, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–05904 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications and Information Administration (NTIA) on spectrum management policy matters.

DATES: The meeting will be held April 8, 2021, from 1:00 p.m. to 3:00 p.m., Eastern Daylight Time (EDT).

ADDRESSES: This meeting will be conducted in an electronic format and open to the public via audio teleconference (866–880–0098 participant code 48261650). Public comments may be emailed to *arichardson@ntia.gov* or mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4600, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Antonio Richardson, Designated Federal Officer, at (202) 482–4156 or *arichardson@ntia.gov;* and/or visit NTIA's website at *https://www.ntia.gov/category/csmac.*

SUPPLEMENTARY INFORMATION: *Background:* The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: License radio frequencies in a way that maximizes public benefits; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. *See* Charter at *https://www.ntia.doc.gov/files/ntia/publications/csmac_charter_10.1.19.pdf.*

This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: *http://www.ntia.gov/category/csmac.*

Matters To Be Considered: The Committee provides advice to the Assistant Secretary to assist in developing and maintaining spectrum management policies that enable the United States to maintain or strengthen its global leadership role in the introduction of communications technology, services, and innovation; thus expanding the economy, adding jobs, and increasing international trade, while at the same time providing for the

expansion of existing technologies and supporting the country's homeland security, national defense, and other critical needs of government missions. NTIA will post a detailed agenda on its website, *http://www.ntia.gov/category/csmac,* prior to the meeting. To the extent that the meeting time and agenda permit, any member of the public may address the Committee regarding the agenda items. *See Open Meeting and Public Participation Policy,* available at *http://www.ntia.gov/category/csmac.*

Time and Date: The meeting will be held on April 8, 2021, from 1:00 p.m. to 3:00 p.m. EDT. The meeting time and the agenda topics are subject to change. Please refer to NTIA's website, *http://www.ntia.gov/category/csmac,* for the most up-to-date meeting agenda and access information.

Place: This meeting will be conducted in an electronic format and open to the public via audio teleconference. Individuals requiring accommodations are asked to notify Mr. Richardson at (202) 482–4156 or *arichardson@ntia.gov* at least ten (10) business days before the meeting.

Status: Interested parties are invited to join the teleconference and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of the meeting are strongly encouraged to submit their comments in Microsoft Word and/or PDF format via electronic mail to *arichardson@ntia.gov.* Comments may also be sent via postal mail to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4600, Washington, DC 20230. It would be helpful if paper submissions also include a compact disc (CD) that contains the comments in one or both of the file formats specified above. CDs should be labeled with the name and organizational affiliation of the filer. Comments must be received five (5) business days before the scheduled meeting date in order to provide sufficient time for review. Comments received after this date will be distributed to the Committee, but may not be reviewed prior to the meeting. Additionally, please note that there may be a delay in the distribution of comments submitted via postal mail to Committee members.

Records: NTIA maintains records of all Committee proceedings. Committee records are available for public inspection at NTIA's Washington, DC office at the address above. Documents including the Committee's charter, member list, agendas, minutes, and reports are available on NTIA's website at *http://www.ntia.gov/category/csmac.*

Dated: March 18, 2021.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2021–05976 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2021–0005]

Administrative Updates to the General Requirements Bulletin for Admission to the Examination for Registration To Practice in Patent Cases Before the United States Patent and Trademark Office

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Request for comments.

SUMMARY: This request for comments seeks public input on proposed administrative updates to the General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases Before the United States Patent and Trademark Office (GRB). There are three categories of technical and scientific qualifications that may typically make applicants eligible: Category A for specified bachelor's degrees, Category B for other bachelor's degrees with technical and scientific training, and Category C for practical engineering or scientific experience, which may be demonstrated by passing the Fundamentals of Engineering test. The United States Patent and Trademark Office (Office or USPTO) evaluates the criteria for applicants to sit for the registration examination on an ongoing basis. Based on this ongoing evaluation, the USPTO is looking into changing the criteria to: Add common Category B degrees to Category A, accept advanced degrees (*i.e.,* master's and doctoral degrees) under Category A, and accept a combination of core sciences under Category B, Options 2 and 4, so long as one of the core science courses has a lab component.

DATES: Comment Deadline Date: Written comments must be received on or before May 24, 2021.

ADDRESSES: For reasons of government efficiency, comments must be submitted through the Federal eRulemaking Portal at *www.regulations.gov.* To submit comments via the portal, one should enter docket number PTO–P–2021–0005 on the homepage and click ''Search.'' The site will provide search results listing all documents associated with this docket. Commenters can find a reference to this notice and click on the ''Comment'' icon, complete the required fields, and enter or attach their comments. Attachments to electronic comments will be accepted in portable document format (PDF) or DOCX format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of and access to comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: William Covey, OED Director, by telephone at 571–272–4097 or by email at *oed@uspto.gov.*

SUPPLEMENTARY INFORMATION:

Summary

In this request for comments, the Office seeks feedback and information regarding proposed administrative updates to the GRB to the criteria of applicants who sit for the registration examination.

Background

The Director of the USPTO is given statutory authority to require a showing by patent practitioners that they possess ''the necessary qualifications to render applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office.'' 35 U.S.C. 2(b)(2)(D). Thus, courts have determined that the USPTO Director bears primary responsibility for protecting the public from unqualified practitioners.

Pursuant to that responsibility, USPTO regulations provide that registration to practice in patent matters before the USPTO requires a practitioner to, *inter alia,* demonstrate possession of scientific and technical qualifications.[1] The role of patent

[1] Legal representation before Federal agencies is generally governed by the provisions of 5 U.S.C. 500, which effectively defers to the individual States as to who may act as an attorney. That statute, however, provides a specific exception for representation in patent matters before the USPTO.

Continued

practitioners with scientific and technical backgrounds in providing full and clear patent specifications and claims has long been acknowledged. The USPTO publishes the GRB that sets forth guidance for establishing possession of scientific and technical qualifications. The GRB is available at *www.uspto.gov/sites/default/files/documents/OED_GRB.pdf.*

The GRB lists three categories of scientific and technical qualifications that typically make one eligible for admission to the registration examination: (1) Category A for specified bachelor's degrees, (2) Category B for other bachelor's degrees with technical and scientific training, and (3) Category C for individuals who rely on practical engineering or scientific experience and have passed the Fundamentals of Engineering test. If a candidate for registration does not qualify under any of the categories listed in the GRB, the USPTO will conduct an independent review for compliance with the scientific and technical qualifications.

The OED has evaluated, and continues to evaluate, the list of typically qualifying training set forth in the GRB. These evaluations seek to clarify guidance on what will satisfy the scientific and technical qualifications and to identify possible areas of improved administrative efficiency. The following proposals reflect the results of those evaluations.

Request for Public Comments

The Office seeks written comments from the public on proposed administrative updates to the GRB for those who sit for the registration examination. The goal of the proposed updates is to ensure fairness in the application process while also ensuring that patent practitioners who represent inventors are qualified, understand the technology, and are able to communicate effectively with inventors regarding the technical features of the invention.

The Office welcomes any comments from the public on the proposals covered in this notice. The Office also poses specific questions below and invites public feedback on those questions.

Proposal 1: Add Common Category B Degrees to Category A

As explained further in the GRB, bachelor's degrees listed under Category A present prima facie evidence of the requisite technical and scientific qualifications. Currently, the bachelor's degree may be in one of the following subjects: Biology, biochemistry, botany, computer science, electronics technology, food technology, general chemistry, marine technology, microbiology, molecular biology, organic chemistry, pharmacology, physics, textile technology, aeronautical engineering, agricultural engineering, biomedical engineering, ceramic engineering, chemical engineering, civil engineering, computer engineering, electrical engineering, electrochemical engineering, engineering physics, general engineering, geological engineering, industrial engineering, mechanical engineering, metallurgical engineering, mining engineering, nuclear engineering, and petroleum engineering.

Acceptable computer science degrees must be accredited by the Computer Science Accreditation Commission of the Computing Sciences Accreditation Board or by the Computing Accreditation Commission of the Accreditation Board for Engineering and Technology on or before the date the degree was awarded.

Starting in early 2020, the OED undertook a review of Category B applications to identify bachelor's degrees that are routinely accepted as demonstrating the requisite scientific and technical qualifications. This review is ongoing. Based on the analysis to date, and understanding that Category A cannot be an exhaustive list of all degrees that would qualify and that current practice is to accept degrees wherein the transcript demonstrates equivalence to a Category A degree (for example, molecular cell biology may be equivalent to biology), the Office proposes expanding the list of Category A degrees to expressly include the following degrees that are routinely accepted: Aerospace engineering, bioengineering, biological science, biophysics, electronics engineering, genetic engineering, genetics, marine engineering, materials engineering, materials science, neuroscience, ocean engineering, and textile engineering. Listing these Category B degrees under Category A would improve operating efficiency and streamline the application process for prospective patent practitioners. The USPTO invites comments on the inclusion of any of these degrees in Category A, as well as any additional degrees that should be considered.

Proposal 2: Accept Advanced Degrees Under Category A

Category A does not currently include post-baccalaureate degrees. The USPTO proposes updating the GRB to list possession of a master's or a doctoral degree in a Category A subject as demonstrating acceptable technical and scientific training. The USPTO invites comment on whether to include master's or doctoral degrees in a Category A subject as qualifying technical and scientific training.

Proposal 3: Accept a Combination of Core Sciences Under Category B, Option 4

Category B, Option 4 in the GRB requires a combination of 40 credit hours in acceptable technical and scientific courses, including at least 8 hours in either chemistry with a lab or 8 hours in physics with a lab. Category B, Option 2, which focuses on training in biology and related sciences, has a similar requirement. The requirement for lab-based core science courses is meant to ensure familiarity with the processes involved in conducting valid experiments, the scientific method, and proper analysis of scientific data.

However, it is not clear whether multiple courses in either chemistry or physics alone, with a lab, provide an appreciable benefit over general core science training. Accordingly, the USPTO proposes revising Category B, Option 4 by changing ''8 semester hours in chemistry or 8 semester hours of physics . . . obtained in two sequential courses, each containing a lab'' to ''eight semester hours in a combination of chemistry, physics, and/or biology, with at least one course including a lab.'' Category B, Option 2, which already requires training in biology, would be revised to require at least ''eight semester hours in a combination of chemistry and physics, with at least one course including a lab.'' The USPTO invites comments on whether to change the requirement under Category B, Option 4 from two sequential courses in chemistry or physics, each containing a lab, to that of eight semester hours in a combination of chemistry, physics, and/or biology, with at least one course including a lab, and whether to change the similar requirement under Category B, Option 2 to eight semester hours in a combination of chemistry and physics, with at least one course including a lab.

Questions Regarding Administrative Updates to the General Requirements Bulletin for Admission to the Examination for Registration To Practice in Patent Cases Before the United States Patent and Trademark Office

As noted above, the Office welcomes comments from the public on any portion of the proposed updates to the

5 U.S.C. 500(e). *See* 35 U.S.C. 2(b)(2)(D) [formerly 35 U.S.C. 31].

General Requirements Bulletin for registration to practice in patent matters. The Office is particularly interested in the public's input on the following questions:

1. What additional degrees should qualify under Category A?
2. Should the USPTO include master's or doctoral degrees in a Category A subject as qualifying technical and scientific training?
3. Should the USPTO change the Category B requirement of two sequential courses in chemistry or physics, each containing a lab to that of eight semester hours in a combination of chemistry, physics, and/or biology, with at least one course including a lab for Option 4; and to eight semester hours in a combination of chemistry and physics, with at least one course including a lab for Option 2?

Andrew Hirshfeld,

Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2021–05940 Filed 3–22–21; 8:45 am]

BILLING CODE 3510–16–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notices

TIME AND DATE: Thursday, March 25, 2021, 10:00 a.m.–11:00 a.m.

PLACE: Due to the COVID–19 Pandemic, the meetings will be held remotely.

STATUS: Commission Meeting—Open to the Public.

MATTERS TO BE CONSIDERED: Decisional Matters:

Notice of Availability—Proposed Guidance for Industry and Test Method Developers: CPSC Staff Evaluation of Alternative Test Methods and Integrated Testing Approaches and Data Generated from Such Methods to Support FHSA Labeling Requirements

FY 2021 Mid-Year Review

All attendees should preregister for the Webinar. To pre-register for the Webinar, please visit: *https://attendee.gotowebinar.com/register/3191636378501841677.*

TIME AND DATE: Thursday, March 25, 2021; 11:00 a.m.–12:00 p.m.

PLACE: Due to the COVID–19 Pandemic, this meeting will be held remotely.

STATUS: Commission Meeting—Closed to the Public.

MATTERS TO BE CONSIDERED: Decisional matter.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, 301–504–7479 (Office) or 240–863–8938 (Cell).

Dated: March 18, 2021.

Alberta E. Mills,

Commission Secretary.

[FR Doc. 2021–06017 Filed 3–19–21; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2020–0047; OMB Control Number 0750–0003]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Requests for Reimbursement Under Section 3610 of the CARES Act

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 22, 2021.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Requests for Reimbursement under Section 3610 of the CARES Act; OMB Control Number 0750–0003.

Type of Request: Extension of a currently approved collection.

Obligation to Respond: Required to obtain or retain benefits.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Number of Respondents: 16,224.

Responses per Respondent: 1.5 approximately.

Annual Responses: 24,337.

Average Burden per Response: 63 hours approximately.

Annual Burden Hours: 1,523,053.

Reporting Frequency: On occasion.

Needs and Uses: Section 3610 of the Coronavirus Aid, Relief and Economic Security (CARES) Act (Pub. L. 116–136), enacted on March 27, 2020, authorizes, but does not require, contracting officers to modify contracts and other agreements, without consideration, to reimburse contractors for paid leave a contractor provides to keep its employees or subcontractors in a ready state, including to protect the life and safety of Government and contractor personnel, during the public health emergency declared for Coronavirus Disease (COVID–19).

A contractor request for reimbursement under section 3610 must include sufficient documentation to support the request and enable the contracting officer to determine whether a contractor is eligible for reimbursement under section 3610 and, if so, the amount of reimbursement to provide to a contractor. Contractors' requests for reimbursement under section 3610 will vary in dollar amount and complexity; as such, so will the amount and type of information needed from a contractor to support their reimbursement request. Based on this variation, contracting officers will use one of three DoD reimbursement checklists to advise contractors of the information needed to support their request. The information described in the checklists is necessary to collect from contractors in order to ensure that contracting officers are able to determine whether to approve the request for reimbursement and expediently modify the affected contract(s) for the authorized reimbursement amount.

Section 3610 also requires that any reimbursements made under its authority are reduced by the amount of credit a contractor is allowed under other provisions of the CARES Act and division G of the Families First Coronavirus Response Act (FFCRA) (Pub. L. 116–127). As the status of such credits may not be known at the time of reimbursement, DFARS clause 252.243–7999, Section 3610 Reimbursement (Deviation 2020–O0021), requires contractors to notify the contracting officer of any credits received after receiving reimbursement under section 3610 and make any repayment, as necessary, to comply with the requirements of section 3610. This information is necessary so that contracting officers may comply with the provisions of section 3610.

Comments and recommendations on the proposed information collection should be sent to Ms. Susan Minson, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method: *Federal eRulemaking Portal: https://*

www.regulations.gov. Follow the instructions for submitting comments.

DoD Clearance Officer: Ms. Angela James. Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2021–06010 Filed 3–22–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Draft Integrated Feasibility Report and Environmental Impact Statement for the Charleston Peninsula Coastal Flood Risk Management Study, Charleston County, South Carolina

AGENCY: Department of the Army, U.S. Army Corps of Engineers, Department of Defense (DoD).

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: Pursuant to the requirements of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations, the U.S. Army Corps of Engineers (USACE), Charleston District, announces its intent to conduct public scoping and solicit public comments to gather information to prepare a draft Integrated Feasibility Report and Environmental Impact Statement (IFR/EIS). In April 2020, USACE released a draft Integrated Feasibility Report/Environmental Assessment (IFR/EA) with a draft mitigated Finding of No Significant Impacts (FONSI) for the Charleston Peninsula Coastal Flood Risk Management Study. After further agency analysis, review of comments received on the Draft IFR/EA, and continued refinement of the study, USACE concluded that an IFR/EIS with a Record of Decision (ROD) would fulfill NEPA compliance for the study. Comments received during the draft IFR/EA public comment period will be considered as part of the scoping process for the IFR/EIS, and do not need be resubmitted.

DATES: USACE requests comments concerning the scope of the alternatives and identification of relevant information, studies, and analyses. All comments must be received by April 22, 2021. The draft IFR/EIS is scheduled to be released for a minimum 45-day public review in late summer of 2021. The final IFR/EIS is scheduled to be released in the summer of 2022. The ROD will be signed no sooner than 30 days after the release of the IFR/EIS.

ADDRESSES: Send written comments to U.S. Army Corps of Engineers Charleston District, ATTN: Planning and Environmental Branch, 69A Hagood Avenue, Charleston, SC 29403. Send comments via email to *Chs-Peninsula-Study@usace.army.mil.* Submit comments online at the website: *www.sac.usace.army.mil/charlestonpeninsulastudy.*

FOR FURTHER INFORMATION CONTACT: Nancy Parrish, U.S. Army Corps of Engineers, 69A Hagood Avenue, Charleston, SC 29403, (843) 329–8050, or *Chs-Peninsula-Study@usace.army.mil.*

SUPPLEMENTARY INFORMATION: USACE is issuing this notice pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.;* and, the Council on Environmental Quality's (CEQ) regulations for implementing the procedural provisions of NEPA, 43 CFR parts 1500 through 1508. USACE is exercising its discretion to employ the 1978 CEQ NEPA regulations to this ongoing NEPA process pursuant to CEQ's Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, Final Rule, 85 FR 43304, at 43339–43340 (July 16, 2020).

Background: In April 2020, USACE released a draft IFR/EA with a draft mitigated FONSI for the Charleston Peninsula Coastal Flood Risk Management Study. After further agency analysis, review of comments received on the draft IFR/EA, and continued refinement of the study, USACE concluded that NEPA compliance for the study should instead be completed by transitioning to an EIS with a ROD. Portions of the draft EA which remain pertinent and current will be integrated into the draft IFR/EIS, as appropriate. The IFR/EIS culminating in a ROD will enable the agency to develop a more comprehensive and detailed analysis of the study alternatives, cultural, visual, and natural resource impacts (among others), and mitigation proposals, as well as provide enhanced and additional opportunity for resource agency and public input to the process.

Purpose and Need for the Proposed Action: The Charleston Peninsula, South Carolina, is a highly urbanized, relatively flat, low-lying coastal community. It is the historic core and urban center of the City of Charleston. The low elevation and tidal connections to the Charleston Harbor, and Ashley and Cooper Rivers, put the Charleston Peninsula at particular risk of flooding from coastal storms and render it more vulnerable to sea level rise and climate change. The purpose of this proposed action is to reduce risk to human health and safety and reduce economic damages resulting from coastal storm surge inundation on the Charleston Peninsula.

Preliminary Proposed Action and Alternatives: As described in the draft IFR/EA, multiple types of management measures (including structural, nonstructural, and natural or nature-based) were identified to achieve study objectives, take advantage of identified opportunities, and avoid constraints. Management measures were subjected to an initial evaluation assessment and combined into the initial range of alternatives. These were screened against the study's objectives and the four evaluation criteria of the *Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies,* resulting in two action alternatives, in addition to the No Action Alternative. Alternative 2 consists of construction of a storm surge wall along the perimeter or nearshore of the peninsula, and nonstructural measures in select areas of the peninsula. Alternative 3 included the measures in Alternative 2 as well as an additional structural measure, the wave attenuator. Since the public release of the draft IFR/EA, Alternative 3 was further refined using modeling and analysis to reduce uncertainty associated with the wave attenuator. This analysis showed that the wave attenuator does not produce additional (incremental) inundation reduction benefits beyond the measures in Alternative 2. Therefore, Alternative 3 is not being carried forward into the final array of alternatives for the IFR/EIS. The final array is expected to include the No Action Alternative and an optimized Alternative 2, now known as the proposed action.

Brief Summary of Expected Impacts: Under this proposed action, the storm surge wall would be strategically aligned to avoid and minimize impacts to existing wetland habitat and cultural resources (substantial avoidance and minimization of wetlands has already taken place as part of the refinement of the proposed action following release of the draft IFR/EA). The wall would be strategically located to allow for continued operation of all ports, marinas, and the Coast Guard Station. The wall would tie into high ground as appropriate, including the existing Battery Wall. Nonstructural measures

would be applied in areas of the peninsula where it is not feasible to construct the storm surge wall. In addition to the storm surge wall and associated access and flow gates, pump stations could be necessary to alleviate interior flooding induced by the wall. Where possible, designs would be modified to adhere to the visual aesthetic of the city.

The draft IFR/EIS will update and expand upon the effects analyzed in the draft IFR/EA which included, but were not limited to, positive and negative impacts to the cultural resources and historic properties, wetlands, visual aesthetics, aquatic and terrestrial resources, water quality, geology, air quality and noise, coastal hydrodynamics, hydrology and hydraulics, recreation, transportation, utilities, socioeconomics, and environmental justice.

Anticipated Permits, Authorizations, Consultations, or Coordination: USACE anticipates that the following will be required for this proposed action:

- Fish and Wildlife Coordination Act Report (already initiated).
- Consultation under Section 106 and Section 110(f) of the National Historic Preservation Act (already initiated).
- Consultations under Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, and Marine Mammal Protection Act.
- Clean Water Act: Section 401 Water Quality Certification, Section 404(b)1 analysis.
- Coastal Zone Management Act consistency determination.

Public Scoping Process: During the development of the draft IFR/EA, USACE engaged Federal, State, and local agencies, stakeholders, and the public through various meetings and the NEPA public comment period. On January 31, 2019, a project information meeting was held where the public was informed on the results of the first two planning iterations and input was solicited both in person and via an online form. USACE also solicited public comments on the draft IFR/EA during the public review period, April 20–June 20, 2020. Comments relevant to scoping that were received in response to the draft IFR/EA public comment period will be considered as part of the scoping process for the IFR/EIS, and do not need to be resubmitted. However, all are welcome to submit to USACE updated, additional, or superseding comments relevant to scoping in response to this NOI.

Information regarding the upcoming public scoping meeting, including date and time, is published on the study's website at: *www.sac.usace.army.mil/charlestonpeninsulastudy.*

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action: USACE requests assistance with identifying any new potential alternatives to the Proposed Action to be considered. Complete submittals of proposed alternatives would include the purpose of the suggested alternative. USACE also requests assistance with identifying any new potential impacts of the Proposed Action, identifying the activity and the potential impact that should be analyzed. Information interested parties possess which would assist in the analysis of resources issues is also appreciated. As noted above, USACE will consider input received on the draft IFR/EA pertinent to the scoping of potential alternatives and impacts. This information will be used in the determination of the scope of issues for analysis in the EIS.

Special Assistance for Public Meeting. The scoping meeting will be virtual. People needing special assistance to attend and/or participate in the meeting should contact U.S. Army Corps of Engineers Charleston District, ATTN: Planning and Environmental Branch, 69A Hagood Avenue, Charleston, SC 29403 or via email to *Chs-Peninsula-Study@usace.army.mil.* To allow sufficient time to process special requests, please contact no later than one week before the public meeting.

Public Disclosure Statement. If you wish to comment, you may use the online form or mail or email your comments as indicated under the **ADDRESSES** section of this notice. Before including your address, phone number, email address, or any other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made available to the public at any time. While you can request in your comment for us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Jason E. Kelly,

Project Management Professional.

[FR Doc. 2021–05929 Filed 3–22–21; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0183]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for the U.S. Presidential Scholars Program

AGENCY: Office of Communication and Outreach (OCO), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before April 22, 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.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Simone Olson, 202–205–8719.

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: Application for the U.S. Presidential Scholars Program.

OMB Control Number: 1860–0504.

Type of Review: An extension of a currently approved information collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 3,300.

Total Estimated Number of Annual Burden Hours: 52,800.

Abstract: The United States Presidential Scholars Program is a national recognition program to honor outstanding graduating high school seniors. Candidates are invited to apply based on academic achievements on the SAT or ACT assessments, through nomination from Chief State School Officers, other recognition program partner organizations, on artistic merits based on participation in a national talent program and achievement in career and technical education programs. This program was established by Presidential Executive Orders 11155, 12158 and 13697.

Dated: March 17, 2021.

Stephanie Valentine,

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

[FR Doc. 2021–05909 Filed 3–22–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0009]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; CRRSAA, Recipient's Funding Certification and Agreement (Proprietary Schools)

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 an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before April 22, 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.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karen Epps, (202) 453–6337.

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: CRRSAA, Recipient's Funding Certification and Agreement (Proprietary Schools).

OMB Control Number: 1840–0852.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 1,757.

Total Estimated Number of Annual Burden Hours: 8,787.

Abstract: Section 314(a)(4) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) (Pub. L. 116–260) provides funding for proprietary schools, to be used to make financial aid grants directly to students, which may be used for any component of the student's cost of attendance or for emergency costs that arise due to the coronavirus, such as tuition, food, housing, health care (including mental health care) or child care.

Dated: March 18, 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. 2021–05923 Filed 3–22–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1369–000]

Edwards Sanborn Storage I, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Edwards Sanborn Storage I, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 6, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an

eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: March 17, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05935 Filed 3–22–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1320–000]

Crystal Lake Wind Energy III, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Crystal Lake Wind Energy III, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 6, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: March 17, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05934 Filed 3–22–21; 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 Part 284 Natural Gas Pipeline Rate filings:

Docket Number: PR21–38–000.

Applicants: Worsham-Steed Gas Storage, LLC.

Description: Tariff filing per 284.123(b),(e)/: Notice of Non-Material Change in Ownership.

Filed Date: 3/12/2021.

Accession Number: 202103125263.

Comments/Protests Due: 5 p.m. ET 4/2/2021.

Docket Number: PR21–39–000.

Applicants: Hill-Lake Gas Storage, LLC.

Description: Tariff filing per 284.123(b),(e)/: Notice of Non-Material Change in Ownership.

Filed Date: 3/12/2021.

Accession Number: 202103125264.

Comments/Protests Due: 5 p.m. ET 4/2/2021

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 17, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05933 Filed 3–22–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6904–040]

Battenkill Hydro Associates; Notice of Intent To File License Application, Filing of Pre-Application Document, Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 6904–040.

c. *Date Filed:* February 1, 2021.

d. *Submitted By:* Battenkill Hydro Associates (Battenkill Hydro).

e. *Name of Project:* Upper Greenwich Hydroelectric Project.

f. *Location:* On the Batten Kill, a tributary of the Hudson River in Washington County, New York. The project does not occupy any federal land.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Mr. Lewis Loon, General Manager, Operations and Maintenance—USA, Krueger Energy, 423 Brunswick Ave., Gardiner, ME 04345; (207) 203–3027; *Lewis.Loon@kruger.com.*

i. *FERC Contact:* Andy Bernick at (202) 502–8660; or email at *andrew.bernick@ferc.gov.*

j. Battenkill Hydro filed its request to use the Traditional Licensing Process on February 1, 2021. Battenkill Hydro provided public notice of its request on January 20, 2021. In a letter dated March 17, 2021, the Director of the Division of Hydropower Licensing approved Battenkill Hydro's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402. We are also initiating consultation with the New York State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Battenkill Hydro as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Battenkill Hydro filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed and/or printed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208 3676 (toll free), or (202) 502–8659 (TTY).

o. The licensee states its unequivocal intent to submit an application for a subsequent license for Project No. 6904. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 2024.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: March 17, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05970 Filed 3–22–21; 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: ER10–1285–009.

Applicants: Craven County Wood Energy Limited Partnership.

Description: Supplement to August 6, 2020 Notice of Non-Material Change in Status of Craven County Wood Energy Limited Partnership.

Filed Date: 3/12/21.

Accession Number: 20210312–5143.

Comments Due: 5 p.m. ET 4/2/21.

Docket Numbers: ER16–1720–017.

Applicants: Invenergy Energy Management LLC.

Description: Notice of Change in Facts under Market-Based Rate Authority of Invenergy Energy Management LLC.

Filed Date: 3/17/21.

Accession Number: 20210317–5040.

Comments Due: 5 p.m. ET 4/7/21.

Docket Numbers: ER17–194–005.

Applicants: Hartree Partners, LP.

Description: Supplement to June 30, 2020 Updated Market Power Analysis for the Northeast Region of Hartree Partners, LP.

Filed Date: 3/16/21.

Accession Number: 20210316–5215.

Comments Due: 5 p.m. ET 4/6/21.

Docket Numbers: ER20–2597–002; ER20–1991–002; ER20–2153–003; ER20–2380–002.

Applicants: Soldier Creek Wind, LLC, Ponderosa Wind, LLC, Sanford Airport Solar, LLC, Saint Solar, LLC.

Description: Supplement to January 15, 2021 Notice of Non-Material Change in Status of Soldier Creek Wind, LLC, et al.

Filed Date: 3/15/21.

Accession Number: 20210315–5423.

Comments Due: 5 p.m. ET 4/5/21.

Docket Numbers: ER21–1137–001.

Applicants: NorthWestern Corporation.

Description: Compliance filing: Errata to Compliance Filing re Authority to Transact at MBR in the EIM to be effective 2/8/2021.

Filed Date: 3/15/21.

Accession Number: 20210315–5302.

Comments Due: 5 p.m. ET 4/5/21.

Docket Numbers: ER21–1251–000.

Applicants: Bighorn Solar 1, LLC.

Description: Supplement to March 2, 2021 Bighorn Solar 1, LLC tariff filing.

Filed Date: 3/16/21.

Accession Number: 20210316–5188.

Comments Due: 5 p.m. ET 4/6/21.

Docket Numbers: ER21–1451–000.

Applicants: Cleveland-Cliffs Steel LLC.

Description: Baseline eTariff Filing: Baseline new generic title to be effective 3/16/2021.

Filed Date: 3/16/21.

Accession Number: 20210316–5159.

Comments Due: 5 p.m. ET 4/6/21.

Docket Numbers: ER21–1452–000.

Applicants: Delta's Edge Solar, LLC.

Description: Initial rate filing: Proposed Revenue Requirement for Reactive Service from the Deltas Edge Facility to be effective 12/31/9998.

Filed Date: 3/16/21.

Accession Number: 20210316–5160.

Comments Due: 5 p.m. ET 4/6/21.

Docket Numbers: ER21–1453–000.

Applicants: Crossett Solar Energy, LLC.

Description: Initial rate filing: Proposed Revenue Requirement for Reactive Service from Crossett Solar Facility to be effective 12/31/9998.
Filed Date: 3/16/21.
Accession Number: 20210316–5163.
Comments Due: 5 p.m. ET 4/6/21.

Docket Numbers: ER21–1454–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–17_SA 2800 ATC-City of Stoughton 1st Rev CFA to be effective 5/17/2021.
Filed Date: 3/17/21.
Accession Number: 20210317–5019.
Comments Due: 5 p.m. ET 4/7/21.

Docket Numbers: ER21–1455–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3499R2 Poplar Bluff Municipal Utilities NITSA NOA to be effective 3/1/2021.
Filed Date: 3/17/21.
Accession Number: 20210317–5028.
Comments Due: 5 p.m. ET 4/7/21.

Docket Numbers: ER21–1456–000.
Applicants: Midcontinent Independent System Operator Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–17_SA 2777 ATC-Wisconsin Rapids 1st Rev CFA to be effective 5/17/2021.
Filed Date: 3/17/21.
Accession Number: 20210317–5031.
Comments Due: 5 p.m. ET 4/7/21.

Docket Numbers: ER21–1457–000.
Applicants: Central Maine Power Company.
Description: Notice of Cancellation of Service Agreement No. 154 of Central Maine Power Company.
Filed Date: 3/16/21.
Accession Number: 20210316–5219.
Comments Due: 5 p.m. ET 4/6/21.

Docket Numbers: ER21–1458–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2415R14 Kansas Municipal Energy Agency NITSA and NOA to be effective 3/1/2021.
Filed Date: 3/17/21.
Accession Number: 20210317–5032.
Comments Due: 5 p.m. ET 4/7/21.

Docket Numbers: ER21–1459–000.
Applicants: Georgia Power Company.
Description: Initial rate filing: SR Perry Affected System Construction Agreement (GPAS 013) Filing to be effective 10/7/2020.
Filed Date: 3/17/21.
Accession Number: 20210317–5106.
Comments Due: 5 p.m. ET 4/7/21.

Docket Numbers: ER21–1460–000.
Applicants: Georgia Power Company.
Description: Initial rate filing: SR Clay Affected System Construction Agreement (GPAS 014) Filing to be effective 2/5/2021.
Filed Date: 3/17/21.
Accession Number: 20210317–5107.
Comments Due: 5 p.m. ET 4/7/21.

Docket Numbers: ER21–1461–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, SA No. 5986; Queue No. AE2–254 to be effective 2/19/2021.
Filed Date: 3/17/21.
Accession Number: 20210317–5127.
Comments Due: 5 p.m. ET 4/7/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 17, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05932 Filed 3–22–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15094–000]

Ohio Power and Light, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February19, 2021, Ohio Power and Light, LLC. filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Robert C. Byrd Lock and Dam Hydroelectric Project to be located on the Ohio River, near the Town of Gallipolis, in Gallia County, Ohio, and Mason County, West Virginia. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would utilize the impoundment formed by the U.S. Army Corps of Engineers R.C. Byrd Locks and Dam and consist of the following: (1) A new 150-foot-long by 250-foot-wide concrete-walled intake/forebay structure; (2) a new 250-foot-wide by 170-foot-long concrete powerhouse containing four 5.75-megawatt (MW) pit turbine-generators for a total project capacity of 21.1 MW; (3) a new 300-foot-long by 300-foot-wide tailrace; (4) a new 60-foot-long by 60-foot-wide substation; (5) a new 2.41-mile-long, 138-kilovolt transmission line.; and (6) appurtenant facilities. The estimated annual generation of the Robert C. Byrd Lock and Dam Hydroelectric Project would be 165,000 megawatt-hours.

Applicant Contact: Mr. Alan W. Skelly, Ohio Power and Light, LLC., 127 Longwood Boulevard, Mount Orab, Ohio 45154; phone: (937) 802–8866.

FERC Contact: Tyrone Williams; phone: (202) 502–6331.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose,

Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15094–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15094) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: March 17, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05936 Filed 3–22–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6903–036]

Battenkill Hydro Associates; Notice of Intent to File License Application, Filing of Pre-Application Document, Approving Use of The Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 6903–036.

c. *Date Filed:* February 1, 2021.

d. *Submitted By:* Battenkill Hydro Associates (Battenkill Hydro).

e. *Name of Project:* Middle Greenwich Hydroelectric Project.

f. *Location:* On the Batten Kill, a tributary of the Hudson River in Washington County, New York. The project does not occupy any federal land.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Mr. Lewis Loon, General Manager, Operations and Maintenance—USA, Krueger Energy, 423 Brunswick Ave., Gardiner, ME 04345; (207) 203–3027; *Lewis.Loon@kruger.com.*

i. *FERC Contact:* Andy Bernick at (202) 502–8660; or email at *andrew.bernick@ferc.gov.*

j. Battenkill Hydro filed its request to use the Traditional Licensing Process on February 1, 2021. Battenkill Hydro provided public notice of its request on January 20, 2021. In a letter dated March 17, 2021, the Director of the Division of Hydropower Licensing approved Battenkill Hydro's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402. We are also initiating consultation with the New York State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Battenkill Hydro as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Battenkill Hydro filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed and/or printed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208 3676 (toll free), or (202) 502–8659 (TTY).

o. The licensee states its unequivocal intent to submit an application for a subsequent license for Project No. 6903. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2024.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: March 17, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05969 Filed 3–22–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2020–0564; FRL 10020–77–ORD]

Multiple-Path Particle Dosimetry (MPPD) Model Software (MPPD EPA 2021 v.1.01) With Technical Support Documentation and User's Guide (External Review Draft)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: The Environmental Protection Agency (EPA) is announcing an external expert peer review and public comment for the EPA Multiple-Path Particle Dosimetry (MPPD) Model Software (MPPD EPA 2021 v. 1.01) and its associated ''Technical Support Documentation and User's Guide (External Review Draft)'' ([EPA/600/R–20/406]). The document was prepared by the Center for Public Health and Environmental Assessment (CPHEA) within EPA's Office of Research and Development (ORD), with contributions from Applied Research Associates, Inc., and Fred J. Miller, LLC. EPA is releasing this draft model software version and associated document to seek review by external experts and the public. This external review draft document and model software (MPPD EPA 2021 v. 1.01) are not final and do not represent, and should not be construed to represent, any final Agency policy or views. When revising the document and the model software, EPA will consider any peer or public comments submitted during the public comment period specified in this document.

DATES: The 30-day public comment period begins March 23, 2021 and ends April 22, 2021. Comments must be received on or before April 22, 2021.

ADDRESSES: The EPA Multiple-Path Particle Dosimetry (MPPD) Model Software (MPPD EPA 2021 v. 1.01) and its associated ''Technical Support Documentation and User's Guide'' (External Review Draft)'' will be available from the contractor managing the external peer review, Eastern Research Group, Inc. (ERG). To obtain a copy of the external review draft or the associated MPPD software (EPA 2021 v. 1.01), contact ERG at email: *peerreview@erg.com* with the Subject line: MPPD EPA 2021 Peer Review; Phone: 781–674–7362.

FOR FURTHER INFORMATION CONTACT: For information on the public comment period, contact the ORD Docket at the EPA Headquarters Docket Center;

phone: 202–566–1752; fax: 202–566–9744; or email: *ord.docket@epa.gov.* For technical information, contact Annie M. Jarabek; phone: 919–637–6016; or email: *jarabek.annie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About the Document and MPPD Model Software

The EPA is undertaking an external peer review of an EPA version of the Multiple-Path Particle Dosimetry (MPPD) model (MPPD EPA 2021 v. 1.01) and its software, together with an EPA Technical Support Documentation and User's Guide. The EPA introduced formal dosimetry modeling into its derivation procedures for risk assessment of inhaled materials with its 1994 document entitled ''Methods for Derivation of Inhalation Reference Concentrations (RfCs) and Application of Inhalation Dosimetry'' (US EPA, 1994). These methods relied upon the Regional Deposited Dose Ratio (RDDR) model and underwent two expert technical panel and two expert Science Advisory Board (SAB) reviews prior to finalization. The dosimetry adjustments were also subsequently incorporated into the Agency's guidelines for carcinogen risk assessment (US EPA, 2005).

The EPA RDDR model was an empirical model fit to a unique set of experimental data from inhalation studies across five laboratory animal species commonly used in testing for regulatory risk assessment as well as for humans. The model provided predictions of inhaled deposited dose in various regions of the respiratory tract, including the extrathoracic (ET), tracheobronchial (TB), pulmonary (PU), thoracic (TB + PU) or total respiratory tract (TOTAL).

However, since 1994, mechanistic modeling of inhalation dosimetry for particles has matured. The MPPD model and its software include many modernized features, with some dose metric predictions now based on mechanistic descriptions instead of empirical fitting, the ability to address a wider range of particle size, providing prediction of retained mass for some species, and including some different test species.

The EPA is convening this external peer review to evaluate the MPPD model. The model results provide dosimetry adjustment of inhalation exposures for the following purposes: Interspecies extrapolation, evaluation of intra-human variability, informing experimental design, and in vitro to in vivo (IVIVE) extrapolation.

The EPA Multiple-Path Particle Dosimetry (MPPD) Model Software (MPPD EPA 2021 v. 1.01) and its associated ''Technical Support Documentation and User's Guide (External Review Draft)'' will be discussed at a virtual external expert peer review meeting, which will be open to the public. In addition to the opportunity to submit written comments during the public comment period announced in this notice, the public will have an opportunity to make brief oral comments during the virtual expert peer panel meeting. For more information about the peer review meeting, including information about how to register, please visit: *https://projects.erg.com/conferences/peerreview/register-mppd.html.*

II. How To Submit Technical Comments to the Docket at www.regulations.gov

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with appointment only, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via the web at *https://www.regulations.gov/* or via email at *ord.docket@epa.gov,* as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit *https://www.epa.gov/dockets.*

Submit your materials identified by Docket ID No. EPA–HQ–ORD–2020–0564 by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *Email: ord.docket@epa.gov.*
- *Fax:* 202–566–9744.
- *Mail:* Office of Research and Development (ORD) Docket (Mail Code: 28221T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460. The phone number is 202–566–1752.
- *Hand Delivery:* The ORD Docket is located in EPA's Headquarters Docket Center, Room 3334 EPA West Building, 1301 Constitution Ave. NW, Washington, DC. If you provide materials by mail or hand delivery, please submit three copies of these materials. For attachments, provide an index, number pages consecutively with the materials, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2020–0564. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. It is EPA's policy to include all materials it receives in the public docket without change and to make the materials available online at *www.regulations.gov,* including any personal information provided, unless materials include information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the materials that are placed in the public docket and made available on the internet. If you submit electronic materials, EPA recommends that you include your name and other contact information in the body of your materials and with any disk or CD–ROM you submit. If EPA cannot read your materials due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider the materials you submit. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit EPA's Docket Center homepage at *www.epa.gov/epahome/dockets.htm.*

Docket: Documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the ORD Docket in EPA's Headquarters Docket Center.

Authority: Pub. L. 94–475; Environmental Research, Development, and Demonstration Authorization Act of 1976.

Dated: February 18, 2021.

Vanessa Holt,

Acting Director, Center for Public Health and Environmental Assessment (CPHEA).

[FR Doc. 2021–05380 Filed 3–22–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2021–0068; FRL–10021–62]

Certain New Chemicals; Receipt and Status Information for February 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA Section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 02/01/2021 to 02/28/2021.

DATES: Comments identified by the specific case number provided in this document must be received on or before April 22, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2021–0068 and the specific case number for the chemical substance related to your comment, by using the *Federal eRulemaking Portal* at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Project Management and Operations Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

What action is the Agency taking?

This document provides the receipt and status reports for the period from 02/01/2021 to 02/28/2021. The Agency is providing notice of receipt of PMNs, SNUNs, and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

B. What is the Agency's authority for taking this action?

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: *https://www.epa.gov/tsca-inventory.*

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a

copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995 (60 FR 25798) (FRL–4942–7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.,* domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter ''A'' (*e.g.,* P–18–1234A). The version column designates submissions in sequence as ''1'', ''2'', ''3'', etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 02/01/2021 TO 02/28/2021

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J–21–0005	3	01/14/2021	CBI	(G) Chemical production	(G) Modified Saccharomyces cerevisiae enhanced ethanol yield.
J–21–0006	3	01/14/2021	CBI	(G) Chemical production	(G) Modified Saccharomyces cerevisiae enhanced ethanol yield.
P–18–0128A	5	02/22/2021	CBI	(G) Surface modifier	(S) Inulin, 2-hydroxy-3-(trimethylammonio)propyl ether, chloride.
P–18–0135A	5	02/03/2021	CBI	(G) Ingredient for household products	(S) 1,2-Decanediol.
P–18–0256A	5	02/10/2021	CBI	(G) Chemical Intermediate	(S) Undecanol, branched.
P–18–0273A	7	02/25/2021	CBI	(G) Used in polymer manufacturing	(S) 1,4-Cyclohexanedicarboxylic acid, 1,4-bis(2-ethylhexyl) ester.
P–18–0289A	9	02/15/2021	Guard Products.	(G) Gas scrubbing, landfill deoderizing	(G) 2-(2(methylcaboxymonocyclic)amino)ethoxy)-alcohol.
P–18–0289A	10	02/15/2021	Guard Products.	(G) Gas scrubbing, landfill deoderizing	(G) 2-(2(methylcaboxymonocyclic)amino)ethoxy)-alcohol.
P–18–0290A	9	02/15/2021	Guard Products.	(G) Gas scrubbing, wastewater deodorizing.	(G) Carbomonocylic-oxazolidine.
P–18–0290A	10	02/15/2021	Guard Products.	(G) Gas scrubbing, wastewater deodorizing.	(G) Carbomonocylic-oxazolidine.
P–18–0293A	8	02/02/2021	Sirrus, Inc	(S) Intermediate: Monomer used as a chemical, in the manufacture of polymers, Adhesives: Monomer used in the manufacture (formulation) of adhesives, Coatings: Monomer used in the manufacture of industrial coatings.	(S) Propanedioic acid, 2-methylene-, 1,3-dihexyl ester.
P–18–0293A	9	02/02/2021	Sirrus, Inc	(S) Intermediate: Monomer used as a chemical, in the manufacture of polymers, Adhesives: Monomer used in the manufacture (formulation) of adhesives, Coatings: Monomer used in the manufacture of industrial coatings.	(S) Propanedioic acid, 2-methylene-, 1,3-dihexyl ester.
P–18–0294A	8	02/02/2021	Sirrus, Inc	(S) Intermediate: Monomer for use in emulsion polymers, Adhesives: Monomer for use in formulated industrial adhesives, Coatings: Monomer for use in formulated industrial coatings.	(S) Propanedioic acid, 2-methylene-, 1,3-dicyclohexyl ester.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 02/01/2021 TO 02/28/2021—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–18–0294A ...	9	02/02/2021	Sirrus, Inc	(S) Intermediate: Monomer used as a chemical, in the manufacture of polymers, Adhesives: Monomer used in the manufacture (formulation) of adhesives, Coatings: Monomer used in the manufacture of industrial coatings.	(S) Propanedioic acid, 2-methylene-, 1,3-dicyclohexyl ester.
P–18–0301A ...	3	02/02/2021	CBI	(G) Coating component	(G) Alkanedioic acid, polymer with cycloalkyl dimethanol, alkyl and cycloalkyl diisocyanates, dimethyl-alkanediol, dihydroxyalkanoic acid methylenebis[isocyanatocyclohexane, hydroxyethyl acrylate- and polyalkyl glycol monoalkyl ether blocked.
P–18–0383A ...	5	02/02/2021	CBI	(G) Coatings and inks for commercial use	(G) Dialkyl-alkanediamine, polymer with [(oxo-alkenyl)oxy]poly(oxy-alkanediyl)ether with bis(hydroxyalkyl)-alkanediol.
P–19–0122A ...	4	02/10/2021	CBI	(G) Reactant monomer in a polymer for industrial use.	(G) 2-propenoic acid, 2-(hydrogenated animal-based nitrogen-substituted) ethyl ester.
P–19–0160A ...	3	02/09/2021	CBI	(S) Component of a UV curable printing ink.	(G) Alkanesulfonic acid, 2-[(2-aminoethyl)heteroatom-substituted]-, sodium salt (1:1), polymer with alpha-[2,2-bis(hydroxymethyl)butyl]-omega-methoxypoly(oxy-1,2-ethanediyl) and 1,1′-methylenebis[4-isocyanatocyclohexane], acrylic acid-dipenthaerythritol reaction products- and polypropylene glycol ether with pentaerythritol (4:1) triacrylate-blocked.
P–20–0071A ...	9	02/18/2021	CBI	(G) Colorant	(G) Salt of 2-Naphthalenesulfonic acid, hydroxy [(methoxymethyl-4-sulfophenyl)diazenyl].
P–20–0083A ...	3	02/10/2021	CBI	(G) Reactant monomer in a polymer for industrial use.	(G) 2-propenoic acid, nitrogen-substituted alkyl, N-C16-18-acyl derivs.
P–20–0097A ...	5	02/19/2021	Nelson Brothers, LLC.	(S) The PMN substance will be used as an emulsifier for applications in explosives.	(G) Butanedioic acid, monopolyisobutylene derivs., mixed dihydroxyalkyl and hydroxyalkoxyalkyl diesters.
P–20–0110A ...	2	02/02/2021	Clariant Corporation.	(S) Base oil additive for lubricants and greases.	(G) Oxirane, 2-methyl-, polymer with oxirane, (alkoxyalkoxy)alkyl alkyl ether.
P–20–0124A ...	2	02/05/2021	CBI	(G) Additive in Household consumer products.	(S) 5-octen-4-ol, 3,5-dimethyl-, (5E)-.
P–20–0126A ...	2	02/05/2021	CBI	(G) Additive in household consumer products.	(S) 4-Decenal, 5,9-dimethyl-.
P–20–0132A ...	2	02/08/2021	Designer Molecules, Inc.	(G) Adhesive component	(S) 1H-Pyrrole-2,5-dione, 3-methyl-, 1,1′-C36-alkylenebis-.
P–20–0148A ...	3	01/29/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0148A ...	4	02/08/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0148A ...	5	02/10/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0149A ...	3	01/29/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0149A ...	4	02/08/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0149A ...	5	02/10/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0150A ...	3	01/29/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0150A ...	4	02/08/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0150A ...	5	02/10/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0151A ...	3	01/29/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0151A ...	4	02/08/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0151A ...	5	02/10/2021	Solugen, Inc ..	(G) Additive for consumer, industrial, and commercial uses.	(G) Hydroxyalkanoic acid, salt, oxidized.
P–20–0167A ...	4	02/11/2021	W.R. Grace & Co.—Conn.	(G) Catalyst	(G) Phenylene, alkyl and polycarbomonocycle substituted, 1,2-dicarboxylate.
P–20–0168A ...	6	02/10/2021	CBI	(S) Lubricating additives for engine oils, transmission and hydraulic fluid and gear oil applications.	(G) Polyolefin polyamine succinimide, carbopolycycle alkoxylated.
P–20–0183A ...	3	02/10/2021	CBI	(G) Intermediate	(G) Aryl ether epoxide, homopolymer, ether with alkanolamine.
P–21–0015A ...	2	01/28/2021	Designer Molecules, Inc.	(S) As a raw material in a Temporary Bonding Adhesive formulation.	(S) Amines, C36-alkylenedi-, polymers with 5,5′-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis[1,3-isobenzofurandione] and 4,4′-[2,2,2-trifluoro-1-(trifluoromethyl)ethylidene]bis[2-aminophenol].
P–21–0036	2	02/04/2021	CBI	(G) Additive in Household consumer products.	(S) 5-Hexen-2-one, 1-bicyclo[2.2.1]hept-2-yl-.
P–21–0039A ...	2	02/03/2021	Sinova Specialties, Inc.	(S) Part of a series of chemicals used as viscosity modifiers in commercial and consumer engine oil.	(S) 1,2,4,5-Benzenetetracarboxamide, N1, N2, N4, N5-tetrahexyl-.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 02/01/2021 TO 02/28/2021—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–21–0040A ...	2	02/03/2021	Sinova Specialties, Inc.	(S) Part of a series of chemicals used as viscosity modifiers in commercial and consumer engine oil.	(S) 1,2,4,5-Benzenetetracarboxamide, N1,N2,N4,N5-tetraoctyl-.
P–21–0041A ...	2	02/03/2021	Sinova Specialties, Inc.	(S) Part of a series of chemicals used as viscosity modifiers in commercial and consumer engine oil.	(S) 1,2,4,5-Benzenetetracarboxamide, N1,N2,N4,N5-tetradodecyl-.
P–21–0051A ...	3	02/15/2021	Designer Molecules, Inc.	(G) Resin component of an adhesive formulation.	(S) Fatty Acids, C18-unsatd., dimers, hydrogenated, polymers with 2-hydroxyethyl-terminated hydrogenated polybutadiene, bis(2,5-dihydro-2,5-dioxo-1H-pyrrole-1-hexanoate).
P–21–0055	2	02/01/2021	Hexion, Inc	(G) adhesive used for coating formulation	(G) fatty acids, reaction products with polyamine-polyacid polymer and fatty acid.
P–21–0055A ...	3	02/04/2021	Hexion, Inc	(G) adhesive used for coating formulation	(G) fatty acids, reaction products with polyamine-polyacid polymer and fatty acid.
P–21–0055A ...	4	02/23/2021	Hexion, Inc	(G) adhesive used for coating formulation	(G) fatty acids, reaction products with polyamine-polyacid polymer and fatty acid.
P–21–0059	2	02/17/2021	CBI	(G) Stabilizer	(S) Methanesulfonic acid,1,1,1-trifluoro-, ytterbium(3+) salt (3:1).
P–21–0060A ...	3	02/03/2021	CBI	(G) Isolated intermediate	(G) Bisphenol A epichlorohydrin polymer with alkylpolyalkene-polyarylene-hydroxypolyoxyalkyldiyl reaction products with alkylalkylidene-alkylalkylidene-aminoalkyl-alkanepolyamine and alkylaminoalkanol.
P–21–0061A ...	3	02/03/2021	CBI	(G) Component in coatings	(G) Sulfur based acid, compds. with modified bisphenol A-epichlorohydrin-polyalkylene polyol ether with bisphenol A polymer-N-dialkylalkylidene-N-(dialkylalklyidene)aminoalkyl-alkanepolyamine-alkylaminoalkanol reaction products.
P–21–0062A ...	3	02/03/2021	CBI	(G) Component in coatings	(G) Substituted-alkanoic acid, compds. with modified bisphenol A-epichlorohydrin-polyalkylene polyol ether with bisphenol A polymer-N-dialkylalkylidene-N-dialkylalkylideneaminoalkyl-alkanepolyamine-alkylaminoalkanol reaction products.
P–21–0066	4	02/08/2021	L & L Products.	(S) Blended or stand alone, epoxy curative (hardener) and foaming agent when blended with certain ingredients.	(G) 1,2-alcandiol, 3-aryloxy, mono phosphate ester.
P–21–0074A ...	2	02/15/2021	Designer Molecules, Inc.	(G) Resin component of an adhesive formulation.	(S) 1,3-Butadiene, homopolymer, hydrogenated, 2-(ethenyloxy)ethyl-terminated.
P–21–0075A ...	2	02/04/2021	Allnex USA, Inc.	(S) Coating Resin	(G) Alkanoic acid, hydroxy-(hydroxyalkyl)-alkyl-, polymer with alpha-[(hydroxyalkyl)alkyl]-omega-alkoxypoly(oxy-alkanediyl), dialkyl carbonate, alkanediol, alkylene[isocyanato-carbomonocycle] and [oxybis(alkylene)]bis[alkyl-alkanediole] alkenoate, compd. with dialkyalkanamine.
P–21–0076	2	02/09/2021	CBI	(S) Additive for fluids used in oil drilling operations.	(G) Alcohols, C16–18 and C18-unsatd., reaction products with subsstituted alkyloxirane and alkyl acid.
P–21–0077	1	02/02/2021	Rahn USA Corp.	(G) Battery additive	(S) Tinci_PMN3.
P–21–0078	1	02/02/2021	Pinova, Inc	(S) Tackifying additive used in tire manufacture; Tackifying additive used in hot melt adhesive applications.	(G) Phenol, polymer with alkyl-(alkylalkylenyl)cyclohexene, mixed dialkylcyclohexadienes, mixed alkyl-(alkylalkylidene)cyclohexenes and 3,7,7-trimethylbicyclo[4.1.0]hept-3-ene.
P–21–0078A ...	2	02/23/2021	Pinova, Inc	(S) Tackifying additive used in tire manufacture; Tackifying additive used in hot melt adhesive applications.	(G) Phenol, polymer with alkyl-(alkylalkylenyl)cyclohexene, mixed dialkylcyclohexadienes, mixed alkyl-(alkylalkylidene)cyclohexenes and 3,7,7-trimethylbicyclo[4.1.0]hept-3-ene.
P–21–0079	1	02/04/2021	CBI	(G) Additive in Household consumer products.	(S) 13-Oxabicyclo[10.1.0]trideca-4,8-diene, (4E)-.
P–21–0080	2	02/10/2021	Allnex USA, Inc.	(S) Binder for UV Curable Coating Resin	(G) Alkanedioic acid, polymers with alkanoic acid-dipentaerythritol reaction products, alkanedioc acid dihydrazide, hydroxy-(hydroxyalkyl)-alkylalkanoic acid, isocyanato-(isocyanatoalkyl)-alkyl substituted carbomonocycle, dialkylalkanediol and polyakylene glycol(hydroxyalkyl)alkyl aklyl ether.
P–21–0081	2	02/11/2021	CBI	(G) Additive in Household consumer products.	(S) 4-Pentenal, 5-cyclohexyl-2,4-dimethyl-, (4E)-.
P–21–0082	1	02/05/2021	CBI	(G) Additive in household consumer products.	(S) 1-Decen-4-yne.
P–21–0083	2	02/10/2021	Allnex, USA Inc.	(S) UV Curable resin	(G) Alkenoic acid, reaction products with pentaerythritol, polymers with diisocyanatoalkane and heteromonocyle homopolymer esters with alkanoic acid-pentaerythritol reaction products.
P–21–0084	1	02/08/2021	CBI	(G) Chemical intermediate	(G) Carbopolycycle octa-alkene, halo.
P–21–0085	1	02/08/2021	CBI	(G) Used as an additive in the manufacture of tires to improve performance.	(S) 1-Propanethiol, 3-(triethoxysilyl)-, reaction products with polybutadiene.
P–21–0085A ...	2	02/25/2021	CBI	(G) Used as an additive in the manufacture of tires to improve performance.	(S) 1-Propanethiol, 3-(triethoxysilyl)-, reaction products with polybutadiene.
P–21–0089	3	02/25/2021	CBI	(G) Emulsifier	(G) Lignin, modified, reaction products with alkylamine by-products, hydrochlorides.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 02/01/2021 TO 02/28/2021—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–21–0093	2	02/19/2021	CBI	(G) Antiwear additive for lubricants	(G) Phosphonic acid, dimethyl ester, reaction products with alkyl-alkyl-alkanediol and alkanediol.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the type of amendment (*e.g.,* amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCS APPROVED * FROM 02/01/2021 TO 02/28/2021

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
J–19–0022	02/02/2021	01/08/2021	N	(G) Saccharomyces cerevisiae, strain cbi.
P–07–0004	02/09/2021	02/06/2021	N	(G) Fatty acids, c16-18 and c18 unsaturated, esters with mixed diols & triols.
P–15–0017	02/04/2021	06/16/2017	N	(G) Iron alkylenediaminehydroxy sulfophonic acid.
P–17–0360	02/01/2021	02/01/2021	N	(S) 2-Propanol, 1-amino-,compd. with.alpha.-sulfo-.omega.-(octyloxy)poly(oxy-1,2-ethanediyl)(1:1). (S) 2-propanol, 1-amino-,compd. with .alpha.-sulfo-.omega.-(decyloxy)poly(oxy-1,2-ethanediyl)(1:1).
P–17–0364	02/05/2021	01/11/2021	N	(G) Dicyloalkyl-alkane-di-isocyanate homopolymer, alkyl alcohol and polyalkyl glycol mono-alkyl-ether-blocked.
P–18–0175	02/16/2021	02/14/2021	N	(S) Formaldehyde, polymer with 4-(1,1-dimethylethyl)phenol and phenol, bu ether.
P–19–0081	02/11/2021	02/07/2021	N	(G) 2-propenoic acid, ethyl ester, reaction products with o,o-bis(polyalkylalkyl) hydrogen phosphorodithioate, o,o-dialkyl hydrogen phosphorodithioate and propylene oxide.
P–19–0147	02/02/2021	01/29/2021	N	(G) Alkoxylated buty alkyl ester.
P–21–0012	02/16/2021	02/05/2021	N	(G) Multialkylbicycloalkenyl substituted propanenitrile.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 02/01/2021 TO 02/28/2021

Case No.	Received date	Type of test information	Chemical substance
P–16–0543 ..	02/23/2021	Exposure Monitoring Report January 2021	(G) Halogenophosphoric acid metal salt.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: March 17, 2021.

Pamela Myrick,

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021–05927 Filed 3–22–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 17582]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a new system of records.

SUMMARY: The Federal Communications Commission (FCC or Commission or Agency) proposes to add a new system

of records, FCC/WCB–4, Consumer Challenge Process, to its inventory of records systems subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the Agency. The FCC maintains programs that require telecommunication providers and carriers (Participants) to report service coverage or locations eligible for support to the FCC, such as the FCC's Digital Opportunity Data Collection (DODC) and the Universal Service Fund (USF) Eligible Location Adjustment Process (ELAP). Under these programs, consumers and third parties (collectively, Stakeholders) may challenge the service coverage or number of locations eligible for support (eligible locations) reported by Participants. The Consumer Challenge Process system of records contains personally identifiable information (PII) submitted by individuals, or third parties on behalf of individuals, needed to establish eligibility to challenge the accuracy of Participants' submissions, provide sufficient information for Participants to respond to a challenge, and create accurate maps of Participant coverage or eligible locations. To establish eligibility, prospective Stakeholders who are individuals must submit certain PII that will be used to verify their identities and their interest in receiving services from a Participant in the relevant geographic area, *i.e.,* the coverage area for DODC, or the Participant's supported areas for ELAP. In certain programs, the PII will also be used to establish that the Stakeholders do not hold a controlling interest in a competitor. Once verified, Stakeholders may submit additional PII to establish that specific geolocations are eligible locations, such as evidence verifying ownership or occupancy of a location. Participation in any Consumer Challenge Process is voluntary.

DATES: This system of records will become effective on March 23, 2021. Written comments on the routine uses are due by April 22, 2021. The routine uses will become effective on April 22, 2021, unless written comments are received that require a contrary determination.

ADDRESSES: Send comments to Margaret Drake at *privacy@fcc.gov* or at Federal Communications Commission, 45 L Street NE, Washington, DC 20554 at 202–418–1707.

FOR FURTHER INFORMATION CONTACT: Margaret Drake, 202–418–1707, or *privacy@fcc.gov* (and to obtain a copy of the Narrative Statement that includes details of this proposed new system of records).

SUPPLEMENTARY INFORMATION: Depending on the program, the FCC or the Universal Service Administrative Company, in conjunction with and under the supervision of the FCC, will collect and maintain documentation in the system of records to verify the identity and eligibility of certain individuals to participate as Stakeholders in the process, including information that may link individuals to particular properties and/or commercial interests (*e.g.,* geolocation coordinates, billing information).

SYSTEM NAME AND NUMBER:

FCC/WCB–4, Consumer Challenge Process.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION(S):

Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554; and Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005.

SYSTEM MANAGER(S):

The FCC and, in some cases, USAC on behalf of and under the supervision of the FCC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151–154, 254; 47 CFR Sections 0.91, 0.291, 1.11.427, 54.310; *Connect America Fund,* WC Docket No. 10–90 *et al.,* Order on Reconsideration, 33 FCC Rcd 1380, 1390–92, paras. 23–28 (2018); *Connect America Fund,* WC Docket No. 10–90, 34 FCC Rcd 10395 (2019); 47 U.S.C. 641–646; *Establishing the Digital Opportunity Data Collection,* WC Docket No. 19–195.

PURPOSE(S) OF THE SYSTEM:

The Consumer Challenge Process system contains information to facilitate challenges to (1) Participant service reports under the DODC or other Commission adjustment programs, on a state-by-state basis, and

(2) Participants' defined deployment obligations (and associated support) under the USF. In this system, the Commission or USAC, on behalf of the Commission, will gather information to verify the identity of prospective Stakeholders and their direct interests in receiving certain services in the relevant locations. The submitted PII may link one or more individuals to locations and/or commercial interests and services relating to such locations. In some circumstances, prospective Stakeholders must certify that they do not hold a controlling interest in one or more competitors of the Participant that they are challenging.

CATEGORIES OF INDIVDUALS COVERED BY THE SYSTEM:

The individuals in this system include actual and potential consumers of fixed or mobile broadband services; individuals challenging mobile coverage in a specific area; and individuals who submit information to verify their eligibility to challenge a Participant's location data.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system may include name, address, email address, phone number, partial Social Security Number (or Tribal Identification Number if no Social Security Number is available), requests for broadband services, commercial records associated with the receipt of residential services and utilities, home ownership, land use rights (including building development), government forms, statements, authorizations, and certifications. Further, such records may include information confirming that individuals do not have a controlling interest in one or more competitors of the Participant being challenged.

RECORD SOURCE CATEGORIES:

The information in the system is provided by individuals who are consumers of fixed or mobile broadband services, residents or property owners in areas where Participants have been authorized (or are eligible to be authorized) to receive universal service support through certain high-cost programs, and government agencies or other entities (*e.g.,* consumer groups) who collect challenges from individuals and submit them in bulk.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a (b)(3) as follows:

1. Program Management—To USAC employees to conduct official duties associated with the management, operation, and oversight of the ELAP as directed by the Commission, including but not limited to, decisions to modify the number of locations (and associated

support) that Participants must serve to satisfy their USF obligations.

2. Third Party Contractors—To an employee of any third-party contractor engaged by USAC or the Commission to, among other things, develop IT systems or applications; conduct the Stakeholder eligibility verification process; verify the completeness and accuracy of Participants' coverage information; develop and maintain relevant maps; and, develop the Commission order modifying the Participants' defined deployment obligation.

3. Participants — Stakeholder challenge information, including Stakeholder contact information, geolocation, and other location information (*e.g.,* the number of units at a location) will be made available to relevant Participants for the purposes of allowing them to file a reply to Stakeholder challenges.

4. Stakeholders — For ELAP, Stakeholder contact information and certain other challenge information will be made available to other verified Stakeholders filing challenges in the same study area. Other Stakeholders include individuals, entities, and non-Federal agencies, including any State or local government, or agency thereof.

5. Public—Stakeholder geolocation information may be included on coverage maps published on the FCC and/or USAC websites.

6. Congressional Inquiries—To a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the written request of that individual.

7. Government-Wide Program Management and Oversight—To the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

8. Law Enforcement and Investigation—To appropriate Federal, State, local, or Tribal agencies, authorities, and officials responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the FCC becomes aware of an indication of a violation or potential violation of a civil or criminal statute, law, regulation, or order.

9. Adjudication and Litigation—To the Department of Justice (DOJ), or to a court or adjudicative body before which the FCC is authorized to appear, when: (a) The FCC or any component thereof; or (b) any employee of the FCC in his or her official capacity; or (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC have agreed to represent the employee; or (d) the United States is a party to litigation or have an interest in such litigation, and the use of such records by the DOJ or the FCC is deemed by the FCC to be relevant and necessary to the litigation.

10. Breach Notification—To appropriate agencies, entities, and persons when: (a) The Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

11. Assistance to Federal Agencies and Entities—To another Federal agency or Federal entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) Responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

12. Prevention of Fraud, Waste, and Abuse Disclosure—To Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom the FCC or USAC has a contract, service agreement, or cooperative agreement, for the purpose of: (1) Detection and prevention of fraud, waste, and abuse in Federal programs administered by a Federal agency or non-Federal entity; (2) detection of fraud, waste, and abuse by individuals in their operations and programs, but only to the extent that the information shared is necessary and relevant to verify and audit information necessary to determine whether the participant carrier has intentionally or through negligence, reduced its universal service obligations to exclude locations in eligible areas that are the most difficult and/or expensive to serve.

REPORTING TO A CONSUMER REPORTING AGENCY:

In addition to the routine uses listed above, the Commission may share information from this system of records with a consumer reporting agency regarding an individual who has not paid a valid and overdue debt owed to the Commission, following the procedures set out in the Debt Collection Act, 31 U.S.C. 3711(e).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The system is maintained in secure, limited access areas. Electronic files are maintained in the FCC or USAC network accreditation boundaries. Physical entry by unauthorized persons is restricted through use of locks, passwords, and other security measures. Paper documents and other physical records, if any, will be kept in locked, controlled access areas until digitized and then destroyed.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in this system can be retrieved by various identifiers, which may include Stakeholder name, Social Security Number (Tribal Identification Number if Social Security Number is not available), physical address, geolocation coordinates, property information, email address, telephone number, competitive interests, and supporting evidence.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. The National Archives and Records Administration (NARA) established records schedule number DAA–0173–2017–0001–001 for the Universal Service High Cost Program Files. In accordance with this records schedule, the FCC and USAC, as appropriate, will maintain all information in the ELAP system of records for ten (10) years after cut-off, or when no longer needed for business or audit purposes, whichever comes later. Cut-off is determined as the end of the calendar year from the date an item is filed or prepared. Disposal of obsolete or out-of-date paper documents and files is by shredding only. Electronic data, files, and records are destroyed by electronic erasure in compliance with National Institute of Standards and Technology (NIST) guidelines.

2. Information in this system of records that is not collected or maintained in connection with the CAF Program Files, including DODC challenge data, will be maintained in accordance with General Records Schedule 5.2, Item 20, which provides that records will be destroyed upon

verification of successful creation of the final document or file, or when no longer needed for business use, whichever is later.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

1. ELAP-related data: The electronic data, records, and files will be stored within the High-Cost Broadband Portal (HCBP) system accreditation boundaries. The FCC will oversee the management of the HCBP system, including USAC's records management activities. After a Participant window for filing replies to Stakeholder information closes, access to the electronic files is restricted to the FCC staff and its contractors and subcontractors, as well as USAC and its contractors and subcontractors who carry out ELAP functions and activities. Other FCC employees and contractors and USAC employees, contractors, and subcontractors may be granted access only on a need-to-know basis. The data are protected by the FCC and USAC security safeguards, a comprehensive and dynamic set of information technology (IT) safety and security protocols and features that are designed to meet all Federal IT standards, including, but not limited to, those required by the Federal Information Security Modernization Act of 2014 (FISMA), the Office of Management and Budget (OMB), and NIST.

Employees of the FCC and USAC may print paper copies of these ELAP electronic records for various short-term uses, as necessary. Paper copies will be stored in locked file cabinets when not in use. Physical entry by unauthorized persons where this information is stored is restricted through use of locks, passwords, and other security measures. Only authorized FCC and USAC employees may have access to these documents. Participants receiving access to the ELAP portion of the HCBP system will be prohibited from printing paper copies when such information contains PII, although they will be permitted to download redacted versions of such information.

2. Non-ELAP data: The electronic records, files, and data are stored within FCC accreditation boundaries. Access to the electronic files is restricted to IT staff, contractors, and vendors who maintain the networks and services. Other FCC employees, contractors, vendors, and users may be granted access on a need-to- know basis. The FCC's data are protected by the FCC and privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal IT privacy standards, including those required by FISMA, OMB, and NIST. Paper copies will be stored in locked file cabinets when not in use. Physical entry by unauthorized persons where this information is stored is restricted through use of locks, passwords, and other security measures. Only authorized FCC employees and contractors may have access to these documents.

RECORDS ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedure below.

CONTESTING RECORDS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about them should follow the Notification Procedure below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them may do so by writing to Margaret Drake at *privacy@fcc.gov* or Federal Communications Commission, 45 L Street NE, Washington, DC 20554, 202–418–1707.

Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity and access to records (47 CFR part 0, subpart E).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This is a new system of records.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–05957 Filed 3–22–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 7, 2021.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org*:

1. *Virginia Inez Fields, Austin, Texas; Sarah Elizabeth Smith, San Antonio, Texas; Cooper Harvey Smith and the Cooper Harvey Smith Irrevocable Trust dated 06–12–01 exempt share, both of Walnut Ridge, Arkansas; the Lillie Kathleen Smith Irrevocable Trust dated 07–20–98 exempt share, Stephanie Smith, trustee of both trusts, and both of Dallas, Texas; and Lillie Kathleen Smith, also of Dallas, Texas;* to join the previously approved Smith family shareholder group, a group acting in concert to retain voting shares of First National Capital Corporation, and thereby indirectly retain voting shares of The First National Bank of Lawrence County at Walnut Ridge, both of Walnut Ridge, Arkansas.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Donald L. Franzenburg Bank Stock Revocable Trust Agreement, Donald L. Franzenburg, as trustee, both of Keystone, Iowa;* to retain voting shares of Keystone Community Bancorporation and thereby indirectly retain voting shares of Keystone Savings Bank, both of Keystone, Iowa.

Board of Governors of the Federal Reserve System, March 18, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–05973 Filed 3–22–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 22, 2021.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org*:

1. *Magyar Bancorp, Inc., New Brunswick, New Jersey;* to merge with Magyar Bancorp MHC, also of New Brunswick, New Jersey. In connection with the merger, Magyar Bancorp, Inc., would convert from mutual to stock form, and Magyar Bancorp, MHC, would cease to exist.

B. Federal Reserve Bank of San Francisco (Sebastian Astrada, Director, Applications) 101 Market Street, San Francisco, California 94105–1579:

1. *SoFi Technologies, Inc., and Social Finance, Inc., both of San Francisco, California;* to become bank holding companies by acquiring Golden Pacific Bancorp, Inc., and thereby indirectly acquire Golden Pacific Bank, National Association, both of Sacramento, California.

Board of Governors of the Federal Reserve System, March 18, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–05974 Filed 3–22–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting; Correction

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Notice; correction.

SUMMARY: The FRTIB published a document in the **Federal Register** of March 16, 2021, concerning a notice of its March 2021 Board Meeting. The agenda for that meeting has since been updated.

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of March 16, 2021, in FR Doc 2021–05465, on page 14629, remove the following language regarding the closed session of the Board Meeting:

Closed Session

1. Information covered under 5 U.S.C. 552b (c)(4).''

Dated: March 16, 2021.

Dharmesh Vashee,

Acting General Counsel.

[FR Doc. 2021–05898 Filed 3–22–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #0970–0351]

Submission for OMB Review; State Plan for Grants to States for Refugee Resettlement

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF), Office of Refugee Resettlement (ORR) is requesting a 3-year extension of the ACF form ORR–0135 State Plan for Grants to States for Refugee Resettlement (OMB #0970–0351, expiration 3/31/2021). ORR is proposing changes to the form.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: A State Plan is a required comprehensive narrative description of the nature and scope of a state's or Replacement Designee's (RD) Refugee Resettlement Program and provides assurances that the program will be administered in conformity with the specific requirements stipulated in 45 CFR 400.4–400.9. The State Plan must include all applicable state or RD procedures, designations, and certifications for each requirement as well as supporting documentation. The plan assures ORR that the state or RD is capable of administering refugee assistance and coordinating employment and other social services for eligible caseloads in conformity with specific requirements.

Changes proposed to the previously approved State Plan for Grants to States for Refugee Resettlement information collection are described below. ORR is proposing:

- Streamlining/formatting changes to multiple sections of the form including technical corrections to regulatory citations and removing a number of requirements related to the now obsolete Wilson-Fish Alternative Program (superseded by the Wilson-Fish TANF Coordination Program, which will have its own separate reporting requirements).
- Adding a number of requirements related to Replacement Designees (RDs) to ensure that they are administering the Refugee Resettlement Program with transparency and equity and to the same standard as a state, including quarterly consultation process, Refugee Medical Assistance, Unaccompanied Refugee Minors (URM), and emergency planning to ensure ORR populations receive all

necessary information and services to the extent possible.

• Requesting additional information related to the Refugee Support Services (RSS) program; ORR's current template does not provide sufficient detailed information for ORR to ascertain how a grantee intends to provide RSS services to its client base.

• Improving the URM section to correct inefficiencies, eliminate unnecessary items, and address the needs of victims of trafficking and Special Immigrant Juveniles now eligible for the URM program. In particular, ORR is soliciting states' and RDs' plans for placing children referred by ORR and ensuring alignment with federal capacity priorities.

Respondents: State agencies and RDs under 45 CFR 400.301(c) administering or supervising the administration of programs.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
State Plan for Grants to States for Refugee Resettlement	62	3	18	3,348	1,116

Estimated Total Annual Burden Hours: 1,116.

Authority: 8 U.S.C. 1522 of the Immigration and Nationality Act (the Act) [Title IV, Sec. 412 of the Act] for each state agency requesting federal funding for refugee resettlement under 8 U.S.C. 524 [Title IV, Sec. 414 of the Act].

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–05966 Filed 3–22–21; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Opportunity to Co-Sponsor Office of Research Integrity Workshops; Correction

AGENCY: Office of the Secretary, HHS.

ACTION: Correction of notice.

SUMMARY: This document corrects an error that appeared in the notice published in the August 16, 2018, **Federal Register** entitled ''Opportunity to Co-Sponsor Office of Research Integrity Workshops.'' The document contained an incorrect suite number in the address of the Office of Research Integrity.

DATES:

Effective Date: March 23, 2021.

Applicability Date: The correction notice is applicable for the Opportunity to Co-Sponsor Office of Research Integrity Workshops notice published on August 16, 2018.

FOR FURTHER INFORMATION CONTACT: Tracey Randolph at 240–453–8200.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2018–17615 of August 16, 2018 (83 FR 40774), there is an error involving the suite number in the address of the Office of Research Integrity. The error is identified and corrected in the Correction of Errors section below.

II. Correction of Errors

In FR Doc. 2018–17615 of August 16, 2018 (83 FR 40774), make the following correction:

1. On page 40774, first column, last paragraph, in FR Doc. 2018–17615, correct the suite number in line 4 to read ''Suite 240.''

Dated: March 17, 2021.

Wanda K. Jones,

Acting Director, Office of Research Integrity.

[FR Doc. 2021–05897 Filed 3–22–21; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: April 16, 2021.

Time: 11:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301–435–2902, *gubina@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR Panel; Cancer Health Disparities.

Date: April 21–22, 2021.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 17, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–05900 Filed 3–22–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2020–0041; OMB No. 1660–0047]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Request for Federal Assistance Form—How To Process Mission Assignments in Federal Disaster Operations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a reinstatement, with change, of a previously approved information collection for which approval has expired. FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before April 22, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Pat Foster, (617) 913–6140 or *FEMA-MissionAssignments@fema.dhs.gov.* Requests for copies of the information collection should be made to Director, Information Management Division, via email at *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: According to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121 *et seq.,* FEMA is authorized to provide assistance before, during, and after a disaster has impacted a State, Tribe, or Territory. For a major disaster, the Stafford Act authorizes FEMA to direct any agency to utilize its existing authorities and resources in support of State, Tribe, and Territory assistance response and recovery efforts. *See* 42 U.S.C. 5170(a)(1). For an emergency, the Stafford Act authorizes FEMA to direct any agency to utilize its existing authorities and resources in support of State and local emergency assistance efforts. *See* 42 U.S.C. 5192(a)(1). FEMA may task other Federal agencies to assist during disasters and to support emergency efforts by State and local governments by issuing a mission assignment to the appropriate agency. *See* 44 CFR 206.5, 206.208. FEMA collects the information necessary to determine what resources are needed and if a mission assignment is appropriate. The information collected explains which States, Tribes, Territories require assistance, what needs to be accomplished, details any resource shortfalls, and explains what assistance is required to meet these needs.

This proposed information collection previously published in the **Federal Register** on December 31, 2020, at 85 FR 86945 with a 60-day public comment period. No comments were received. This information collection expired on March 1, 2021. FEMA is requesting a reinstatement, with change, of a previously approved information collection for which approval has expired. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Request for Federal Assistance Form—How to Process Mission Assignments in Federal Disaster Operations.

Type of information collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

OMB Number: 1660–0047.

Form Titles and Numbers: FEMA Form 010–0–7, Resource Request Form; FEMA Form 010–0–8, Mission Assignment; FEMA Form 010–0–8A, Mission Assignment Task Order.

Abstract: If a State, Tribe, or Territory determines that its capacity to respond to a disaster exceeds its available resources, it may submit to FEMA a request that the work be accomplished by a Federal agency. This request documents how the response requirements exceed the capacity for the State to respond to the situation on its own and what type of assistance is required. FEMA reviews this information and may issue a mission assignment to the appropriate Federal agency to assist the State in its response to the situation.

Affected Public: State, Tribal, or Territorial Government.

Estimated Number of Respondents: 40.

Estimated Number of Responses: 19,220.

Estimated Total Annual Burden Hours: 6,559 hours.

Estimated Total Annual Respondent Cost: $475,003.

Estimated Respondents' Operation and Maintenance Costs: 0.

Estimated Respondents' Capital and Start-Up Costs: 0.

Estimated Total Annual Cost to the Federal Government: $41,643.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (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.

Millicent L. Brown,

Sr. Manager, Records Management Branch, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2021–05947 Filed 3–22–21; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2020–0010]

SAFECOM Membership Questionnaire

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 30-Day notice and request for comments; NEW information collection, 1670–NEW.

SUMMARY: The Emergency Communications Division (ECD) within the Cybersecurity and Infrastructure Security Agency (CISA) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. CISA previously published a notice about this ICR, in the **Federal Register** on September 25, 2020 for a 60-day public comment period. In response, three comments from two commenters were received. Two were not germane to the collection of information and the third requested additional information regarding SAFECOM available at *https://www.cisa.gov/safecom.* The purpose of this notice is to allow additional 30-days for public comments.

DATES: The comment period for the information collection request published on September 25, 2020 at 85 FR 60483 is extended. Comments are encouraged and will be accepted until April 22, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

The Office of Management and Budget is particularly interested in comments which:

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.

FOR FURTHER INFORMATION CONTACT: If additional information is required contact: The Department of Homeland Security (DHS), Cybersecurity and Infrastructure Security Agency (CISA)—Robert Rhoads c/o Ralph Barnett III at (703) 705–6130, *SAFECOMGovernance@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: On November 16, 2018, Congress passed Public Law 115–278, to amend the Homeland Security Act of 2002 (6 U.S.C. 101 *et seq.*), enacted and authorized the Cybersecurity and Infrastructure Security Agency (CISA) of the Department of Homeland Security (DHS). Statue 4173 (f)(3) under title XVIII mandated CISA to construct the Emergency Communications Division as one of three components. Furthermore, Statue 4173 (f)(3) calls for the Emergency Communications Division to be headed by the Assistant Director. Statue 4175 (c)(1)(2) (6 U.S.C. 571 note.) re-designated the Office of Emergency Communications to become the Emergency Communications Division, headed by the Assistant Director. In accordance with Statue 4179 1801 (6 U.S.C. 571)(b) title XVIII, the Assistant Director for the Emergency Communications Division is required to report to the Director of CISA. Section 2202 (6 U.S.C. 652)(b)(1) specifies for the head of CISA to be re-designated as the Director, who is required to report to the Secretary of the Department of Homeland Security.

CISA enhances public safety interoperable communications at all levels of government to help partners across the country develop their emergency communications capabilities. Working with stakeholders across the country, CISA conducts extensive, nationwide outreach to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of a natural disaster, act of terrorism, or other man-made disaster. Public Law 109–296, Title VI, 671(b), Title XVIII, 1801(c)(2) mandates DHS through CISA to administrate and manage SAFECOM, a state, local, tribal, and territorial stakeholder-driven public safety communications program. In an effort to resolve major communications issues identified during the September 11, 2001, terrorist attacks, SAFECOM was created as a Presidential E-Government Initiative to improve interoperability, allowing emergency responders to communicate more effectively before, during, and after emergencies and disasters.

The SAFECOM Membership Questionnaire is an internal SAFECOM document disseminated only to active SAFECOM Members. SAFECOM uses the Questionnaire to identify membership gaps, obtain updated information on SAFECOM's membership body (*e.g.,* public safety communications experience, accolades, acquired skills/certifications, etc.), update SAFECOM marketing materials, and to assist SAFECOM when responding General Accounting Office (GAO) inquiries.

The DHS/CISA/ECD will disseminate the SAFECOM Membership Questionnaire to active SAFECOM Members as a fillable PDF document. SAFECOM intends to use the Questionnaire to examine its Membership body, identify membership gaps obtain updated information on SAFECOM's membership body (*e.g.,* public safety communications experience, accolades, acquired skills/certifications, etc.), update SAFECOM marketing materials, and to assist SAFECOM when responding General Accounting Office (GAO) inquiries.

Analysis

Agency: Cybersecurity and Infrastructure Security Agency (CISA), Emergency Communications Division (ECD).

Title of Collection: SAFECOM Membership Questionnaire.

OMB Control Number: 1670–NEW.

Frequency: Annually.

Affected Public: State, Local, Tribal, and Territorial Governments.

Number of Annualized Respondents: 50.

*Estimated Time per Respondent: 0.*25 hours.

Total Annualized Burden Hours: 12.5 hours.

Total Annualized Respondent Opportunity Cost: $0.

Total Annualized Respondent Out-of-Pocket: $0.

Total Annualized Government Cost: $984.96.

Samuel Vazquez,

Acting Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2021–05954 Filed 3–22–21; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2021–0003]

Revision of a Currently Approved Information Collection for the Chemical Facility Anti-Terrorism Standards (CFATS)

AGENCY: Cybersecurity and Infrastructure Security Agency, DHS.

ACTION: 60-Day notice and request for comments; revision of information collection request: 1670–0014.

SUMMARY: The Infrastructure Security Division (ISD) within the Cybersecurity and Infrastructure Security Agency (CISA) is issuing a 60-day notice and request for comments to revise Information Collection Request (ICR) 1670–0014. CISA will submit the ICR to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are due May 24, 2021.

ADDRESSES: You may submit comments, identified by docket number CISA–2021–0003 through the Federal eRulemaking Portal available at *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All comments received via *https://www.regulations.gov* will be posted to the public docket at *https://www.regulations.gov,* including any personal information provided.

Do not submit comments that include trade secrets, confidential commercial or financial information, Chemical-terrorism Vulnerability Information (CVI), Protected Critical Infrastructure Information (PCII), or Sensitive Security Information (SSI) directly to the public regulatory docket. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below with questions about comments containing protected information. CISA will not place comments containing protected information in the public docket and will handle them in accordance with applicable safeguards and restrictions on access. Comments containing protected information will be held in a separate file to which the public does not have access and CISA will place a note in the public docket documenting receipt of the comment. If CISA receives a request to examine or copy this information, CISA will treat it as any other request under the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Department's FOIA regulation found in part 5 of Title 6 of the Code of Federal Regulations (CFR).

FOR FURTHER INFORMATION CONTACT: Lona Saccomando, 703–235–5263, *CISARegulations@cisa.dhs.gov.*

SUPPLEMENTARY INFORMATION:

The CFATS Program identifies chemical facilities of interest and regulates the security of high-risk chemical facilities through a risk-based approach. The CFATS Program is authorized under the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 [1] or ''CFATS Act of 2014''. CISA collects necessary information through 1670–0014 to implement CFATS.

CISA's Methodology in Estimating the Burden for The Request for Redetermination

This instrument collects information to support a facility's request for redetermination of high-risk which CISA is obligated to perform pursuant to the CFATS Act of 2014. The collection of information may be concurrent with a facility's submission of a Top-Screen pursuant to 6 CFR 27.210(d) or collected after CISA reviews a Top-Screen that reflects material modifications made by the facility. This instrument authorizes CISA to collect both the reason for the redetermination as well as supporting documentation.

CISA is proposing minor revisions to the instrument that reflect the passage of the Cybersecurity and Infrastructure Security Act of 2018, 6 U.S.C. 651–74, such as updating the Agency name to conform with the Agency's new designation as CISA, as well as a clearer description of the scope of the instrument. The scope of this instrument remains unchanged.

Number of Respondents

The current information collection estimated that 625 respondents would submit a request for a Request for Redetermination annually. Based on data collected between CY 2018–2020, 215 respondents, on average, submitted a Request for Redetermination annually. Because of the historical pattern of lower submissions over the past three years, CISA proposes to decrease the estimated number of respondents from 625 to 250 respondents. CISA will retain the number of responses per respondent of 1.0.

Estimated Time per Respondent

In the current information collection, the estimated time per respondent to prepare and submit a Request for Redetermination is 0.25 hours (15 minutes). CISA continues to believe this is a reasonable burden estimate for this instrument.

Annual Burden Hours

The annual burden hours for a Request for Redetermination is [0.25 hours × 250 respondents × 1 response per respondent], which equals 62.5 hours.

Total Capital/Startup Burden Cost

CISA provides access to CSAT free of charge and assumes that each respondent already has computer hardware and access to the internet for basic business needs. Therefore, there are no annualized capital or start-up costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Recordkeeping Burden

There are no recordkeeping burden costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.[2]

Total Annual Burden Cost

CISA assumes that Site Security Officers (SSOs) are responsible for submitting a Request for Redetermination. For the purpose of this notice, CISA maintains this assumption.

Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 62.5 hours by the average hourly wage rate of SSOs which is $85.82 per hour.[3] Therefore, the total annual burden cost for the Request for Redetermination instrument is $5,364 (*i.e.,* 62.5 total annual burden hours × $85.82 per hour).[4]

CISA's Methodology in Estimating the Burden for the Request for an Extension

This instrument collects information to request extensions for CFATS reporting requirements.

[1] The Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (also known as the CFATS Act of 2014, Pub. L. 113–254) codified the CFATS program into the Homeland Security Act of 2002. See 6 U.S.C. 621 *et seq.,* as amended by Public Law 116–136, Sec. 16007 (2020).

[2] The recordkeeping burden for facilities under CFATS is accounted for by CISA under the CSAT Information Collection No. 1670–0007.

[3] The above Average Hourly Wage Rate is the May 2019 Bureau of Labor Statistics average wage for ''Management Occupations (Major Group (11–0000))'' of $58.88 times the wage rate benefit multiplier of 1.4575 (to account for fringe benefits) equaling $85.82. The benefits multiplier is estimated by dividing total compensation of $38.26 by salaries and wages of $26.25, based on Employer Cost for Employee Compensation, September 2020 data, released December 17, 2020 (*https://www.bls.gov/news.release/ecec.nr0.htm*).

[4] Throughout this analysis, CISA presents rounded hourly time burden estimates and hourly compensation rates to assist in reproducing the results. However, CISA's actual calculations use unrounded figures; as such, estimates calculated using the values presented in this analysis may not exactly match the reported results.

CISA is proposing minor revisions to the instrument that reflect the passage of the Cybersecurity and Infrastructure Security Act of 2018, 6 U.S.C. 651–74, such as updating the Agency name to conform with the Agency's new designation as CISA, as well as a clearer description of the scope of the instrument. The scope of this instrument remains unchanged.

Number of Respondents

The current information collection estimated that 730 respondents would submit a request for a Request for an Extension annually. Based on data collected between CY 2018–2020, 374 respondents, on average, submitted a Request for an Extension annually. In addition, there was also a slight increase in the number of times a respondent would request an extension. Because of the historical pattern of lower submissions over the past three years with a slight increase in the number of responses per respondent, CISA proposes to decrease the estimated number of respondents from 730 to 400 respondents and increase the number of responses per respondent from 1.00 to 1.25.

Estimated Time per Respondent

In the current information collection, the estimated time per respondent to prepare and submit a Request for an Extension is 0.083 hours (5 minutes). CISA continues to believe this is a reasonable burden for gathering and providing supporting documentation for this instrument.

Annual Burden Hours

The annual burden hours for the Request for an Extension is [0.083 hours × 400 respondents × 1.25 response per respondent], which equals 41.7 hours.

Total Capital/Startup Burden Cost

CISA provides access to CSAT free of charge and assumes that each respondent already has computer hardware and access to the internet for basic business needs. Therefore, there are no annualized capital or start-up costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Recordkeeping Burden

There are no recordkeeping burden costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Annual Burden Cost

CISA assumes that SSOs are responsible for submitting a Request for an Extension. For the purpose of this notice, CISA maintains this assumption.

Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 41.7 hours by the average hourly wage rate of SSOs, which is $85.82 per hour. Therefore, the total annual burden cost for the Request for an Extension instrument is $3,576 (*i.e.,* 41.7 total annual burden hours × $85.82 per hour).

Top-Screen Update

This instrument collects information about the reason a facility submits an updated Top-Screen (*e.g.,* closure or sale of the facility).

CISA is proposing minor revisions to the instrument that reflect the passage of the Cybersecurity and Infrastructure Security Act of 2018, 6 U.S.C. 651–74, such as updating the Agency name to conform with the Agency's new designation as CISA, as well as a clearer description of the scope this instrument. The scope of this instrument remains unchanged.

Number of Respondents

The current information collection estimated that 1,250 respondents would submit a request for a Top-Screen Update annually. Based on data collected between CY 2018–2020, 2,353 respondents, on average, submitted a Top-Screen Update annually. Because of the historical pattern of higher submissions, CISA proposes to increase the estimated number of respondents from 1,250 to 2,500 respondents. CISA will retain the number of responses per respondent of 1.5.

Estimated Time per Respondent

In the current information collection, the estimated time per respondent to prepare and submit a Top-Screen Update is 0.083 hours (5 minutes). CISA continues to believe this is a reasonable burden per response for this instrument.

Annual Burden Hours

The annual burden hours for a Top-Screen Update is [0.083 hours × 2,500 respondents × 1.5 responses per respondent], which equals 312.5 hours.

Total Capital/Startup Burden Cost

CISA provides access to CSAT free of charge and assumes that each respondent already has computer hardware and access to the internet for basic business needs. Therefore, there are no annualized capital or start-up costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Recordkeeping Burden

There are no recordkeeping burden costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Annual Burden Cost

CISA assumes that SSOs are responsible for submitting a Top-Screen Update. For the purpose of this notice, CISA maintains this assumption.

Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 312.5 hours by the average hourly wage rate of SSOs, which is $85.82 per hour. Therefore, the total annual burden cost for the Top-Screen Update instrument is $26,818 (*i.e.,* 312.5 total annual burden hours × $85.82).

CISA's Methodology in Estimating the Burden for Compliance Assistance

This instrument collects information when a facility requests a consultation or seeks technical assistance about its CFATS regulatory requirements. This instrument also collects information to respond to potentially non-compliant facilities; verify material modifications during the redetermination process; or follow-up on security issues or results of a recent incident.

CISA is proposing minor revisions to the instrument that reflect the passage of the Cybersecurity and Infrastructure Security Act of 2018, 6 U.S.C. 651–74, such as updating the Agency name to conform with the Agency's new designation as CISA, as well as a clearer description of the scope instrument. The scope of this instrument remains unchanged.

Number of Respondents

The current information collection estimated that 455 respondents would submit a request for Compliance Assistance annually. Based on data collected between CY 2018–2020, 1,540 respondents, on average, submitted a request for Compliance Assistance annually. Because of the historical pattern of higher submissions, CISA proposes to increase the estimated number of respondents from 455 to 1,600 respondents. CISA previously estimated a response rate of 1.5 requests per respondent annually; however, based on the historical pattern of requests for Compliance Assistance, CISA proposes to decrease the number of responses per respondent to 1.0.

Estimated Time per Respondent

In the current information collection, the estimated time per respondent to prepare and submit a Request for Compliance Assistance is 0.083 hours (5 minutes). CISA continues to believe this

is a reasonable burden per response for this instrument.

Annual Burden Hours

The annual burden hours for the Compliance Assistance instrument is [0.083 hours × 1,600 respondents × 1.0 responses per respondent], which equals 133.3 hours.

Total Capital/Startup Burden Cost

CISA assumes that each respondent already has computer hardware and access to the internet for basic business needs. Therefore, there are no annualized capital or start-up costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Recordkeeping Burden

There are no recordkeeping burden costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Annual Burden Cost

CISA assumes that SSOs are responsible for submitting a Compliance Assistance. For the purpose of this notice, CISA maintains this assumption.

Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 133.3 hours by the average hourly wage rate of SSOs, which is $85.82 per hour. Therefore, the total annual burden cost for the Compliance Assistance instrument is $11,443 (*i.e.,* 133.3 total annual burden hours × $85.82 per hour).

CISA's Methodology in Estimating the Burden for the Declaration of Reporting Status

This instrument collects information when a facility notifies CISA that it is not required to register in CSAT or submit a Top-Screen.

CISA is proposing minor revisions to the instrument that reflect the passage of the Cybersecurity and Infrastructure Security Act of 2018, 6 U.S.C. 651–74, such as updating the Agency name to conform with the Agency's new designation as CISA, as well as a clearer description of the scope instrument. The scope of this instrument remains unchanged.

Number of Respondents

The current information collection estimated that 480 respondents would submit a Declaration of Reporting Status annually. Based on data collected between CY 2018–2020, 20 respondents, on average, submitted a Declaration of Reporting Status annually. Because of the historical pattern of lower submissions, CISA proposes to decrease the estimated number of respondents from 480 to 100 respondents. CISA will retain the number of responses per respondent of 1.0.

Estimated Time per Respondent

In the current information collection, the estimated time per respondent to prepare and submit a Declaration of Reporting Status is 0.25 hours (15 minutes). CISA continues to believe this is a reasonable burden estimate for this instrument.

Annual Burden Hours

The annual burden hours for the Declaration of Reporting Status is [0.25 hours × 100 respondents × 1 response per respondent], which equals 25 hours.

Total Capital/Startup Burden Cost

CISA assumes that each respondent already has computer hardware and access to the internet for basic business needs. Therefore, there are no annualized capital or start-up costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Recordkeeping Burden

There are no recordkeeping burden costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Annual Burden Cost

CISA maintains the assumption found in the other instruments within this Information Collection that SSOs are responsible for submitting information to CISA. Thus, CISA assumes that an SSO will submit the Declaration of Reporting Status.

Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 25 hours by the average hourly wage rate of SSOs, which is $85.82 per hour. Therefore, the total annual burden cost for the Declaration of Reporting Status instrument is $2,145 (*i.e.,* 25 total annual burden hours × $85.82 per hour).

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Analysis

Agency: Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

Title: Chemical Facility Anti-Terrorism Standards (CFATS).

OMB Number: 1670–0014.

Instrument: Request for Redetermination.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 250 respondents.

Estimated Time per Respondent: 0.25 hours.

Total Burden Hours: 62.5 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $5,364.

Instrument: Request for an Extension.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 400 respondents.

Estimated Time per Respondent: 0.083 hours (5 minutes).

Total Burden Hours: 41.7 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $3,576.

Instrument: Top-Screen Update.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 2,500 respondents.

Estimated Time per Respondent: 0.083 hours (5 minutes).

Total Burden Hours: 312.5 hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $26,818

Instrument: Compliance Assistance.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 1,600 respondents.

Estimated Time per Respondent: 0.083 hours (5 minutes).

Total Burden Hours: 133.3 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $11,443.

Instrument: Declaration of Reporting Status.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 100 respondents.

Estimated Time per Respondent: 0.25 hours.

Total Burden Hours: 25 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $2,145.

(Authority: 6 U.S.C. 621–629)

Samuel Vazquez,

Acting Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2021–05955 Filed 3–22–21; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2020–0008]

Cybersecurity and Infrastructure Security Agency (CISA) Speaker Request Form

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 30-Day notice and request for comments; NEW collection (request for a new OMB control number, 1670–NEW.

SUMMARY: The External Affairs (EA) within the Cybersecurity and Infrastructure Security Agency (CISA) will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

CISA previously published a notice about this ICR, in the **Federal Register** on Friday, December 18, 2020 for a 60-day comment period. There were no comments received by CISA. The purpose of this notice is to allow additional 30-days for public comments.

DATES: The comment period for the information collection request published on December 18, 2020 at 85 FR 82497. Comments are encouraged and will be accepted until April 22, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

The Office of Management and Budget is particularly interested in comments which:

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.

FOR FURTHER INFORMATION CONTACT: Marilyn Stackhouse, 202–380–7504, *CISA.Speakers@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Cybersecurity and Infrastructure Security Agency Act of 2018 (Pub. L. 115–278) created the Cybersecurity and Infrastructure Security Agency (CISA). CISA is responsible for protecting the Nation's critical infrastructure from physical and cyber threats. This mission requires effective coordination and collaboration from government and private sector organizations. As part of the collaboration efforts, CISA receives requests for CISA employees to give presentations and speeches at various events.

This digital collection of information is necessary to ensure an efficient and timely process to schedule outreach and engagement with CISA stakeholders. This information may be disclosed as generally permitted under 5 U.S.C. 522.

The Speaker Request Form will be the first point of contact between CISA and the public to initiate CISA speaking engagements. The form will be available on *www.cisa.gov* and any member of the public can submit a request for a CISA employee to speak at an event. The form will be used by CISA to track and manage external speaking engagements. The information will also be used to schedule and determine the most appropriate CISA speaker based on date, time, location, presentation format, and topic. The form collects information regarding the requested speaking engagement, *e.g.,* the host organization, the speaking topic, agenda, and additional event details. The requested information helps CISA determine whether the speaker should attend the engagement and/or how CISA should best prepare for the event.

The information is used to determine if accepting the request will further CISA's mission. The CISA Speakers Bureau team will use the information to identify a speaker and route the Speakers Request Form to that person for consideration. Confirmed CISA speaking engagements are then sent to DHS Public Affairs for awareness.

The form will be available on *www.cisa.gov* as a fillable pdf and/or webform, and will be submitted to the CISA External Affairs Speakers Bureau. The data collected will be stored in an internal SharePoint site.

Analysis

Agency: Cybersecurity and Infrastructure Security Agency (CISA), External Affairs.

Title of Collection: CISA Speaker Request Form.

OMB Control Number: 1670–NEW.

Frequency: Annually.

Affected Public: State, Local, Tribal, and Territorial Governments.

Number of Annualized Respondents: 1,300.

Estimated Time per Respondent: 0.25 hours.

Total Annualized Burden Hours: 325.

Total Annualized Respondent Opportunity Cost: $11,914.

Total Annualized Respondent Out-of-Pocket Cost: $0.

Total Annualized Government Cost: $0.

Samuel Vazquez,

Acting Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2021–05956 Filed 3–22–21; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLHQ430000.212L1109AF.L12200000. PM0000; OMB Control No. 1004–0165]

Agency Information Collection Activities; Cave Management: Cave Nominations and Requests for Confidential Information

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection for cave management.

DATES: Interested persons are invited to submit comments on or before May 24, 2021.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0165 in the subject line of your comments. Please note that due to COVID–19, the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kyle Rybacki by email at *krybacki@blm.gov,* or by telephone at (623) 580–5698. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. The ICR may also be viewed at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. The BLM may not conduct or sponsor a collection of information and a response to a request for information is not required unless it displays a current valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised and continuing collections of information. This helps the BLM assess impacts of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BLM information collection requirements and ensure requested data are provided in the desired format.

The BLM is especially interested in public comment addressing the following:

(1) Whether collection of information is necessary for the proper performance of the functions of the agency, including if the information will have practical utility;

(2) determination of the accuracy of the BLM's estimate of the burden for collection of information, including validity of methodology and assumptions used;

(3) methods to enhance the quality, utility, and clarity of information to be collected; and

(4) how the agency can minimize the burden of information collection on those who respond, including use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology.

Comments submitted in response to this notice are a matter of public record. The BLM will include or summarize each comment in its request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Land-management agencies within the Department of the Interior seek information to comply with the Federal Cave Resources Protection Act (FCRPA), 16 U.S.C. 4301 through 4310 and the Department's regulations at 43 CFR part 37. The FRCPA requires these agencies to identify and protect ''significant'' caves on Federal lands within their respective jurisdictions and allows agencies to disclose to the public the location of significant caves only in limited circumstances. However, the FRCPA and BLM regulations also authorize certain individuals, organizations and governmental agencies to request confidential cave information.

Title of Collection: Cave Management: Cave Nominations and Requests for Confidential Information (43 CFR part 37).

OMB Control Number: 1004–0165.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Governmental agencies and the public may submit cave nominations pursuant to section 4 of the FCRPA (16 U.S.C. 4303) and 43 CFR 37.11. Requests for confidential information may be submitted pursuant to 16 U.S.C. 4304 and 43 CFR 37.12 by:

- Federal and state governmental agencies;
- Bona fide educational and research institutions; and
- Individuals and organizations assisting a land management agency with cave management activities.

Total Estimated Number of Annual Respondents: 28.

Total Estimated Number of Annual Responses: 28.

Estimated Completion Time per Response: Varies from 1 hour to 11 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 278.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-Hour Burden Cost: None.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin King,

Information Collection Clearance Officer.

[FR Doc. 2021–05975 Filed 3–22–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–31645; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before March 13, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by April 7, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before March 13, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

DISTRICT OF COLUMBIA

District of Columbia

Kingman Park Historic District (Boundary Increase), 900–2000 blks. of C, D, and E Sts. NE; 300 and 400 blks. of 19th and 20th Sts. NE, Washington, BC100006400

MICHIGAN

Barry County

Hickory Lodge No. 345, 4558 West Hickory Rd., Hickory Corners, SG100006410

Wayne County

Detroit Savings Bank Southwest Branch (Branch Banks in Detroit, Michigan, 1889–1970 MPS), 5705 West Fort St., Detroit, MP100006411

MINNESOTA

Ramsey County

Woodland Park Baptist Church, 860 Laurel Ave., St. Paul, SG100006404

Renville County

Tinnes-Baker House, 801 Highway Ave., Bird Island, SG100006437

Rice County

Northfield Commercial Historic District (Boundary Increase), Roughly bounded by South Water, Division, Washington, East 3rd, West 3rd, East 4th, and West 6th Sts., Dahomey Ave./TH 35th Sts., Northfield, BC100006398

NEVADA

Clark County

Las Vegas High School Academic Building, Gymnasium, and Frazier Hall (Boundary Increase), (Historic School Buildings in the Evolution of the Fifth Supervision School District MPS), 315 South 7th St., Las Vegas, MP100006408

PENNSYLVANIA

Chester County

Brooklawn, 1825 Newark Rd., West Marlborough Township, SG100006433

TEXAS

Bowie County

Texarkana National Bank, 100 East Broad St., Texarkana, SG100006403

Howard County

Petroleum Building, 111 Scurry St., Big Spring, SG100006397

VIRGINIA

Southampton County

Woodson-Turner, Millie, Home Site (The Nottoway of Virginia, c. 1650–1953 MPS), Approx. 570 ft. west of jct. of Indian Town and Cobb Pond Rds., Capron vicinity, MP100006436

WISCONSIN

Marathon County

Hotel Wausau, 221 Scott St., Wausau, SG100006405

Walworth County

Oak Hill Cemetery, 1101 Cemetery Rd., Lake Geneva, SG100006406

Additional documentation has been received for the following resources:

DISTRICT OF COLUMBIA

District of Columbia

Kingman Park Historic District (Additional Documentation), Between Rosedale & D St., Maryland Ave. NE, 19th St. & Oklahoma Ave. NE, Washington, AD100002960

MINNESOTA

Rice County

Northfield Commercial Historic District (Additional Documentation), Roughly bounded by South Water, Division, Washington, East 3rd, West 3rd, East 4th, and West 6th Sts., Dahomey Ave./TH 35th Sts., Northfield, AD100006398

NEVADA

Clark County

Las Vegas High School Academic Building, Gymnasium, and Frazier Hall (Additional Documentation), (Historic School Buildings in the Evolution of the Fifth Supervision School District MPS), 315 South 7th St., Las Vegas, AD86002293

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

CALIFORNIA

Santa Barbara County

USCGC MCCULLOCH (coast guard cutter) Shipwreck, Address Restricted, Conception vicinity, SG100006401

Authority: Section 60.13 of 36 CFR part 60.

Dated: March 16, 2021.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2021–05938 Filed 3–22–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0082; Docket ID: BOEM–2017–0016]

Agency Information Collection Activities; Leasing of Minerals Other Than Oil, Gas, and Sulfur in the Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) is proposing to renew an information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 22, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent to the Office of Management and Budget's Desk Officer for the Department of the Interior within 30 days of publication of this notice at *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov.* Please reference Office of Management and Budget (OMB) Control Number 1010–0082 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Anna Atkinson by email at *anna.atkinson@boem.gov* or by telephone at 703–787–1025. You may view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of the information collection requirements and minimize the public's reporting burden. It also helps the public understand BOEM's information collection requirements and provide the requested data in the desired format.

Title of Collection: 30 CFR part 581, Leasing of Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf.

Abstract: The Outer Continental Shelf Lands Act (Act), as amended (43 U.S.C. 1334 and 43 U.S.C. 1337(k)), authorizes the Secretary of the Interior (Secretary) to administer leasing of the Outer Continental Shelf (OCS) and to prescribe such rules and regulations as may be necessary to carry out such authority. Additionally, the Act authorizes the Secretary to grant qualified persons, offering the highest cash bonuses on the basis of competitive bidding, leases in any area of the OCS for any mineral other than oil, gas, and sulfur upon such royalty, rental, and other terms and conditions as the Secretary may prescribe when offering the lease. This leasing applies to any area of the OCS not then under lease for such mineral resources. BOEM's regulations at 30 CFR part 581 implement the Act's requirements.

There has been no leasing activity in the OCS for minerals other than oil, gas, or sulfur under these regulations for many years, so BOEM has not generally collected information under this part of its regulations. However, because 30 CFR part 581 contains information collections that are regulatory requirements and because there is no restriction on leasing for such minerals, the potential exists for information to be collected. Therefore, BOEM is requesting that OMB renew its previous approval for this information collection.

BOEM will use the information required by 30 CFR part 581 to determine if statutory requirements are met prior to the issuance of a lease. Specifically, BOEM will use the information to:

- Evaluate the area and minerals for which a lease is being considered to assess the viability of offering leases for sale;
- Request the adjacent State(s) to initiate the establishment of a joint task force to assess the proposed action;
- Ensure excessive overriding royalty interests are not created in a lease that would put economic constraints on all parties involved;
- Document that a lease or any part thereof has been surrendered by the record title holder; and
- Determine if activities on the proposed lease area(s) will have a significant impact on the environment.

OMB Control Number: 1010–0082.

Form Number: None.

Type of Review: Renewal of a currently approved collection.

Respondents/Affected Public: As there are no active respondents, BOEM estimates the potential annual number of respondents to be one. Potential respondents include OCS lease requestors, State governments, and OCS lessees.

Total Estimated Number of Annual Responses: 10 responses.

Total Estimated Number of Annual Burden Hours: 984 hours.

Respondent's Obligation: Required to retain or obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: $29 non-hour cost burden. BOEM is decreasing the total non-hour cost burden from $50 to $29 to reflect the current filing application fee amount.

Estimated Reporting and Recordkeeping Hour Burden: BOEM estimates that the annual reporting burden for this collection is 984 hours, which would be the same as the currently OMB-approved burden hours.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this proposed information collection request was published on November 19, 2020 (85 FR 73746). BOEM received one non-substantive comment from a private citizen during the 60-day comment period. As the comment was unrelated to the ICR, no changes were made based on this commenter's feedback.

BOEM is again soliciting comments on the proposed ICR that is described above.

BOEM is especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of BOEM; (2) what can BOEM do to ensure this information will be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected; and (5) how might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments that you submit in response to this notice are a matter of public record. BOEM will include or summarize each comment in its request to OMB for approval of this ICR. You should be aware that your entire comment—including your address, phone number, email address, or other personally identifying information—may be made publicly disclosed. In order to inform BOEM's decision on whether it can withhold from disclosure your personally identifiable information, you must identify any information contained in your comments that, if released, would clearly constitute an unwarranted invasion of your privacy, and briefly describe possible harmful consequences of disclosing that information, such as embarrassment, injury, or other harm. While you can ask BOEM in your comment to withhold your personally identifiable information from public disclosure, BOEM cannot guarantee that it will be able to do so.

BOEM protects proprietary information in accordance with the Freedom of Information Act (FOIA, 5 U.S.C. 552), and the Department of the Interior's FOIA implementing regulations (43 CFR part 2).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulation, and Analysis.

[FR Doc. 2021–05906 Filed 3–22–21; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1256]

Certain Portable Battery Jump Starters and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 19, 2021, under section 337 of

the Tariff Act of 1930, as amended, on behalf of The NOCO Company of Glenwillow, Ohio. An amended complaint was filed on February 3, 2021, and supplements were filed on February 4, 5, 8, 22 and 23, and March 4, 2021. The amended 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 portable battery jump starters and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,007,015 (''the '015 patent''); U.S. Patent No. 10,604,024 (''the '024 patent''); and infringement of U.S. Trademark Registration No. 4,811,656 (''the '656 mark''); and U.S. Trademark Registration No. 4,811,749 (''the '749 mark''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, and cease and desist orders.

ADDRESSES: The complaint, as amended, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 17, 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:

(a) Whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 4, 11, 14, 18, 19, and 21 of the '015 patents and claims 1, 4–6, 16, 19, 23, 24, 26, 29, and 30 of the '024 patent;

(b) whether there is a violation of subsection (a)(1)(C) 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 the '656 mark and the '749 mark; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(c) the decision to institute shall not preclude the presiding Administrative Law Judge from severing the (a)(1)(B) and (a)(1)(C) allegations in the investigation pursuant to section 210.14(h) of the Commission's rules of Practice and Procedure, 19 CFR 210.14(h).

(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 ''portable, battery-powered devices that are used to jump-start batteries such as those in automobiles, trucks, and other vehicles, and related components, namely battery cables and clamps'';

(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 complainant is: The NOCO Company, 30339 Diamond Parkway #102, Glenwillow, OH 44139.

(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:

Advance Auto Parts, Inc., 2635 East Millbrook Road, Raleigh, NC 27604
Anker Technology (UK) Ltd., Suite B, Fairgate House, 205 Kings Road, Tyseley, Birmingham, United Kingdom B11 2AA
Antigravity Batteries LLC, 15622 Broadway Center Street, Gardena, CA 90248
Arteck Electronic Co., Ltd., No. 1104–51, Tower B, Jinfengcheng Building, Shennan East Road, No. 501, Luohu, Shenzhen, Guangdong, China 518100
AutoZone, Inc., 123 South Front Street, Memphis, TN 38103
Best Buy Co., Inc., 7601 Penn Avenue, South Richfield, MN 552423
Best Parts, Inc., 123 South Front Street, Memphis, TN 38103
Clore Automotive, LLC, 8735 Rosehill Suite 220, Lenexa, KS 66215
Deltran USA, LLC, 801 International Speedway Blvd., DeLand, FL 32724
Energen, Inc., 17008 Evergreen Place, Unit B, City of Industry, CA 91745
FlyLink Tech Co., Ltd., 8F, DongMing Building, Min Zhi Street, Bao'an District, Shenzhen, Guangdong, China 518131
Gooloo Technologies LLC, Shenzhen Gooloo E-Commerce Co., Ltd., Room 303, Bantian Business Center, Bantian Wuhe Road, Longgang District, Shenzhen, China 518000
Great Neck Saw Manufacturers, Inc., 165 East 2nd Street, Mineola, New York 11501
Guangdong Boltpower Energy Co., Ltd, 3–6 Floor KelunTe Building, No. 5th Ganli Road, Longgang District, Shenzhen City, Guangdong, China 518100
Halo2Cloud, LLC, 6 Central Row, Hartford, CT 06103
Horizon Tool, Inc., 7918 Industrial Village Road, Greensboro, NC 27409
K-Tool International, 45255 Five Mile Road, Plymouth, MI 48170
Lowe's Companies, Inc., 1000 Lowe's Blvd., Mooresville, NC 28117
Matco Tools corporation, 4403 Allen Road, Stow, OH 44224
MonoPrice, Inc., 1 Pointe Drive, 4th Floor, Brea, CA 92821
National Automotive Parts Association, LLC (d/b/a NAPA), 2085 Marietta Blvd. Northwest, Atlanta, GA 30318
Nekteck, Inc., 421 South Brookhurst Street, Suite 217, Anaheim, California 92804
O'Reilly Automotive, Inc., 233 South Patterson Avenue, Springfield, MO 65802
Paris Corporation, 800 Highland Drive, Westampton, NJ 08060
PowerMax Battery (U.S.A.), Inc., 1520 South Grove Avenue, Ontario, CA 91761
Prime Global Products, Inc., 2220 Airport Industrial Drive, Suite 100, Ball Ground, GA 30107
QVC, Inc., 1200 Wilson Drive, West Chester, PA 19380
Schumacher Power Technology Ltd., No. 30, Century Road, Binhai County, Yancheng, Jiangsu, China 224500
Schumacher Electric Corp., 801 East Business Center Drive, Mount Prospect, IL 60056
Shenzhen Carku Technology Co., Ltd., Building A, Qixing Creative Workshop (Dalang), Lianrun Road, Gaofeng Community, Dalang Street, Longhua New District, Shenzhen, China 518110

Shenzhen Dingjiang Technology Co., Ltd. LLLC, R701G, HuafengBao'anZhigu Innovation Park, Yintian 4th Road, Xixiang Street, Bao'an District, Shenzhen, China 518000
Shenzhen Jieruijia Technology Co. Ltd., No. 8 Mu Dun Road, No. 1 Industrial, Zone, Lou Cun Community, Gong Ming, Guang Ming District, China
Shenzhen Mediatek Tong Technology Co., Ltd., Room 3A–E, Qianyu Tong Bldg., Qingji Rd., Longhua St., Longhua New Distrtict, Shenzhen, China 518000
Shenzhen Take Tools Co., Ltd., No. B714, Niulanqian Building, Minzhi Road, Longhua District, ShenzhenGuangdong, China 518000,
Shenzhen Topdon Technology Co., Ltd., 5th Floor, Building 12, Taihua Wutong Island, Intersection of Shunchang Road and Hangkong Road, Xixiang Subdistrict, Baoan District, Guangdong, Shenzhen, China 518112
Shenzhen Valuelink E-Commerce Co., Ltd., 2nd Two-way ChangJiangPu, Heao Community, HengGang Street Office, Longgang District, Shenzhen China 518000
Smartech Products, Inc., 8700 Larkin Road, Suite B, Savage, MD 20763
ThiEYE Technologies Co., Ltd., Room 405, 4th Floor, Building B, Bantian International Center, Longgang District, China 518000
Tii Trading Inc., 13200 Brooks Drive Suite F, Baldwin Park, CA 91707, Walmart Inc., 702 SW 8th Street, Bentonville, AR 72716
Winplus North America, Inc., 2975 Red Hill Ave, Suite 100, Costa Mesa, CA 92626
Zagg Co. Rrd Gst, 381 Airtech Parkway, Plainfield, IN 46168
Zhejiang Quingyou Electronic Commerce Co., Ltd., Room 266–270, Building 7, No. 253, Tinglan Street, Qiaosi Street, Yuhang District, Hangzhou, Zhejiang, China 311100
70mai Co., Ltd., Room 2220, Building 2, No. 588, Zixing Road, Minhang District, Shanghai, China 201100

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 17, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–05905 Filed 3–22–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0060]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Biographic Verification Form (1–791)

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until April 22, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agencies 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; 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:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Biographic Verification Form.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection: Agency form number 1–791. Sponsoring component:* Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Agencies authorized to submit applicant fingerprints into the Next Generation Identification (NGI) system for noncriminal justice purposes such as employment, benefits, and licensing. This form is completed to obtain a biographic verification (name check) for an applicant when the fingerprints have been rejected twice for quality to ensure eligible individuals are not denied employment, benefits, or licensing.

(5) *An estimate of the total number of respondents and the amount of time*

estimated for an average respondent to respond: It is estimated that 50,000 respondents will complete each form within approximately 8 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 6,700 total annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: March 18, 2021.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2021–05950 Filed 3–22–21; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0053]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension, Without Change, of a Currently Approved Collection; FBI eFOIA Form

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Federal Bureau of Investigation, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until April 22, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

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, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* FBI eFOIA form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The applicable component within the Department of Justice is the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The general public who wish to make online FOIA request will be the most affected group. This information collection is to allow the Federal Bureau of Investigation to accept and responded to FOIA requester as defined in 28 CFR part 16.3 (a) How made and addressed. You may make a request for records of the Department of Justice by writing directly to the Department component that maintains those records. You may find the Department's ''Freedom of Information Act Reference Guide''- which is available electronically at the Department's World Wide website, and is available in paper form as well-helpful in making your request. For additional information about the FOIA, you may refer directly to the statute. If you are making a request for records about yourself, see § 16.41(d) for additional requirements. If you are making a request for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to you or proof that that individual is deceased (for example, a copy of a death certificate or an obituary) will help the processing of your request. Your request should be sent to the component's FOIA office at the address listed in appendix I to part 16. In most cases, your FOIA request should be sent to a component's central FOIA office. For records held by a field office of the Federal Bureau of Investigation (FBI) or the Immigration and Naturalization Service (INS), however, you must write directly to that FBI or INS field office address, which can be found in most telephone books or by calling the component's central FOIA office. (The functions of each component are summarized in part 0 of this title and in the description of the Department and its components in the ''United States Government Manual,'' which is issued annually and is available in most libraries, as well as for sale from the Government Printing Office's Superintendent of Documents. This manual also can be accessed electronically at the Government Printing Office's World Wide website (which can be found at *http://www.access.gpo.gov/su_docs*).) If you cannot determine where within the Department to send your request, you may send it to the *FOIA/PA* Mail Referral Unit, Justice Management Division, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530–0001. That office will forward your request to the component(s) it believes most likely to have the records that you want. Your request will be considered received as of the date it is received by the proper component's FOIA office. For the quickest possible handling, you should mark both your request letter and the envelope ''Freedom of Information Act Request.'' (b) Description of records sought. You must describe the records that you seek in enough detail to enable Department personnel to locate them with a reasonable amount of effort. Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if you want records about a court case, you should provide the title of the case, the court in which the case was filed, and the nature of the case. If known, you should include any file designations or descriptions for the records that you want. As a general rule, the more specific you are about the records or type of records that you want, the more likely the Department will be able to locate those records in response to your request. If a component determines that your request does not reasonably describe records, it shall tell you either what additional information is needed

or why your request is otherwise insufficient. The component also shall give you an opportunity to discuss your request so that you may modify it to meet the requirements of this section. If your request does not reasonably describe the records you seek, the agency's response to your request may be delayed. (c) Agreement to pay fees. If you make a FOIA request, it shall be considered an agreement by you to pay all applicable fees charged under § 16.11, up to $25.00, unless you seek a waiver of fees. The component responsible for responding to your request ordinarily will confirm this agreement in an acknowledgement letter. When making a request, you may specify a willingness to pay a greater or lesser amount.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 14,000 FOIA requests are completed annually. These requests can be submitted via free-form letter or the eFOIA form. In FY 2020 approximately 150 online eFOIA forms were submitted. An average of 8 minutes per respondent is needed to complete the eFOIA form. The estimated range of burden for respondents is expected to be between 4 minutes to 12 minutes for completion.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is .13 hours. It is estimated that respondents will take .13 hour to complete a questionnaire. The burden hours for collecting respondent data sum to 20 hours (150 respondents × .13 hours = 20 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: March 18, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–05951 Filed 3–22–21; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0269]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: 2020 Census of Publicly Funded Forensic Crime Laboratories (CPFFCL)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published, allowing a 60-day comment period. BJS received four comments in response. The responses were all favorable to the reinstatement of the CPFFCL program and emphasized the utility of the CPFFCL program to the field.

DATES: Comments are encouraged and will be accepted for 30 days until April 22, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection:

(1) *Type of Information Collection:* Reinstatement of the Census of Publicly Funded Forensic Crime Laboratories, with changes, a previously approved collection for which approval has expired.

(2) *The Title of the Form/Collection:* 2020 Census of Publicly Funded Forensic Crime Laboratories.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is CFCL–20. The applicable component within the Department of Justice is the Bureau of Justice Statistics, Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* This information collection is a census of federal, state, and local publicly funded forensic crime laboratories that analyze criminal evidence. This data collection follows the 2014 study and will collect information on personnel, budgets, workloads, policies, and procedures of crime laboratories. BJS plans to field the 2020 CPFFCL from May to October 2021. The census form was assessed by practitioners and subject matter experts to update it from the 2014 form and ensure its relevance to forensic crime laboratories as well as reduce respondent burden. The form was then cognitively tested with 23 forensic crime laboratories of different sizes, regions, and government levels. In addition to collecting detailed data for the 2020 reference year, CPFFCL will also collect summary data for the 2019 reference year.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* A projected 500 respondents will take an average of 2.5 hours to complete each form, including time to research or find information not readily available. BJS expects additional time will be needed for data quality follow-up for up to 250 respondents, which will require another 15 minutes of respondent's time.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated

1312.5 total burden hours 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: March 18, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–05949 Filed 3–22–21; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Request for Comments To Assist in the Development of the National Endowment for the Arts' 2022–2026 Strategic Plan: Extension of Public Comment Period

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Extension of comment period.

SUMMARY: The National Endowment for the Arts (NEA) is in the process of developing a new strategic plan for the years 2022–2026. The NEA Office of Research & Analysis is soliciting public input to inform the development of the NEA 2022–2026 Strategic Plan. Through this Request for Comments, the NEA invites ideas and insights from the general public, including arts organizations, artists, arts educators, state and local arts agencies, other arts funders and policy-makers, researchers, and individuals and groups outside the arts sector. In the summer of 2021, stakeholders will have a second opportunity to provide comments and input in response to the drafted version of the NEA 2022–2026 Strategic Plan.

DATES: The due date for public comments requested in the **Federal Register** Notice published on March 10, 2021 (86 FR 13760) has been extended. Written comments must be submitted to the office listed in the address section below on or before the close of business on Wednesday, March 31, 2021. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Send comments to Sunil Iyengar, National Endowment for the Arts, via email (*NEAstrategicplanninggroup@arts.gov*).

SUPPLEMENTARY INFORMATION:

A. About the National Endowment for the Arts

Established by Congress in 1965, the National Endowment for the Arts is an independent federal agency, providing funding and support to give Americans the opportunity to participate in the arts, exercise their imaginations, and develop their creative capacities. Currently, the NEA supports arts organizations and artists in every Congressional district in the country.

B. Supplemental Information

On March 10, 2021 the National Endowment for the Arts posted a Request for Comments, seeking public input to guide the development of the agency's 2022–2026 Strategic Plan (86 FR 13760). The public comment period was originally scheduled to close on Friday, March 26, 2021. The National Endowment for the Arts is extending the public comment period until Wednesday, March 31, 2021 to allow members of the public more time to submit their input and comments.

As a federal agency, the National Endowment for the Arts is required to establish a new strategic plan every four years. The Strategic Plan sets key priorities for the agency and presents management-focused objectives and strategies. The NEA's most recent strategic plan covers the years 2018–2022, and can be found online here: *https://www.arts.gov/sites/default/files/NEA-FY2018-2022-StrategicPlan-2.16.18.pdf.*

The NEA is seeking public input and comments from a broad array of stakeholders (see **SUMMARY**) to guide the development of the agency's 2022–2026 Strategic Plan. A call for comments has been posted to the agency's website: *https://www.arts.gov/strategic-plan-input.* In particular, the NEA welcomes input on the development of its Strategic Framework, which includes the following elements: Mission, Vision, Strategic Goals, and Strategic Objectives.

The NEA is particularly interested in how these elements should be viewed in light of new and emerging challenges and opportunities, among other contextual factors.

Examples of these factors include, but are not limited to:

- The post-pandemic recovery of the arts sector;
- Changes in work-and-leisure patterns;
- The rise of virtual engagement in the arts;
- Growing integration of the arts with other sectors (*e.g.,* health, science, education, technology, community development); and
- Greater public attention to issues of diversity, equity, inclusion, accessibility, and social justice.

Authority: 5 U.S.C. 306.

Dated: March 17, 2021.

Meghan Jugder,

Support Services Specialist, Office of Administrative Services & Contracts, National Endowment for the Arts.

[FR Doc. 2021–05908 Filed 3–22–21; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0068]

Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Monthly notice.

SUMMARY: Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This monthly notice includes all amendments issued, or proposed to be issued, from February 5, 2021, to March 4, 2021. The last monthly notice was published on February 23, 2021.

DATES: Comments must be filed by April 22, 2021. A request for a hearing or petitions for leave to intervene must be filed by May 24, 2021.

ADDRESSES: You may submit comments by any of the following method; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0068. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed

in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1506, email: *Kay.Goldstein@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0068, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0068.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document

• *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0068, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown below, the Commission finds that the licensees' analyses provided, consistent with title 10 of *the Code of Federal Regulations* (10 CFR) section 50.91, are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity to Request a Hearing and Petition for Leave to Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and

on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can

obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call to 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The table below provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT REQUEST(S)

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ

Docket No(s)	50–528, 50–529, 50–530.
Application date	January 22, 2021.
ADAMS Accession No	ML21022A408.
Location in Application of NSHC	Pages 81–84 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendments would revise Technical Specification (TS) 5.5.16, ''Containment Leakage Rate Testing Program,'' to allow the following: change the existing Type A integrated leakage rate test program test interval to 15 years in accordance with Nuclear Energy Institute (NEI) Topical Report NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR 50, Appendix J'' [''Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors''], and the limitations and conditions specified in NEI 94–01, Revision 2–A; adopt an extension of the containment isolation valve leakage rate testing (Type C) frequency from the 60 months currently permitted by 10 CFR 50, Appendix J, Option B, to 75 months for Type C leakage rate testing of selected components, in accordance with NEI 94–01, Revision 3–A; adopt the use of American National Standards Institute/American Nuclear Society (ANSI/ANS) 56.8–2002, ''Containment System Leakage Testing Requirements''; and adopt a more conservative allowable test interval extension of 9 months, for Type A, Type B and Type C leakage rate tests in accordance with NEI 94–01, Revision 3–A.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Michael G. Green, Associate General Counsel, Nuclear and Environmental, Pinnacle West Capital Corporation, P.O. Box 52034, MS 7602, Phoenix, AZ 85072–2034
NRC Project Manager, Telephone Number	Siva Lingam, 301–415–1564.

Duke Energy Carolinas, LLC; Catawba Nuclear Station, Units 1 and 2; York County, SC; Duke Energy Carolinas, LLC; McGuire Nuclear Station, Units 1 and 2; Mecklenburg County, NC; Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC

Docket No(s)	50–369, 50–370, 50–413, 50–414, 50–400.
Application date	December 3, 2020.
ADAMS Accession No	ML20338A264.
Location in Application of NSHC	Pages 19–21 of the Enclosure.

LICENSE AMENDMENT REQUEST(S)—Continued

Brief Description of Amendment(s)	For Catawba Nuclear Station (CNS) and McGuire Nuclear Station, the proposed change would revise Technical Specification (TS) Section 3.3.2, ''Engineered Safety Features Actuation System (ESFAS) Instrumentation'' specifically Table 3.3.2–1 dealing with the ESFAS interlock, reactor trip function, and for Shearon Harris Nuclear Power Plant the proposed change would also revise the ESFAS interlock, reactor trip function found in TS Table 3.3–3 of Section ¾.3.2, ''Engineered Safety Features Actuation System Instrumentation.'' This change will thereby identify the enabled functions and the applicable MODES for each enabled function which will remove the turbine trip function of the P–4 interlock in MODE 3 from the existing specifications. Additionally, for CNS only, this change will remove the steam dump function of the P–4 interlock in MODES 1, 2, and 3.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Kathryn B. Nolan, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street (DEC45A), Charlotte, NC 28202; Kathryn B. Nolan, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street (DEC45A), Charlotte, NC 28202; Michelle Spak, General Counsel, Duke Energy Corporation, 550 South Tryon St.—DEC45A, Charlotte, NC 28202.
NRC Project Manager, Telephone Number	John Klos, 301–415–5136.

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket No(s)	50–382.
Application date	December 18, 2020.
ADAMS Accession No	ML20353A433.
Location in Application of NSHC	Pages 20–22 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would modify the Waterford Steam Electric Station, Unit 3 licensing basis, by the addition of a license condition, to allow for the implementation of the provisions of 10 CFR 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Anna Vinson Jones, Senior Counsel, Entergy Services, Inc.,101 Constitution Avenue, NW, Suite 200 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Audrey Klett, 301–415–0489.

Exelon FitzPatrick, LLC and Exelon Generation Company, LLC; James A FitzPatrick Nuclear Power Plant; Oswego County, NY

Docket No(s)	50–333.
Application date	December 11, 2020, as supplemented by letter dated February 18, 2021.
ADAMS Accession No	ML20346A023, ML21049A213.
Location in Application of NSHC	Pages 5–7 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would revise the Technical Specification Limiting Condition for Operation 3.5.1, ''ECCS [Emergency Core Cooling System]—Operating,'' Surveillance Requirement 3.5.1.6 frequency from ''Once each startup prior to exceeding 25% RTP [rated thermal power],'' as modified by a note stating, ''Not required to be performed if performed within the previous 31 days'' to 24 months.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Donald P. Ferraro, Assistant General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Suite 305, Kennett Square, PA 19348.
NRC Project Manager, Telephone Number	Justin Poole, 301–415–2048.

Exelon Generation Company, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL

Docket No(s)	50–461.
Application date	January 20, 2021.
ADAMS Accession No	ML21020A053.
Location in Application of NSHC	Pages 6–8 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would revise the degraded voltage reset and drop-out allowable values that are listed in Technical Specification (TS) 3.3.8.1, ''Loss of Power (LOP) Instrumentation,'' Table 3.3.8.1–1, ''Loss of Power Instrumentation.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Joel Wiebe, 301–415–6606.

Holtec Decommissioning International, LLC; Oyster Creek Nuclear Generating Station; Forked River, NJ

Docket No(s)	50–219.
Application date	February 23, 2021.
ADAMS Accession No	ML21054A321.
Location in Application of NSHC	Enclosure 1 Section 6.3.

LICENSE AMENDMENT REQUEST(S)—Continued

Brief Description of Amendment(s)	By letter dated February 23, 2021, Holtec Decommissioning International, LLC (HDI) submitted a license amendment request for review and approval of the Oyster Creek Nuclear Generating Station (OCNGS) Independent Spent Fuel Storage Installation Facility (ISFSI) Only Emergency Plan and its associated Emergency Action Level scheme. The proposed changes are being submitted to the U.S. Nuclear Regulatory Commission (NRC) for approval prior to implementation, as required under Paragraph 50.54(q)(4) of title 10 of the *Code of Federal Regulations* (10 CFR). Revisions to the OCNGS Emergency Plan and associated Emergency Action level Scheme are proposed to comport with the requirements for a facility configuration with all spent nuclear fuel in dry storage within the ISFSI.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Erin Connolly, Corporate Counsel—Legal, Holtec International, Krishna P. Singh Technology Campus, 1 Holtec Blvd., Camden, NJ 08104.
NRC Project Manager, Telephone Number	Zahira Cruz Perez, 301–415–3808.

NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Linn County, IA

Docket No(s)	50–331.
Application date	October 29, 2020, as supplemented by letter dated January 7, 2021.
ADAMS Accession No	ML20311A127, ML21014A380.
Location in Application of NSHC	Pages 1–2 of Attachment 2.
Brief Description of Amendment(s)	By letter dated October 29, 2020, as supplemented by letter dated January 7, 2021, NextEra Energy Duane Arnold, LLC, submitted a license amendment request for Duane Arnold Energy Center (DAEC). The proposed amendment would revise the DAEC Physical Security Plan to align the defensive strategy with the post-shutdown and permanently defueled condition. Portions of the letters dated October 29, 2020, and January 7, 2021, contain safeguards information and have been withheld from public disclosure.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Steven Hamrick, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.
NRC Project Manager, Telephone Number	Marlayna Doell, 301–415–3178.

PSEG Nuclear LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Salem County, NJ

Docket No(s)	50–272, 50–311.
Application date	February 16, 2021.
ADAMS Accession No	ML21047A238.
Location in Application of NSHC	Pages 2–3 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would adopt Technical Specifications Task Force (TSTF) Traveler TSTF–569, ''Revise Response Time Testing Definition,'' to revise the technical specification definitions for the engineered safety feature response time and reactor trip system response time.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Steven Fleischer, PSEG Services Corporation, 80 Park Plaza, T–5, Newark, NJ 07102.
NRC Project Manager, Telephone Number	James Kim, 301–415–4125.

TMI–2 Solutions, LLC; Three Mile Island Unit 2; Londonderry Township, Dauphin County, PA

Docket No(s)	50–320.
Application date	February 19, 2021.
ADAMS Accession No	ML21057A046.
Location in Application of NSHC	Pages 65–75 of Attachment 1.
Brief Description of Amendment(s)	This proposed license amendment would revise the possession-only license and technical specifications to support the transition of TMI [Three Mile Island]- from a Post-Defueling Monitored Storage condition to that of a facility undergoing radiological decommissioning.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Russ Workman, General Counsel, EnergySolutions, 299 South Main Street, Suite 1700, Salt Lake City, UT 84111.
NRC Project Manager, Telephone Number	Ted Smith, 301–415–6721.

Virginia Electric and Power Company, Dominion Nuclear Company; North Anna Power Station, Units 1 and 2; Louisa County, VA

Docket No(s)	50–338, 50–339.
Application date	January 7, 2021.
ADAMS Accession No	ML21007A264.
Location in Application of NSHC	Pages 6–10 of Attachment 1.
Brief Description of Amendment(s)	The request would amend the requirements of TS 2.1.1.2 to reflect the peak fuel centerline melt temperature specified in Topical Report WCAP–17642–P–A, Revision 1, ''Westinghouse Performance Analysis and Design Model (PAD5).''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Lillian M. Cuoco, Esq., Senior Counsel, Dominion Energy, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the table below.

The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCE(S)

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ	
Docket No(s)	50–528, 50–529, 50–530.
Amendment Date	February 8, 2021.
ADAMS Accession No	ML20350B803.
Amendment No(s)	214 (Unit 1), 214 (Unit 2), and 214 (Unit 3).
Brief Description of Amendment(s)	The amendments revised the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 Technical Specifications (TSs) to make necessary administrative changes. Specifically, the amendments made the following five administrative changes to the TSs that removed no longer applicable information, extraneous information, and adopted standard industry terminology: (1) TS 3.1.5, ''Control Element Assembly (CEA) Alignment,'' Surveillance Requirement 3.1.5.3, removed a one-time use Note for Unit 2 CEA No. 88; (2) TS 3.7.17, ''Spent Fuel Assembly Storage,'' TS 4.3, ''Fuel Storage,'' and TS 5.5.21, ''Spent Fuel Storage Rack Neutron Absorber Monitoring Program,'' removed no longer applicable pages related to the implementation of Amendment No. 203, which addressed a revised spent fuel pool criticality analysis; (3) TS 4.1, ''Site Location,'' removed extraneous information from the site location description; (4) TS 5.5.2, ''Primary Coolant Sources Outside Containment,'' removed a remaining post-accident sampling subsystem reference; (5) TS 5.7, ''High Radiation Area,'' modified radiation protection terminology to match industry standards.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 2; New London County, CT	
Docket No(s)	50–336.
Amendment Date	February 23, 2021.
ADAMS Accession No	ML21026A142.
Amendment No(s)	342 (Unit 2).
Brief Description of Amendment(s)	The amendment revised the Millstone Power Station, Unit No. 2 Technical Specification (TS) Table 3.3 11, ''Accident Monitoring Instrumentation,'' ACTION 3, to add an alternate method for determining if there is loss of coolant through a power-operated relief valve or pressurizer safety valve flow path when any of the three valve position indications (i.e., Instruments 4, 5, and 6) become inoperable. The amendment also included two grammatical corrections in TS Table 3.3 11 ACTIONS 4.a and 4.b for Instrument 7, Containment Pressure (Wide Range) and Instrument 9, Containment Water Level (Wide Range).
Public Comments Received as to Proposed NSHC (Yes/No).	No.

DTE Electric Company; Fermi, Unit 2; Monroe County, MI	
Docket No(s)	50–341.
Amendment Date	February 24, 2021.
ADAMS Accession No	ML20358A155.
Amendment No(s)	218.

LICENSE AMENDMENT ISSUANCE(S)—Continued

Brief Description of Amendment(s)	The amendment revised the Fermi 2 technical specifications (TS) to support a 24-month fuel cycle in accordance with the guidance of Generic Letter 91–04. TS 5.5.15, ''Surveillance Frequency Control Program,'' item b, was revised to add the following insert: ''The one-time 24 Month Fuel Cycle related Surveillance Requirement Frequency changes approved by the NRC in License Amendment 208 are not subject to this provision. Subsequent changes are subject to the Surveillance Frequency Control Program.'' Additionally, TS 5.5.7, ''Ventilation Filter Testing Program,'' and TS 5.5.14, ''Control Room Envelope Habitability Program,'' were revised to increase the test frequency from 18 months to 24 months.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA

Docket No(s)	50–334, 50–412
Amendment Date	February 18, 2021.
ADAMS Accession No	ML20335A052.
Amendment No(s)	308 (Unit 1) and 198 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Technical Specification (TS) 1.1, ''Definitions,'' and TS 5.0, ''Administrative Controls.'' The changes modify the definitions and administrative controls TSs to a set of permanently defueled TSs when they become applicable.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Perry Nuclear Power Plant, Unit 1; Lake County, OH

Docket No(s)	50–440.
Amendment Date	March 1, 2021.
ADAMS Accession No	ML21035A170.
Amendment No(s)	192.
Brief Description of Amendment(s)	The amendment adopted Technical Specifications Task Force (TSTF) Traveler TSTF–582, ''RPV [Reactor Pressure Vessel] WIC [Water Inventory Control] Enhancements.'' The technical specifications related to RPV WIC are revised to incorporate operating experience and to correct errors and omissions in TSTF–542, Revision 2, ''Reactor Pressure Vessel Water Inventory Control.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Energy Northwest; Columbia Generating Station; Benton County, WA

Docket No(s)	50–397.
Amendment Date	March 3, 2021.
ADAMS Accession No	ML21053A316.
Amendment No(s)	264.
Brief Description of Amendment(s)	The amendment modified the Columbia Technical Specifications (TSs) related to reactor pressure vessel (RPV) water inventory control (WIC) based on Technical Specifications Task Force (TSTF) Traveler TSTF 582, Revision 0, ''RPV WIC Enhancements,'' which was approved by the NRC on August 13, 2020, for adoption into the Columbia TSs.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Entergy Operations, Inc., System Energy Resources, Inc., Cooperative Energy, A Mississippi Electric Cooperative, and Entergy Mississippi, LLC; Grand Gulf Nuclear Station, Unit 1; Claiborne County, MS

Docket No(s)	50–416.
Amendment Date	February 24, 2021.
ADAMS Accession No	ML21019A219.
Amendment No(s)	227.
Brief Description of Amendment(s)	The amendment revised Technical Specification (TS) 5.5.12, ''10 CFR 50, Appendix J, Testing Program,'' to allow for the permanent extension of the Type A integrated leak rate testing. The amendment made administrative changes to TS 5.5.12 to delete the already performed Type A test. In addition, the amendment revised SRs 3.6.1.1.1 and 3.6.1.2.1, and TS 5.5.12 to align with NUREG–1434, Volume 1, Revision 4, ''Standard Technical Specifications General Electric BWR/6 Plants.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Entergy Operations, Inc.; Arkansas Nuclear One, Unit 2; Pope County, AR

Docket No(s)	50–368.
Amendment Date	February 8, 2021.
ADAMS Accession No	ML20351A153.
Amendment No(s)	323 (Unit 2).

LICENSE AMENDMENT ISSUANCE(S)—Continued

Brief Description of Amendment(s)	The amendment revised several Arkansas Nuclear One, Unit 2 (ANO–2) technical specification (TS) requirements by the addition, deletion, or relocation of certain TS limiting conditions for operation, actions, and surveillance requirements. Relocated TSs were placed in the ANO–2 Technical Requirements Manual or the associated TS Bases.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Exelon Generation Company, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA	
Docket No(s)	50–352, 50–353.
Amendment Date	February 22, 2021.
ADAMS Accession No	ML21032A270.
Amendment No(s)	252 (Unit 1) and 214 (Unit 2).
Brief Description of Amendment(s)	The amendments revised the technical specifications related to reactor pressure vessel (RPV) water inventory control (WIC) based on Technical Specifications Task Force (TSTF) Traveler TSTF–582, Revision 0, ''RPV WIC Enhancements,'' and the associated NRC staff safety evaluation of TSTF–582.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Florida Power & Light Company, et al.; St. Lucie Plant, Unit No. 2; St. Lucie County, FL	
Docket No(s)	50–389.
Amendment Date	February 26, 2021.
ADAMS Accession No	ML21022A219.
Amendment No(s)	206 (Unit 2).
Brief Description of Amendment(s)	The amendment modified the St. Lucie Plant, Unit No. 2, technical specifications to update the reactor coolant system pressure and temperature limits and revise the low-temperature overpressure protection system settings.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Florida Power & Light Company; Turkey Point Nuclear Generating Unit Nos. 3. and 4; Miami-Dade County, FL	
Docket No(s)	50–250, 50–251.
Amendment Date	February 26, 2021.
ADAMS Accession No	ML21032A020.
Amendment No(s)	295 (Unit 3) and 268 (Unit 4).
Brief Description of Amendment(s)	The amendments modified Section 6.8.4.h, ''Containment Leakage Rate Testing Program,'' of the Turkey Point, Units 3 and 4 technical specifications to support the extension of the frequency of the Type A Integrated Leak Rate Test from 10 to 15 years and allow the extension of the containment isolation valves leakage test intervals (i.e., Type C tests) from their current 60-month frequency to 75 months.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Unit 2; Berrien County, MI	
Docket No(s)	50–316.
Amendment Date	March 3, 2021.
ADAMS Accession No	ML21041A086.
Amendment No(s)	338 (Unit 2).
Brief Description of Amendment(s)	The amendment revised Technical Specification 5.5.7, ''Steam Generator (SG) Program,'' to allow a one-time deferral of the SG tube inspections from the spring of 2021 to the fall of 2022 refueling outage.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI	
Docket No(s)	50–315, 50–316.
Amendment Date	February 2, 2021.
ADAMS Accession No	ML21006A458.
Amendment No(s)	358 (Unit 1) and 337 (Unit 2).
Brief Description of Amendment(s)	The amendments revised certain technical specification surveillance requirements (SRs) to add exceptions that consider the SR to be met when automatic valves or dampers are locked, sealed, or otherwise secured in the actuated position. The revisions are consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–541, Revision 2, ''Add Exceptions to Surveillance Requirements for Valves and Dampers Locked in the Actuated Position.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

LICENSE AMENDMENT ISSUANCE(S)—Continued

NextEra Energy Seabrook, LLC; Seabrook Station, Unit No. 1; Rockingham County, NH

Docket No(s)	50–443.
Amendment Date	February 25, 2021.
ADAMS Accession No	ML21008A014.
Amendment No(s)	168.
Brief Description of Amendment(s)	The amendment revised Technical Specification Table 3.3–4 to decrease the trip setpoint and allowable value for the 4.16 kilovolt Bus E5 and Bus E6 degraded voltage time delay relays.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Northern States Power Company—Minnesota; Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2; Goodhue County, MN

Docket No(s)	50–282, 50–306.
Amendment Date	February 5, 2021.
ADAMS Accession No	ML20356A002.
Amendment No(s)	234 (Unit 1) and 222 (Unit 2).
Brief Description of Amendment(s)	The amendments modified technical specification requirements to address issues identified in Westinghouse Nuclear Safety Advisory Letter (NSAL) NSAL–09–05, Revision 1, ''Relaxed Axial Offset Control FQ Technical Specification Actions,'' and NSAL–15–1, ''Heat Flux Hot Channel Factor Technical Specification Surveillance.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

PSEG Nuclear LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Salem County, NJ

Docket No(s)	50–272, 50–311.
Amendment Date	February 23, 2021.
ADAMS Accession No	ML20338A038.
Amendment No(s)	336 (Unit 1) and 317 (Unit 2).
Brief Description of Amendment(s)	The amendments made changes to the Salem Updated Final Safety Analysis Report to use the leak-before-break methodology to eliminate the dynamic effects of postulated pipe ruptures in specific portions of systems attached to the reactor coolant system.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Units 1 and 2; Luzerne County, PA

Docket No(s)	50–387, 50–388.
Amendment Date	February 18, 2021.
ADAMS Accession No	ML20342A237.
Amendment No(s)	279 (Unit 1) and 261 (Unit 2).
Brief Description of Amendment(s)	The amendments revised the technical specifications related to reactor pressure vessel (RPV) water inventory control (WIC) based on Technical Specifications Task Force (TSTF) Traveler TSTF–582, Revision 0, ''RPV WIC Enhancements.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Tennessee Valley Authority; Sequoyah Nuclear Plant, Units 1 and 2; Hamilton County, TN

Docket No(s)	50–327, 50–328.
Amendment Date	March 3, 2021.
ADAMS Accession No	ML21021A349.
Amendment No(s)	354 (Unit 1) and 347 (Unit 2).
Brief Description of Amendment(s)	The amendments revised each unit's Technical Specification 4.2.2, ''Control Rod Assemblies,'' to permit the Sequoyah Nuclear Plant, Unit 1 Cycle 25 (U1C25) and Sequoyah Nuclear Plant, Unit 2 Cycle 25 (U2C25) cores to contain 52 full length control rods with no full length control rod assembly in core location H–08.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 2; Rhea County, TN

Docket No(s)	50–391.
Amendment Date	February 9, 2021.
ADAMS Accession No	ML21027A167.
Amendment No(s)	48 (Unit 2).
Brief Description of Amendment(s)	The amendment revised the Watts Bar Nuclear Plant Updated Final Safety Analysis Report to apply alternate eddy current probability of detection values to indications of axial outer diameter stress corrosion cracking at tube support plates in the Watts Bar, Unit 2, steam generators for the beginning of cycle voltage distribution in support of the Watts Bar, Unit 2, operational assessment.

LICENSE AMENDMENT ISSUANCE(S)—Continued

Public Comments Received as to Proposed NSHC (Yes/No).	No
Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN	
Docket No(s)	50–390, 50–391.
Amendment Date	February 11, 2021.
ADAMS Accession No	ML20232C622.
Amendment No(s)	142 (Unit 1), 49 (Unit 2).
Brief Description of Amendment(s)	The amendments revised the Watts Bar Nuclear Plant technical specifications, as necessary, to implement new surveillance methods for the heat flux hot channel factor and deleted the Watts Bar Nuclear Plant, Unit 2, Facility Operating License Condition 2.C.10 because it was no longer necessary.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Vistra Operations Company LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2; Somervell County, TX	
Docket No(s)	50–445, 50–446.
Amendment Date	February 12, 2021.
ADAMS Accession No	ML21015A212.
Amendment No(s)	178 (Unit 1) and 178 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Technical Specification (TS) 3.7.8, ''Station Service Water System (SSWS),'' and TS 3.8.1, ''AC [Alternating Current] Sources—Operating,'' to extend the completion times for one SSWS train inoperable and for one diesel generator inoperable from 72 hours to 8 days on a one-time basis to allow for the replacement of Comanche Peak Nuclear Power Plant, Unit No. 2 SSWS Pump 2–02 (Train B) during Unit No. 2 Cycle 19. The revised TSs incorporate by reference a regulatory commitment that identifies compensatory measures to be implemented during the extended completion times.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

IV. Previously Published Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notice was previously published as separate individual notice. It was published as an individual notice either because time did not allow the Commission to wait for this monthly notice or because the action involved exigent circumstances. It is repeated here because the monthly notice lists all amendments issued or proposed to be issued involving NSHC.

For details, including the applicable notice period, see the individual notice in the **Federal Register** on the day and page cited.

LICENSE AMENDMENT REQUEST(S)—REPEAT OF INDIVIDUAL ***Federal Register*** NOTICE

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Unit 1; Beaver County, PA	
Docket No(s)	50–334.
Application Date	January 27, 2021.
ADAMS Accession No	ML21027A228.
Brief Description of Amendment(s)	The proposed amendment would revise Technical Specification (TS) 5.5.5.1, ''Unit 1 SG [Steam Generator] Program,'' paragraph d.2 to defer the spring of 2021 refueling outage (1R27) steam generator inspections to the fall of 2022 refueling outage (1R28).
Date & Cite of **Federal Register** Individual Notice.	February 11, 2021 (86 FR 9087).
Expiration Dates for Public Comments & Hearing Requests.	March 15, 2021 (Public Comments); April 12, 2021 (Hearing Requests).

Dated: March 9, 2021.

For the Nuclear Regulatory Commission.

Caroline L. Carusone,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–05248 Filed 3–22–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of March 22, 29, April 5, 12, 19, 26, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of March 22, 2021

There are no meetings scheduled for the week of March 22, 2021.

Week of March 29, 2021—Tentative

There are no meetings scheduled for the week of March 29, 2021.

Week of April 5, 2021—Tentative

There are no meetings scheduled for the week of April 5, 2021.

Week of April 12, 2021—Tentative

Tuesday, April 13, 2021

9:00 a.m.—Briefing on Advanced Reactor Preparedness Through Regulatory Engagement and Research Cooperation (Public Meeting) (Contact: Marilyn Diaz Maldonado: 301–415–7110)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Week of April 19, 2021—Tentative

There are no meetings scheduled for the week of April 19, 2021.

Week of April 26, 2021—Tentative

There are no meetings scheduled for the week of April 26, 2021.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* Braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: March 18, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–06012 Filed 3–19–21; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0250]

Information Collection: General Domestic Licenses for Byproduct Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''General Domestic Licenses for Byproduct Material.''

DATES: Submit comments by May 24, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2020–0250. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0250 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2020–0250.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement and supplemental burden spreadsheet are available in ADAMS under Accession Nos. ML21011A262 and ML21011A263.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2020–0250 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov/* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be

publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* General Domestic Licenses for Byproduct Material.
2. *OMB approval number:* 3150–0016.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Reports are submitted as events occur. General license registration requests may be submitted at any time. Changes to the information on the registration may be submitted as they occur. Devices meeting certain criteria must be registered annually.
6. *Who will be required or asked to respond:* Persons receiving, possessing, using, or transferring devices containing byproduct material.
7. *The estimated number of annual responses:* 167,858 (12,277 reporting responses + 181 third-party responses + 155,400 recordkeepers).
8. *The estimated number of annual respondents:* 155,400 (18,500 NRC licensee respondents + 136,900, Agreement State licensee respondents).
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 43,803 hours (4,905 reporting hours + 48 third-party disclosure hours + 38,850 recordkeeping hours).
10. *Abstract:* Part 31 of title 10 of the *Code of Federal Regulations* (10 CFR), ''General Domestic Licenses for Byproduct Material'' establishes general licenses for the possession and use of byproduct material in certain devices. General licensees are required to keep testing records and submit event reports identified in 10 CFR part 31, which assist the NRC in determining, with reasonable assurance, that devices are operated safely and without radiological hazard to users or the public.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: March 17, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021–05911 Filed 3–22–21; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91341; File No. SR–CboeEDGX–2021–015]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Expand the Existing Financial Product Distribution Program To Provide for a Derived Data Platform Service

March 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 4, 2021, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend the Fee Schedule to expand the existing Financial Product Distribution Program (the ''Program'') to provide for a Derived Data Platform Service. Additionally, the proposal seeks to enhance the Program to provide for the distribution of data derived from the Cboe Aggregated Market (''Cboe One'')[3] Summary Feed. 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/*), 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 purpose of the proposed rule change is to implement a pricing structure that would reduce fees charged to Distributors of ''Derived Data'', as defined below, through a Derived Data Platform Service. Additionally, the proposal seeks to enhance the Program to permit the distribution of data derived from Cboe One Summary through the existing White Label Service, Application Programming Interface (''API'') Service, and the proposed Platform Service.[4]

Background

Under the current Program, a Distributor may subscribe to one of two Derived Data Service options, White Label Service or API Service. As discussed in further detail below, the Exchange proposes to introduce a third Derived Data Service option called the Platform Service. Furthermore, the Exchange seeks to offer Cboe One Summary[5] data under the White Label Service, API Service, and the proposed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 13.8(b).

[4] The Exchange initially filed the proposed fee changes January 4, 2021 (SR–CboeEDGX–2021–003). On March 4, 2021, the Exchange withdrew that filing and submitted this proposal.

[5] Cboe One Summary is a proprietary data product that provides the top of book quotations and execution information for all listed equity securities traded across the Exchange and its affiliated U.S. equities exchanges (the ''Cboe equity exchanges'').

Platform Service. EDGX Top[6] data is currently the only Exchange data offered under the White Label and API Service options. Under the Program, regardless of the Service option selected by a Distributor, the Distributors receive the same real-time Exchange data (*e.g.,* EDGX Top) as all other subscribers of such Exchange data. From the Exchange data, a Distributor may create ''Derived Data'', which is pricing data or other data that (i) is created in whole or in part from Exchange data, (ii) is not an index or financial product, and (iii) cannot be readily reverse-engineered to recreate Exchange data or used to create other data that is a reasonable facsimile or substitute for Exchange data. Derived Data may be created by Distributors for a number of different purposes, as determined by the Distributor. Possible uses include the display of information or data, or the creation of derivative instruments, such as swaps,[7] swaptions,[8] or contracts for difference.[9] The specific use of Exchange data is determined by the Distributor, as applicable fees do not depend on the purpose for placing the Derived Data under the Program. However, the Distributor must select the appropriate Service option under the Program applicable to its distribution of the Derived Data.

Generally, the recipient of an Exchange data product that distributes that data outside of its own firm is subject to External Distribution[10] fees. Such External Distribution fees vary based on the type of Exchange data product the recipient is subscribed to (*e.g.,* EDGX Top, Cboe One Summary, etc.).[11] Specifically, the External Distribution Fees payable by the recipient of EDGX Top are as follows: Distribution Fee $2,500/month; Professional User Fee $4.00/month; and Non-Professional User Fee $0.10/month.[12] The External Distribution Fees payable the recipient of Cboe One Summary are as follows: Distribution Fee ($5,000/month), Professional User Fee ($10/month), and Non-Professional User Fee ($0.25/month). Additionally, subscribers of Cboe One Summary are subject to the Data Consolidation Fee.[13]

The Exchange currently offers a White Label Service and an API Service that allow Distributors to benefit from certain discounted External Distribution Fees and User Fees for EDGX Top data. Instead of the regular fee for External Distribution of Exchange data, Distributors of Derived Data under both the White Label Service and API Service are charged a tiered External Subscriber Fee based on the number of External Subscribers that receive Derived Data from the Distributor.[14] Additionally, Distributors are charged a Professional User[15] Fee based on the number of Professional Users of the Derived Data, which is the same as the Professional User Fee for EDGX Top data provided under the External Distribution Fees. Non-Professional Users of Derived Data are not subject to a fee under either the White Label Service or the API Service.

The White Label Service is a type of hosted display solution in which a Distributor hosts, maintains, and controls a website or platform on behalf of a third-party entity. The service allows Distributors to make Derived Data available on a platform that is branded with a third-party brand, or co-branded with a third-party and a Distributor, while the Distributor maintains control of the applications data, entitlements and display. Alternatively, the API Service is a type of data feed distribution in which a Distributor delivers an API or similar distribution mechanism to a third-party entity for use within one or more platforms. The API Service allows Distributors to provide Derived Data to a third-party entity for use within one or more downstream platforms that are operated and maintained by the third-party entity. The Distributor maintains control of the entitlements, but does not maintain technical control of the usage or the display.

Derived Data Platform Service

Now, the Exchange is proposing to implement a third service under the Program, the Platform Service. Under the Platform Service, a Distributor could receive either EDGX Top, or as discussed in further detail below, Cboe One Summary data. The Exchange data provided to Distributors under the Platform Service would be identical to Exchange data provided to Distributors under both the White Label and API Services. In contrast to the White Label and API Services, the Platform Service would allow a Distributor to provide derivative products directly to users that are hosted within their infrastructure rather than to third-party entities who in turn provide derivative products to their end users. The Platform Service would be strictly limited to derivative products based in whole or in part on Exchange data where only user remote access is permitted.

As discussed above, distributors of EDGX Top may normally be subject to External Distribution and User Fees. Under the proposed Platform Service, Distributors would be liable for the normally applicable External Distribution and User Fees listed above except for the Non-Professional User fee.[16] The Non-Professional User Fee would be eliminated when participating in the Platform Service, thereby reducing costs for Distributors that

[6] EDGX Top is an uncompressed data feed that offers top of book quotations and execution information based on equity orders entered into the System.

[7] A swap is a derivative contract in which two parties agree to exchange financial instruments.

[8] A swaption, or swap option, is an option to enter into a swap at a specified time.

[9] A contract for difference is an agreement to exchange the difference between the current value of an asset and its future value. If the price increases, the seller pays the buyer the amount of the increase. If the price decreases, the buyer pays the seller the amount of the decrease.

[10] External Distribution occurs when a Distributor that receives an Exchange Market Data product distributes that data to a third-party or one or more users outside the Distributor's own entity.

[11] External Distribution fees are listed in the Exchange's Fee Schedule by Exchange Market Data product. For example, the External Distribution Fees payable by the recipient of EDGX Top are as follows: Distribution Fee $2,500/month; Professional User Fee $4.00/month; and Non-Professional User Fee $0.10/month. As an alternative to User fees, a Distributor may purchase a monthly Enterprise license or Digital Media Enterprise license in addition to the Distribution and User Fees.

[12] As an alternative to User fees, a Distributor may purchase a monthly Enterprise license or Digital Media Enterprise license in addition to the Distribution and User Fees.

[13] The Data Consolidation Fee is generally $1,000/month. An External Distributor that meets the criteria for the Small Retail Broker Distribution Program is charged a fee of $350/month instead of the normal $1,000/month Data Consolidation Fee.

[14] The tiered External Subscriber Fee for EDGX Top Derived Data White Label Service ranges from $200 to $300 per month and per External Subscriber; thus, the External Subscriber fee is significantly less than the $2,500/month Distribution. The tiered External Subscriber Fee for EDGX Top Derived Data API Service ranges from $1,500 up to $2,500 per month and per External Subscriber; thus, the External Subscriber fee may be less than the $2,500/month Distribution Fee.

[15] A ''Professional User'' of an Exchange Market Data product is any User other than a Non-Professional User. A ''Non-Professional User'' of an Exchange Market Data product is a natural person or qualifying trust that uses Data only for personal purposes and not for any commercial purpose and, for a natural person who works in the United States, is not: (i) Registered or qualified in any capacity with the Securities and Exchange Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt; or, for a natural person who works outside of the United States, does not perform the same functions as would disqualify such person as a Non-Professional User if he or she worked in the United States.

[16] The Non-Professional User Fee for external distribution of EDGX Top is $0.10/month.

provide access to such data directly to retail investors. The External Subscriber and User fees associated with the White Label Service and API Service are charged solely to the Distributor. At the Distributor's discretion, it may pass through the External Subscriber and User Fees to External Subscribers who provide Derived Data to their end users. If External Subscriber and User Fees and fee reductions are passed through to an External Subscriber by the Distributor, the External Subscriber can benefit from the External Distribution Fee once a Distributor reaches a higher scale, and also from the waiver of the Non-Professional User Fees. Therefore, the White Label Service and API Service may provide benefits to both External Subscribers as well as Distributors as Distributors increase their distribution scale. The Platform Service extends the Non-Professional User Fee waiver to Distributors of Derived Data who offer a Platform Service to their own end users, allowing Distributors to benefit consistently across services.

Like the existing White Label Service and API Service, the proposed Platform Service would be entirely optional, in that it would only apply to Distributors that opt to use Derived Data to create a Platform Service, as described herein. It would not impact or raise the cost of any other Exchange product, nor would it affect the cost of Exchange data, except in instances where Derived Data is made available on a Platform Service. A Distributor that provides a Platform Service for Exchange data that is not Derived Data or distributes Derived Data through a platform other than a White Label Service, API Service, or Platform Service would be liable for the fees normally applicable for the distribution of Exchange data.

Cboe One Summary

In addition to the above, the Exchange is proposing to adopt fees for the distribution of data derived from Cboe One Summary under the existing White Label Service and API Service, as well as the proposed Platform Service. Specifically, the Exchange is now proposing a fee amendment to allow Distributors that participate in the Program to create Derived Data from Cboe One Summary in addition to EDGX Top. Therefore, Distributors of Derived Data created from Cboe One Summary could display information or data or create derivative instruments based on top of book information across the four Cboe equity exchanges rather than just EDGX. The Exchange believes that the proposal will enhance the Program as the inclusion of Cboe One Summary will allow Distributors to create Derived Data that is based on a more comprehensive view of the U.S. equities market.

As noted above, Distributors of Cboe One Summary data may be subject to the normal External Distribution Fees, User Fees, and the Data Consolidation Fee. As proposed, a Distributor that provides Derived Data from Cboe One Summary externally would be liable for the proposed fees discussed below instead of the fees normally applicable for the External Distribution of Cboe One Summary. Existing fees for EDGX Top Derived Data within a White Label Service or API Service are comprised of a tiered fee based on the number of External Subscribers, a monthly fee for each Professional User, and include no fee for Non-Professional Users. Alternatively, the proposed fees for the Platform Service are comprised of the normal External Distribution and Professional User Fees applicable for the distribution of EDGX Top except that they would not be subject to the Non-Professional Users fees normally applicable. The Exchange proposes to adopt a similar fee structure for Cboe One Summary Derived Data for the White Label Service, the API Service, and the Platform Service discussed above with the addition of the Data Consolidation Fee that would be applicable to each Service option.

As proposed, Distributors would be charged the following fees for a White Label Service for Cboe One Summary Derived Data: (1) $1,000 per month for each External Subscriber if the Distributor makes Derived Data available to 1–5 External Subscribers; (2) $750 per month for each External Subscriber if the Distributor makes Derived Data available to 6–10 External Subscribers; and (3) $500 per month for each External Subscriber if the Distributor makes Derived Data available to 11 or more External Subscribers. For example, a Distributor providing White Label Derived Data based on Cboe One Summary to six External Subscribers would be charged a monthly fee of $4,500 (*i.e.,* 6 External Subscribers × $750 each). Additionally, the Exchange would continue to charge a monthly Professional User fee of $10 per month for each Professional User, and would charge the Data Consolidation Fee. The Exchange proposes no Non-Professional User fee for the distribution of Cboe One Summary Derived Data under the White Label Service, which is consistent with the fee structure for the distribution of EDGX Top Derived Data under the White Label Service.

Alternatively, Distributors would be charged the following fees for an API Service for Cboe One Summary Derived Data: (1) $5,000 per month for each External Subscriber if the Distributor makes Derived Data available to 1–5 External Subscribers; (2) $4,000 per month for each External Subscriber if the Distributor makes Derived Data available to 6–20 External Subscribers; and (3) $3,000 per month for each External Subscriber if the Distributor makes Derived Data available to 11 or more External Subscribers. For example, a Distributor providing API Service Derived Data based on Cboe One Summary to six External Subscribers would be charged a monthly fee of $24,000 (*i.e.,* 6 External Subscribers × $4,000 each). Additionally, the Exchange would continue to charge a monthly Professional User fee of $10 per month for each Professional User, and would charge the Data Consolidation Fee. The Exchange proposes no Non-Professional User fee for the distribution of Cboe One Summary Derived Data under the API Service, which is consistent with the fee structure for the distribution of EDGX Top Derived Data under the API Service.

Lastly, the Exchange proposes to adopt fees for the proposed Platform Service for Cboe One Summary data in addition to the proposed fees for EDGX Top discussed above. Like the proposed fee for EDGX Top Derived Data, Distributors of Cboe One Summary Derived Data would be liable for the fees normally applicable for the external distribution of Cboe One Summary, except for the Non-Professional User fee, and the Data Consolidation Fee. Therefore, under the Platform Service, Distributors of Cboe One Summary Derived Data would be liable for the External Distribution Fee ($5,000/month) and Professional User Fee ($10/month) and the Data Consolidation Fee.

Corresponding Amendments to Fee Schedule

Based on the proposed amendments discussed above, the Exchange proposes several clarifying modifications to the Fee Schedule. First, the Exchange proposes to add a definition of ''Platform Service'' to the Market Data Fees definitions section of the Fee Schedule. The definition would provide that ''a Platform Service is a type of hosted display solution in which a Distributor provides derivative products to Platform Service Data Users within their infrastructure. The service allows Distributors to make Derived Data available as part of a platform, providing users remote access to derivative products based in whole or in part on Exchange data.''

The Exchange also proposes to amend explanatory asterisks provided under the Program in the Fee Schedule. Specifically, the Exchange proposes to amend the paragraph following the first asterisk to reference the proposed Platform Service in addition to the existing references to the White Label Service and API Service. Additionally, the Exchange proposes to add references to Cboe One Summary after all references to EDGX Top in the paragraph following the first asterisk. The Exchange also proposes to add additional examples to asterisks two and three so as to explain the application of fees for Derived Data from Cboe One Summary. Lastly, the Exchange proposes to add an additional asterisk to state that Cboe One Summary data would be subject to the Data Consolidation fee set forth in the Fee Schedule. These proposed changes would provide clarity in the Fee Schedule based on the addition of the Platform Service and Cboe One Summary proposed herein.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[17] in general, and furthers the objectives of Section 6(b)(4),[18] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.[19] Specifically, the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,[20] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are 16 registered national securities exchanges that trade U.S. equities and have the capability to offer associated top of book market data products to their customers. 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.'' [21] The proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for its proprietary top of book data offerings through the introduction of a Derived Data Platform Service and the expansion of top of book data offerings to include Cboe One Summary under the Program.

As discussed above, the proposed Platform Service would eliminate the Non-Professional User Fee to Distributors that is normally applied for the External Distribution of Exchange data. The Exchange believes that it is reasonable to introduce reduced fees for the use of Derived Data on Platform Services as the proposed fee reduction would facilitate cost effective access to market information that is used primarily to create and display certain derivative instruments rather than to display the underlying U.S. equity securities. The proposed Platform Service fees are constrained by competition, and it is this competition that is driving the proposed fee change. Indeed, the Program is designed to allow the Exchange to compete more effectively for market data distributors that purchase market information to offer Derived Data to investors.

Similarly, the Exchange believes that it is reasonable to enhance the Program by expanding Exchange data offered under the Program to include Cboe One Summary as doing so will allow Distributors to create Derived Data that is based on a more comprehensive view of the U.S. equities market. Because Exchange data in this context is primarily purchased for the creation of Derived Data encompassing certain derivative instruments, Distributors do not require a consolidated view of the market across multiple exchanges, and will generally purchase such data from a single or select few exchange(s) for their purposes. As noted above, Cboe One Summary includes top of book quotation and transaction data across all four Cboe equity exchanges, which would allow Distributors to create more meaningful Derived Data than that available from a single exchange's market data at a potentially reduced price.

The existence of alternatives to the Program ensures that the Exchange cannot set unreasonable or unfairly discriminatory fees, as subscribers are free to elect such alternatives. That is, the Exchange competes with other exchanges that provide similar top of book and/or consolidated top of book products and pricing programs for Derived Data.[22] Expanding the availability of diverse competitive products actually promotes additional competition as it ensures that alternative products from different sources are readily available to Distributors and the broader market. The Exchange therefore believes that the introduction of pricing programs and the expansion of Exchange data are not only constrained by competition but also ensure continued competition that acts as a constraint on the pricing of services provided by other national securities exchanges. If a competing exchange were to charge less for a similar product than the Exchange charges under the proposed fee structure, prospective subscribers may choose not subscribe to, or cease subscribing to, the Program. The Exchange believes that lowering the cost of accessing Derived Data may make the Exchange's market information more attractive, and encourage additional Distributors to subscribe to Exchange market data instead of competitor products. The Exchange anticipates up to 10 Distributors to participate in the proposed Platform Service, and up to three Distributors to create Derived Data from Cboe One Summary. Distributors can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Further, firms have a wide

[17] 15 U.S.C. 78f.

[18] 15 U.S.C. 78f(b)(4).

[19] 15 U.S.C. 78k–1.

[20] *See* 17 CFR 242.603.

[21] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[22] *See generally,* the Nasdaq Basic fees at *http://www.nasdaqtrader.com/TraderB.aspx?id=MDDPricingALLN.*

variety of alternative market data products from which to choose, such as similar proprietary data products offered by other national securities exchanges,[23] including those that choose to offer discounted fees for the distribution of Derived Data in an effort to compete for this business.

The proposed rule change would provide an optional fee structure for Distributors to use Exchange data to make Derived Data available to Non-Professional Users via a Platform Service at a reduced fee. As proposed, if a Distributor uses a Platform Service to distribute Derived Data, the Distributor would be charged the normal applicable External Distribution Fees and User Fees excluding the Non-Professional User Fee. The Exchange believes that it is equitable and not unfairly discriminatory to charge a fee for Professional Users but no fee for Non-Professional Users. Non-Professional Users are already subject to a heavily discounted fee for EDGX Top market data relative to Professional Users. Differential fees for Professional and Non-Professional Users are widely used by the Exchange and other exchanges for their proprietary market data as this reduces costs for retail investors and makes market data more broadly available. The Exchange believes that eliminating fees for Non-Professional Users that access Derived Data from Distributors pursuant to the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to retail investors that rely on the public markets for their investment needs.[24] Further, the proposed fee would only apply to Distributors that elect to participate in the Program by distributing Derived Data through a Platform Service. Exchange market data is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Distributors of Exchange data are not required to participate in the proposed Program, which is merely an alternative option being proposed by the Exchange to potentially lower costs for market data that is Derived Data. As previously explained, the Exchange currently offers discounted fees for Distributors that distribute Derived Data on a White Label Service or an API Service through both a tiered External Distribution Fee and eliminated Non-Professional User Fee. Distributors of Exchange data that do not participate in either the White Label Service or API Service are subject to the normal External Distribution Fees, which include a Distribution Fee, Professional User Fee, and Non-Professional User Fee. Expanding the universe of customers that can benefit from discounted fees for distributing Derived Data would serve to further increase the accessibility of the Exchange's market data products. Although the proposed pricing for the Platform Service differs from the pricing currently in place for the White Label and API Service Programs, it mirrors the normal External Distribution Fee for EDGX Top and Cboe One Summary except that there would be no fee for Non-Professional Users. The White Label Service provides a fully controlled solution to display Derived Data as it is ultimately designed and managed by the Distributor, but made available to end users on behalf of an External Subscriber. Alternatively, the API Service offers External Subscribers the use of Derived Data in one or more of their own customized and managed applications which are then made available to their end users as needed. The Exchange believes that the proposed pricing reflects the relative benefits provided to Distributors that offer their own Platform Service that allows Users remote access to derivative products via a hosted display solution directly within the Distributors fully managed infrastructure rather than through an External Subscriber.

The proposed rule change would also provide Distributors the option to create Derived Data from Cboe One Summary, and benefit from reduced fees for that product under the Financial Product Distribution Program, in addition to the currently available EDGX Top. The proposed fees would only apply to Distributors that elect to create Derived Data from Cboe One Summary. Similar to the fee structure for EDGX Top under the Program, no fee would be assessed for Non-Professional Users of Derived Data from Cboe One Summary. For the same reasons discussed above, the Exchange believes it is equitable and not unfairly discriminatory to charge a fee for Professional Users but no fee for Non-Professional Users. Further, the proposed fee would only apply to Distributors that elect to participate in the Program by distributing Derived Data from Cboe One Summary. Exchange market data is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Although the proposed pricing for Cboe One Summary differs from the pricing currently in place for EDGX Top, the Exchange also believes that its pricing reflects the relative benefits provided to Distributors that provide Derived Data based on market information from all four Cboe equities exchanges. For example, the proposed fee for one to five External Subscribers of Derived Data based on Cboe One Summary using the API Service is equal to the aggregate standard External Distribution Fee across the Cboe equities exchange Top feeds, and is also equal to the standard External Distribution Fee for Cboe One Summary (*i.e.,* $5,000 per External Subscriber) on the Exchange. The proposed fee under the White Label Service is less than the proposed fee for API Service as the Derived Data is used by External Subscribers on a fully controlled and managed basis, and thus reflects the relative benefits for use of the Derived Data. Further, the proposed fee for Cboe One Summary under the proposed Platform Service is identical to the standard External Distribution fee for Cboe One Summary with the exception that there would be no fee associated with Non-Professional Users.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by competition among exchanges that offer similar data products, and pricing options, to their customers. Top of book data is broadly disseminated by competing U.S. equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the lowest priced top of book data product, or quality, as market participants seek to purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce fees charged to Distributors that distribute

[23] *Id.*

[24] As discussed previously, the Exchange does not fees to Non-Professional Users pursuant to the White Label Service and API Service. *See* Securities Exchange Act No. 84002 (August 30, 2018) 83 FR 45149 (September 5, 2018) (SR–CboeEDGX–2018–065) (Proposed fee amendment for White Label Service). *See also* Securities Exchange Act No. 87306 (October 15, 2019) 84 FR 56258 (October 21, 2019) (SR–CboeEDGX–2019–087) (Proposed fee amendment for API Service).

Derived Data through an Exchange approved Platform and enhance the existing program to offer Distributors the option to create Derived Data based on Cboe One Summary. The Exchange believes that this would facilitate greater access to Exchange data, ultimately benefiting investors that are provided access to such data.

The Exchange believes that the proposed fees do not put any market participants at a relative disadvantage compared to other market participants. The proposed fees would apply equally to external distributors of EDGX Top or Cboe One Summary that make Derived Data available through one of the three Service options offered by the Exchange under the Program. The continued difference in fees under the Program as compared to the normal External Distribution fees for both EDGX Top and Cboe One Summary are appropriate given that External Subscribers and Users receive Derived Data, which by definition cannot be readily reverse-engineered to recreate EDGX Top or Cboe One Summary data or used to create other data that is a reasonable facsimile or substitute for EDGX Top or Cboe One Summary. The Exchange therefore believes that the proposed fees neither favor nor penalize one or more categories of market participants in a manner that would impose an undue burden on competition. The proposed Platform Service fees would apply to data derived from EDGX Top and Cboe One Summary, which are subject to competition from exchanges that offer similar products, including but not limited to those that choose to provide similar pricing options for Derived Data. A number of national securities exchanges, including the Exchange, its affiliated Cboe U.S. equities exchanges, and the Nasdaq Stock Market, LLC (''Nasdaq'') offer pricing discounts for Derived Data today. These pricing programs reduce the cost of accessing top of book market information that is used, among other things, to create derivative instruments rather than to trade U.S. equity securities. Specifically, the Nasdaq Derived Data Enterprise license covers the Distributor of the Derived Data to their own users, while the Exchange's current Derived Data programs currently do not cover the Distributor of the Derived Data. In order to better compete for this segment of the market, the Exchange is proposing to expand the Program to include a Derived Data Platform Service, which would allow the Distributors of Derived Data to benefit from discounted pricing when providing the Derived Data to their own end users. Additionally, the Exchange is proposing to enhance the Program by providing a fee structure for Cboe One Summary, which would allow Distributors to create Derived Data that is based on a more comprehensive view of the U.S. equities market. The Exchange does not believe that the proposal would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. The Exchange believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [25] and paragraph (f) of Rule 19b–4 [26] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2021–015 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–2021–015. 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; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2021–015 and should be submitted on or before April 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05915 Filed 3–22–21; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91340; File No. SR–CboeBZX–2021–021]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Expand the Existing Financial Product Distribution Program To Provide for a Derived Data Platform Service

March 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 4, 2021, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend the Fee Schedule to expand the existing Financial Product Distribution Program (the ''Program'') to provide for a Derived Data Platform Service. Additionally, the proposal seeks to enhance the Program to provide for the distribution of data derived from the Cboe Aggregated Market (''Cboe One'') [3] Summary Feed. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, 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 purpose of the proposed rule change is to implement a pricing structure that would reduce fees charged to Distributors of ''Derived Data'', as defined below, through a Derived Data Platform Service. Additionally, the proposal seeks to enhance the Program to permit the distribution of data derived from Cboe One Summary through the existing White Label Service, Application Programming Interface (''API'') Service, and the proposed Platform Service.[4]

Background

Under the current Program, a Distributor may subscribe to one of two Derived Data Service options, White Label Service or API Service. As discussed in further detail below, the Exchange proposes to introduce a third Derived Data Service option called the Platform Service. Furthermore, the Exchange seeks to offer Cboe One Summary [5] data under the White Label Service, API Service, and the proposed Platform Service. BZX Top [6] data is currently the only Exchange data offered under the White Label and API Service options. Under the Program, regardless of the Service option selected by a Distributor, the Distributors receive the same real-time Exchange data (*e.g.,* BZX Top) as all other subscribers of such Exchange data. From the Exchange data, a Distributor may create ''Derived Data'', which is pricing data or other data that (i) is created in whole or in part from Exchange data, (ii) is not an index or financial product, and (iii) cannot be readily reverse-engineered to recreate Exchange data or used to create other data that is a reasonable facsimile or substitute for Exchange data. Derived Data may be created by Distributors for a number of different purposes, as determined by the Distributor. Possible uses include the display of information or data, or the creation of derivative instruments, such as swaps,[7] swaptions,[8] or contracts for difference.[9] The specific use of Exchange data is determined by the Distributor, as applicable fees do not depend on the purpose for placing the Derived Data under the Program. However, the Distributor must select the appropriate Service option under the Program applicable to its distribution of the Derived Data.

Generally, the recipient of an Exchange data product that distributes that data outside of its own firm is subject to External Distribution [10] fees. Such External Distribution fees vary based on the type of Exchange data product the recipient is subscribed to (*e.g.,* BZX Top, Cboe One Summary, etc.).[11] Specifically, the External Distribution Fees payable by the recipient of BZX Top are as follows: Distribution Fee $2,500/month; Professional User Fee $4.00/month; and Non-Professional User Fee $0.10/month.[12] The External Distribution Fees payable the recipient of Cboe One Summary are as follows: Distribution Fee ($5,000/month), Professional User Fee ($10/month), and Non-Professional User Fee ($0.25/month). Additionally, subscribers of Cboe One Summary are subject to the Data Consolidation Fee.[13]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 11.22(j)

[4] The Exchange initially filed the proposed fee changes January 4, 2021 (SR–CboeBZX–2021–003). On March 4, 2021, the Exchange withdrew that filing and submitted this proposal.

[5] Cboe One Summary is a proprietary data product that provides the top of book quotations and execution information for all listed equity securities traded across the Exchange and its affiliated U.S. equities exchanges (the ''Cboe equity exchanges'').

[6] BZX Top is an uncompressed data feed that offers top of book quotations and execution information based on equity orders entered into the System.

[7] A swap is a derivative contract in which two parties agree to exchange financial instruments.

[8] A swaption, or swap option, is an option to enter into a swap at a specified time.

[9] A contract for difference is an agreement to exchange the difference between the current value of an asset and its future value. If the price increases, the seller pays the buyer the amount of the increase. If the price decreases, the buyer pays the seller the amount of the decrease.

[10] External Distribution occurs when a Distributor that receives an Exchange Market Data product distributes that data to a third-party or one or more users outside the Distributor's own entity.

[11] External Distribution fees are listed in the Exchange's Fee Schedule by Exchange Market Data product. For example, the External Distribution Fees payable by the recipient of BZX Top are as follows: Distribution Fee $2,500/month; Professional User Fee $4.00/month; and Non-Professional User Fee $0.10/month. As an alternative to User fees, a Distributor may purchase a monthly Enterprise license or Digital Media Enterprise license in addition to the Distribution and User Fees.

[12] As an alternative to User fees, a Distributor may purchase a monthly Enterprise license or Digital Media Enterprise license in addition to the Distribution and User Fees.

[13] The Data Consolidation Fee is generally $1,000/month. An External Distributor that meets the criteria for the Small Retail Broker Distribution Program is charged a fee of $350/month instead of the normal $1,000/month Data Consolidation Fee.

The Exchange currently offers a White Label Service and an API Service that allow Distributors to benefit from certain discounted External Distribution Fees and User Fees for BZX Top data. Instead of the regular fee for External Distribution of Exchange data, Distributors of Derived Data under both the White Label Service and API Service are charged a tiered External Subscriber Fee based on the number of External Subscribers that receive Derived Data from the Distributor.[14] Additionally, Distributors are charged a Professional User [15] Fee based on the number of Professional Users of the Derived Data, which is the same as the Professional User Fee for BZX Top data provided under the External Distribution Fees. Non-Professional Users of Derived Data are not subject to a fee under either the White Label Service or the API Service.

The White Label Service is a type of hosted display solution in which a Distributor hosts, maintains, and controls a website or platform on behalf of a third-party entity. The service allows Distributors to make Derived Data available on a platform that is branded with a third-party brand, or co-branded with a third-party and a Distributor, while the Distributor maintains control of the applications data, entitlements and display. Alternatively, the API Service is a type of data feed distribution in which a Distributor delivers an API or similar distribution mechanism to a third-party entity for use within one or more platforms. The API Service allows Distributors to provide Derived Data to a third-party entity for use within one or more downstream platforms that are operated and maintained by the third-party entity. The Distributor maintains control of the entitlements, but does not maintain technical control of the usage or the display.

Derived Data Platform Service

Now, the Exchange is proposing to implement a third service under the Program, the Platform Service. Under the Platform Service, a Distributor could receive either BZX Top, or as discussed in further detail below, Cboe One Summary data. The Exchange data provided to Distributors under the Platform Service would be identical to Exchange data provided to Distributors under both the White Label and API Services. In contrast to the White Label and API Services, the Platform Service would allow a Distributor to provide derivative products directly to users that are hosted within their infrastructure rather than to third-party entities who in turn provide derivative products to their end users. The Platform Service would be strictly limited to derivative products based in whole or in part on Exchange data where only user remote access is permitted.

As discussed above, distributors of BZX Top may normally be subject to External Distribution and User Fees. Under the proposed Platform Service, Distributors would be liable for the normally applicable External Distribution and User Fees listed above except for the Non-Professional User fee.[16] The Non-Professional User Fee would be eliminated when participating in the Platform Service, thereby reducing costs for Distributors that provide access to such data directly to retail investors. The External Subscriber and User fees associated with the White Label Service and API Service are charged solely to the Distributor. At the Distributor's discretion, it may pass through the External Subscriber and User Fees to External Subscribers who provide Derived Data to their end users. If External Subscriber and User Fees and fee reductions are passed through to an External Subscriber by the Distributor, the External Subscriber can benefit from the External Distribution Fee once a Distributor reaches a higher scale, and also from the waiver of the Non-Professional User Fees. Therefore, the White Label Service and API Service may provide benefits to both External Subscribers as well as Distributors as Distributors increase their distribution scale. The Platform Service extends the Non-Professional User Fee waiver to Distributors of Derived Data who offer a Platform Service to their own end users, allowing Distributors to benefit consistently across services.

Like the existing White Label Service and API Service, the proposed Platform Service would be entirely optional, in that it would only apply to Distributors that opt to use Derived Data to create a Platform Service, as described herein. It would not impact or raise the cost of any other Exchange product, nor would it affect the cost of Exchange data, except in instances where Derived Data is made available on a Platform Service. A Distributor that provides a Platform Service for Exchange data that is not Derived Data or distributes Derived Data through a platform other than a White Label Service, API Service, or Platform Service would be liable for the fees normally applicable for the distribution of Exchange data.

Cboe One Summary

In addition to the above, the Exchange is proposing to adopt fees for the distribution of data derived from Cboe One Summary under the existing White Label Service and API Service, as well as the proposed Platform Service. Specifically, the Exchange is now proposing a fee amendment to allow Distributors that participate in the Program to create Derived Data from Cboe One Summary in addition to BZX Top. Therefore, Distributors of Derived Data created from Cboe One Summary could display information or data or create derivative instruments based on top of book information across the four Cboe equity exchanges rather than just BZX. The Exchange believes that the proposal will enhance the Program as the inclusion of Cboe One Summary will allow Distributors to create Derived Data that is based on a more comprehensive view of the U.S. equities market.

As noted above, Distributors of Cboe One Summary data may be subject to the normal External Distribution Fees, User Fees, and the Data Consolidation Fee. As proposed, a Distributor that provides Derived Data from Cboe One Summary externally would be liable for the proposed fees discussed below instead of the fees normally applicable for the External Distribution of Cboe One Summary. Existing fees for BZX Top Derived Data within a White Label Service or API Service are comprised of a tiered fee based on the number of External Subscribers, a monthly fee for each Professional User, and include no fee for Non-Professional Users.

[14] The tiered External Subscriber Fee for BZX Top Derived Data White Label Service ranges from $200 to $300 per month and per External Subscriber; thus, the External Subscriber fee is significantly less than the $2,500/month Distribution. The tiered External Subscriber Fee for BZX Top Derived Data API Service ranges from $1,500 up to $2,500 per month and per External Subscriber; thus, the External Subscriber fee may be less than the $2,500/month Distribution Fee.

[15] A ''Professional User'' of an Exchange Market Data product is any User other than a Non-Professional User. A ''Non-Professional User'' of an Exchange Market Data product is a natural person or qualifying trust that uses Data only for personal purposes and not for any commercial purpose and, for a natural person who works in the United States, is not: (i) Registered or qualified in any capacity with the Securities and Exchange Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt; or, for a natural person who works outside of the United States, does not perform the same functions as would disqualify such person as a Non-Professional User if he or she worked in the United States.

[16] The Non-Professional User Fee for external distribution of BZX Top is $0.10/month.

Alternatively, the proposed fees for the Platform Service are comprised of the normal External Distribution and Professional User Fees applicable for the distribution of BZX Top except that they would not be subject to the Non-Professional Users fees normally applicable. The Exchange proposes to adopt a similar fee structure for Cboe One Summary Derived Data for the White Label Service, the API Service, and the Platform Service discussed above with the addition of the Data Consolidation Fee that would be applicable to each Service option.

As proposed, Distributors would be charged the following fees for a White Label Service for Cboe One Summary Derived Data: (1) $1,000 per month for each External Subscriber if the Distributor makes Derived Data available to 1–5 External Subscribers; (2) $750 per month for each External Subscriber if the Distributor makes Derived Data available to 6–10 External Subscribers; and (3) $500 per month for each External Subscriber if the Distributor makes Derived Data available to 11 or more External Subscribers. For example, a Distributor providing White Label Derived Data based on Cboe One Summary to six External Subscribers would be charged a monthly fee of $4,500 (*i.e.,* 6 External Subscribers × $750 each). Additionally, the Exchange would continue to charge a monthly Professional User fee of $10 per month for each Professional User, and would charge the Data Consolidation Fee. The Exchange proposes no Non-Professional User fee for the distribution of Cboe One Summary Derived Data under the White Label Service, which is consistent with the fee structure for the distribution of BZX Top Derived Data under the White Label Service.

Alternatively, Distributors would be charged the following fees for an API Service for Cboe One Summary Derived Data: (1) $5,000 per month for each External Subscriber if the Distributor makes Derived Data available to 1–5 External Subscribers; (2) $4,000 per month for each External Subscriber if the Distributor makes Derived Data available to 6–20 External Subscribers; and (3) $3,000 per month for each External Subscriber if the Distributor makes Derived Data available to 11 or more External Subscribers. For example, a Distributor providing API Service Derived Data based on Cboe One Summary to six External Subscribers would be charged a monthly fee of $24,000 (*i.e.,* 6 External Subscribers × $4,000 each). Additionally, the Exchange would continue to charge a monthly Professional User fee of $10 per month for each Professional User, and would charge the Data Consolidation Fee. The Exchange proposes no Non-Professional User fee for the distribution of Cboe One Summary Derived Data under the API Service, which is consistent with the fee structure for the distribution of BZX Top Derived Data under the API Service.

Lastly, the Exchange proposes to adopt fees for the proposed Platform Service for Cboe One Summary data in addition to the proposed fees for BZX Top discussed above. Like the proposed fee for BZX Top Derived Data, Distributors of Cboe One Summary Derived Data would be liable for the fees normally applicable for the external distribution of Cboe One Summary, except for the Non-Professional User fee, and the Data Consolidation Fee. Therefore, under the Platform Service, Distributors of Cboe One Summary Derived Data would be liable for the External Distribution Fee ($5,000/month) and Professional User Fee ($10/month) and the Data Consolidation Fee.

Corresponding Amendments to Fee Schedule

Based on the proposed amendments discussed above, the Exchange proposes several clarifying modifications to the Fee Schedule. First, the Exchange proposes to add a definition of ''Platform Service'' to the Market Data Fees definitions section of the Fee Schedule. The definition would provide that ''a Platform Service is a type of hosted display solution in which a Distributor provides derivative products to Platform Service Data Users within their infrastructure. The service allows Distributors to make Derived Data available as part of a platform, providing users remote access to derivative products based in whole or in part on Exchange data.''

The Exchange also proposes to amend explanatory asterisks provided under the Program in the Fee Schedule. Specifically, the Exchange proposes to amend the paragraph following the first asterisk to reference the proposed Platform Service in addition to the existing references to the White Label Service and API Service. Additionally, the Exchange proposes to add references to Cboe One Summary after all references to BZX Top in the paragraph following the first asterisk. The Exchange also proposes to add additional examples to asterisks two and three so as to explain the application of fees for Derived Data from Cboe One Summary. Lastly, the Exchange proposes to add an additional asterisk to state that Cboe One Summary data would be subject to the Data Consolidation fee set forth in the Fee Schedule. These proposed changes would provide clarity in the Fee Schedule based on the addition of the Platform Service and Cboe One Summary proposed herein.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[17] in general, and furthers the objectives of Section 6(b)(4),[18] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.[19] Specifically, the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,[20] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are 16 registered national securities exchanges that trade U.S. equities and have the capability to offer associated top of book market data products to their customers. 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

[17] 15 U.S.C. 78f.

[18] 15 U.S.C. 78f(b)(4).

[19] 15 U.S.C. 78k–1.

[20] *See* 17 CFR 242.603.

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.'' [21] The proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for its proprietary top of book data offerings through the introduction of a Derived Data Platform Service and the expansion of top of book data offerings to include Cboe One Summary under the Program.

As discussed above, the proposed Platform Service would eliminate the Non-Professional User Fee to Distributors that is normally applied for the External Distribution of Exchange data. The Exchange believes that it is reasonable to introduce reduced fees for the use of Derived Data on Platform Services as the proposed fee reduction would facilitate cost effective access to market information that is used primarily to create and display certain derivative instruments rather than to display the underlying U.S. equity securities. The proposed Platform Service fees are constrained by competition, and it is this competition that is driving the proposed fee change. Indeed, the Program is designed to allow the Exchange to compete more effectively for market data distributors that purchase market information to offer Derived Data to investors.

Similarly, the Exchange believes that it is reasonable to enhance the Program by expanding Exchange data offered under the Program to include Cboe One Summary as doing so will allow Distributors to create Derived Data that is based on a more comprehensive view of the U.S. equities market. Because Exchange data in this context is primarily purchased for the creation of Derived Data encompassing certain derivative instruments, Distributors do not require a consolidated view of the market across multiple exchanges, and will generally purchase such data from a single or select few exchange(s) for their purposes. As noted above, Cboe One Summary includes top of book quotation and transaction data across all four Cboe equity exchanges, which would allow Distributors to create more meaningful Derived Data than that available from a single exchange's market data at a potentially reduced price.

The existence of alternatives to the Program ensures that the Exchange cannot set unreasonable or unfairly discriminatory fees, as subscribers are free to elect such alternatives. That is, the Exchange competes with other exchanges that provide similar top of book and/or consolidated top of book products and pricing programs for Derived Data.[22] Expanding the availability of diverse competitive products actually promotes additional competition as it ensures that alternative products from different sources are readily available to Distributors and the broader market. The Exchange therefore believes that the introduction of pricing programs and the expansion of Exchange data are not only constrained by competition but also ensure continued competition that acts as a constraint on the pricing of services provided by other national securities exchanges. If a competing exchange were to charge less for a similar product than the Exchange charges under the proposed fee structure, prospective subscribers may choose not subscribe to, or cease subscribing to, the Program. The Exchange believes that lowering the cost of accessing Derived Data may make the Exchange's market information more attractive, and encourage additional Distributors to subscribe to Exchange market data instead of competitor products. The Exchange anticipates up to 10 Distributors to participate in the proposed Platform Service, and up to three Distributors to create Derived Data from Cboe One Summary. Distributors can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Further, firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other national securities exchanges,[23] including those that choose to offer discounted fees for the distribution of Derived Data in an effort to compete for this business.

The proposed rule change would provide an optional fee structure for Distributors to use Exchange data to make Derived Data available to Non-Professional Users via a Platform Service at a reduced fee. As proposed, if a Distributor uses a Platform Service to distribute Derived Data, the Distributor would be charged the normal applicable External Distribution Fees and User Fees excluding the Non-Professional User Fee. The Exchange believes that it is equitable and not unfairly discriminatory to charge a fee for Professional Users but no fee for Non-Professional Users. Non-Professional Users are already subject to a heavily discounted fee for BZX Top market data relative to Professional Users. Differential fees for Professional and Non-Professional Users are widely used by the Exchange and other exchanges for their proprietary market data as this reduces costs for retail investors and makes market data more broadly available. The Exchange believes that eliminating fees for Non-Professional Users that access Derived Data from Distributors pursuant to the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to retail investors that rely on the public markets for their investment needs.[24] Further, the proposed fee would only apply to Distributors that elect to participate in the Program by distributing Derived Data through a Platform Service. Exchange market data is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Distributors of Exchange data are not required to participate in the proposed Program, which is merely an alternative option being proposed by the Exchange to potentially lower costs for market data that is Derived Data. As previously explained, the Exchange currently offers discounted fees for Distributors that distribute Derived Data on a White Label Service or an API Service through both a tiered External Distribution Fee and eliminated Non-Professional User Fee. Distributors of Exchange data that do not participate in either the White Label Service or API Service are subject to the normal External Distribution Fees, which include a Distribution Fee, Professional User Fee, and Non-Professional User Fee. Expanding the universe of customers that can benefit from discounted fees for distributing Derived Data would serve to further increase the accessibility of the Exchange's market data products. Although the proposed pricing for the Platform Service differs from the pricing

[21] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[22] *See generally,* the Nasdaq Basic fees at *http://www.nasdaqtrader.com/TraderB.aspx?id=MDDPricingALLN.*

[23] *Id.*

[24] As discussed previously, the Exchange does not fees to Non-Professional Users pursuant to the White Label Service and API Service. *See* Securities Exchange Act No. 84002 (August 30, 2018) 83 FR 45149 (September 5, 2018) (SR–CboeBZX–2018–065) (Proposed fee amendment for White Label Service). *See also* Securities Exchange Act No. 87306 (October 15, 2019) 84 FR 56258 (October 21, 2019) (SR–CboeBZX–2019–087) (Proposed fee amendment for API Service).

currently in place for the White Label and API Service Programs, it mirrors the normal External Distribution Fee for BZX Top and Cboe One Summary except that there would be no fee for Non-Professional Users. The White Label Service provides a fully controlled solution to display Derived Data as it is ultimately designed and managed by the Distributor, but made available to end users on behalf of an External Subscriber. Alternatively, the API Service offers External Subscribers the use of Derived Data in one or more of their own customized and managed applications which are then made available to their end users as needed. The Exchange believes that the proposed pricing reflects the relative benefits provided to Distributors that offer their own Platform Service that allows Users remote access to derivative products via a hosted display solution directly within the Distributors fully managed infrastructure rather than through an External Subscriber.

The proposed rule change would also provide Distributors the option to create Derived Data from Cboe One Summary, and benefit from reduced fees for that product under the Financial Product Distribution Program, in addition to the currently available BZX Top. The proposed fees would only apply to Distributors that elect to create Derived Data from Cboe One Summary. Similar to the fee structure for BZX Top under the Program, no fee would be assessed for Non-Professional Users of Derived Data from Cboe One Summary. For the same reasons discussed above, the Exchange believes it is equitable and not unfairly discriminatory to charge a fee for Professional Users but no fee for Non-Professional Users. Further, the proposed fee would only apply to Distributors that elect to participate in the Program by distributing Derived Data from Cboe One Summary. Exchange market data is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Although the proposed pricing for Cboe One Summary differs from the pricing currently in place for BZX Top, the Exchange also believes that its pricing reflects the relative benefits provided to Distributors that provide Derived Data based on market information from all four Cboe equities exchanges. For example, the proposed fee for one to five External Subscribers of Derived Data based on Cboe One Summary using the API Service is equal to the aggregate standard External Distribution Fee across the Cboe equities exchange Top feeds, and is also equal to the standard External Distribution Fee for Cboe One Summary (*i.e.,* $5,000 per External Subscriber) on the Exchange. The proposed fee under the White Label Service is less than the proposed fee for API Service as the Derived Data is used by External Subscribers on a fully controlled and managed basis, and thus reflects the relative benefits for use of the Derived Data. Further, the proposed fee for Cboe One Summary under the proposed Platform Service is identical to the standard External Distribution fee for Cboe One Summary with the exception that there would be no fee associated with Non-Professional Users.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by competition among exchanges that offer similar data products, and pricing options, to their customers. Top of book data is broadly disseminated by competing U.S. equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the lowest priced top of book data product, or quality, as market participants seek to purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce fees charged to Distributors that distribute Derived Data through an Exchange approved Platform and enhance the existing program to offer Distributors the option to create Derived Data based on Cboe One Summary. The Exchange believes that this would facilitate greater access to Exchange data, ultimately benefiting investors that are provided access to such data.

The Exchange believes that the proposed fees do not put any market participants at a relative disadvantage compared to other market participants. The proposed fees would apply equally to external distributors of BZX Top or Cboe One Summary that make Derived Data available through one of the three Service options offered by the Exchange under the Program. The continued difference in fees under the Program as compared to the normal External Distribution fees for both BZX Top and Cboe One Summary are appropriate given that External Subscribers and Users receive Derived Data, which by definition cannot be readily reverse-engineered to recreate BZX Top or Cboe One Summary data or used to create other data that is a reasonable facsimile or substitute for BZX Top or Cboe One Summary. The Exchange therefore believes that the proposed fees neither favor nor penalize one or more categories of market participants in a manner that would impose an undue burden on competition. The proposed Platform Service fees would apply to data derived from BZX Top and Cboe One Summary, which are subject to competition from exchanges that offer similar products, including but not limited to those that choose to provide similar pricing options for Derived Data. A number of national securities exchanges, including the Exchange, its affiliated Cboe U.S. equities exchanges, and the Nasdaq Stock Market, LLC (''Nasdaq'') offer pricing discounts for Derived Data today. These pricing programs reduce the cost of accessing top of book market information that is used, among other things, to create derivative instruments rather than to trade U.S. equity securities. Specifically, the Nasdaq Derived Data Enterprise license covers the Distributor of the Derived Data to their own users, while the Exchange's current Derived Data programs currently do not cover the Distributor of the Derived Data. In order to better compete for this segment of the market, the Exchange is proposing to expand the Program to include a Derived Data Platform Service, which would allow the Distributors of Derived Data to benefit from discounted pricing when providing the Derived Data to their own end users. Additionally, the Exchange is proposing to enhance the Program by providing a fee structure for Cboe One Summary, which would allow Distributors to create Derived Data that is based on a more comprehensive view of the U.S. equities market. The Exchange does not believe that the proposal would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. The Exchange believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [25] and paragraph (f) of Rule 19b–4 [26] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2021–021 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2021–021. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–021 and should be submitted on or before April 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05914 Filed 3–22–21; 8:45 am]

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[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91339; File No. SR–CboeBZX–2021–020]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Applicable to the BZX Top Feed

March 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 4, 2021, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend the fees applicable to the BZX Top Feed. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, 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 purpose of the proposed rule change is to amend the fees applicable to the BZX Top Feed,[3] which is an uncompressed data feed that offers both top-of-book quotations and execution information based on equity orders entered into the System.[4] Specifically, the Exchange proposes to: (1) Increase the fee for internal distribution of the BZX Top Feed; and (2) introduce Professional User fees for internal Professional Users of the BZX Top Feed.[5] The current fees for external

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes on January 4, 2021. *See* Securities Exchange Act Release No. 90919 (January 14, 2021), 86 FR 6710 (January 2, 2021) [sic] (SR–CboeBZX–2021–002). On March 4, 2021, the Exchange withdrew that filing and submitted this proposal.

[4] *See* BZX Rule 11.22(d).

[5] A Professional User of an Exchange Market Data product is any User other than a Non-Professional User. *See* BZX Schedule of Fees, Market Data Fees, Definitions. A ''Non-Professional User'' of an Exchange Market Data product is a natural person or qualifying trust that uses Data only for personal purposes and not for any commercial purpose and, for a natural person who works in the United States, is not: (i) Registered or qualified in any capacity with the Securities and Exchange Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in

distribution of the BZX Top Feed will continue to apply, without change, including various incentive programs that the Exchange has adopted to facilitate the provision of lower-cost market data to retail and other investors.[6]

Market Background

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues, and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [7] As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.'' [8]

Equity trading is currently dispersed across sixteen exchanges, including three new U.S. equities exchanges that launched trading in 2020, 32 alternative trading systems,[9] and numerous broker-dealer internalizers and wholesalers, all competing fiercely for order flow. Based on publicly-available information, no single U.S. equities exchange has more than 20% market share.[10] In turn, the market for top-of-book quotation and transaction data is highly competitive as national securities exchanges compete vigorously with each other to provide efficient, reliable, and low-cost data to a wide range of investors and market participants. In fact, there are twelve competing products offered by other national securities exchanges today,[11] not counting products offered by the Exchange's affiliates, and each of the Exchange's affiliated U.S. equities exchanges also offers similar top-of-book data. Each of those exchanges offer top-of-book quotation and last sale information based on their own quotation and trading activity that is substantially similar to the information provided by the Exchange through the BZX Top Feed.[12] Exchange top-of-book data is therefore widely available today from a number of different sources.

Fees for Internal Distribution of the BZX Top Feed

Currently, the Exchange charges a modest fee of $500 per month for internal distribution of BZX Top Feed data,[13] *i.e.,* distribution within the distributor's own firm,[14] and does not charge any additional fees for internal distribution based on the number of Professional or Non-Professional Users that receive access to this information. These internal distribution fees have been in place, without change, since July 2013 when the Exchange first began charging for access to the BZX Top Feed, which had previously been available free of charge.[15] In the time since, the Exchange has made a number of significant enhancements to its platform, including, among other things, a significant expansion of its listing program for exchange-traded products,[16] that have resulted in improved trading opportunities for investors and, consequently, more valuable market data.

As discussed, the Exchange now proposes to increase certain fees applicable to firms that consume this data as internal distributors, *i.e.,* firms that use BZX Top Feed data for internal purposes as opposed to firms that distribute such data externally to its customers. As proposed, the Exchange would increase the monthly charge for internal distribution of BZX Top Feed data to $750 per month, which would continue to be significantly cheaper than similar products offered by the Exchange's main competitors.[17] In addition, the Exchange would introduce Professional User fees for internal Professional Users of the BZX Top Feed. Those Professional User fees will be the same as the modest fee currently charged for external distribution of the BZX Top Feed, *i.e.,* $4 per month for each Professional User. There would continue to be no charge associated with internal distribution to Non-Professional Users. Further, as discussed, the current fees for external distribution of the BZX Top Feed would continue to apply, without change, including various incentive programs that the Exchange has adopted to facilitate the provision of lower-cost market data to retail and other investors. As a result, the Exchange believes that the proposed fee changes would allow it to be appropriately compensated for the value of its market data, particularly from professional financial services firms that use that data for internal purposes, while simultaneously ensuring that its data would continue to be available to a wide range of investors and market participants at a cost that facilitates widespread availability of such data.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[18] in general, and furthers the objectives of Section 6(b)(4),[19] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. In addition, the Exchange believes that the proposed rule change is consistent with

Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt; or, for a natural person who works outside of the United States, does not perform the same functions as would disqualify such person as a Non-Professional User if he or she worked in the United States. *Id.*

[6] *See e.g.,* BZX Schedule of Fees, Financial Product Distribution Program. The Financial Product Distribution Program lowers the cost of distributing Derived Data based upon the Exchange's top-of-book offerings, including Derived Data that is often used by retail investors.

[7] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS Adopting Release'').

[8] *See* Securities Exchange Act Release No. 84875, 84 FR 5202, 5253 (February 20, 2019) (File No. S7–05–18) (Transaction Fee Pilot for NMS Stocks Final Rule) (''Transaction Fee Pilot'').

[9] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsData.* A list of alternative trading systems registered with the Commission is available at *https://www.sec.gov/foia/docs/atslist.htm.*

[10] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, *available at http://markets.cboe.com/us/equities/market_share/.*

[11] Competing top-of-book products include, Nasdaq Basic, BX Basic, PSX Basic, NYSE BQT, NYSE BBO/Trades, NYSE Arca BQT, NYSE Arca BBO/Trades, NYSE American BBO/Trades, NYSE Chicago BBO/Trades, IEX TOPS, MIAX PEARL Equities Top of Market Feed, and MEMX MEMOIR Top.

[12] For example, The Nasdaq Stock Market LLC (''Nasdaq'') offers ''Nasdaq Basic'' which is a real-time market data product that offers best bid and offer and last sale information for all U.S. exchange-listed securities based on liquidity within the Nasdaq market center and trades reported to the FINRA/Nasdaq Trade Reporting Facility (''Nasdaq TRF''). *See* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(a). The type of information contained on the BZX Top Feed is substantially similar to that offered through Nasdaq Basic, except that the Exchange disseminates information about quotes and trades on BZX, whereas Nasdaq Basic provides information about quotes and trades on Nasdaq and the Nasdaq TRF. Other national securities with competing top-of-book products also offer substantially similar types of information through those top-of-book products.

[13] *See* BZX Schedule of Fees, BZX Top, Internal Distribution.

[14] The Exchange's fee schedule defines an Internal Distributor of an Exchange Market Data product as a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. *See* BZX Schedule of Fees, Market Data Fees, Definitions.

[15] *See* Securities Exchange Act Release No. 69936 (July 3, 2013), 78 FR 41483 (July 10, 2013) (SR–BATS–2013–39).

[16] *See infra* notes 44–45 and accompanying text.

[17] *See infra* notes 32–39 and accompanying text.

[18] 15 U.S.C. 78f.

[19] 15 U.S.C. 78f(b)(4).

Section 11(A) of the Act as it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.[20] Finally, the proposed rule change is also consistent with Rule 603 of Regulation NMS,[21] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

The Exchange operates in a highly competitive environment. Indeed, with the launch of three new national securities exchanges that trade U.S. equity securities last September, there are now sixteen registered U.S equities exchanges, and with the exception of Long-Term Stock Exchange, Inc. (''LTSE''), which has determined to not offer any proprietary market data feeds, each of these exchanges offer associated market data products to their customers, either with or without a fee. It is in this robust and competitive market in which the Exchange is proposing to increase its fees, while still providing its data at a significantly lower price than competing products offered by other national securities exchanges with similar data quality.

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Further, with respect to market data, the decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC* upheld the Commission's reliance on the existence of competitive market mechanisms to evaluate the reasonableness and fairness of fees for proprietary market data: ''In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.' '' [22] The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [23] As discussed in this filing, significant competitive forces constrain the ability of the Exchange to charge supra-competitive fees.

i. The BZX Top Feed Is an Optional Market Data Product, and the Exchange Is Constrained in Its Pricing by Significant Competitive Forces

Subscribing to the BZX Top Feed is entirely optional. The Exchange is not required to make the BZX Top Feed available to any customers, nor is any customer required to purchase the BZX Top Feed.[24] A customer's decision as to whether to purchase the BZX Top Feed is therefore entirely discretionary, and is based on that firms individual business needs. Generally, firms that choose to subscribe to the BZX Top Feed do so because they believe that it is a cost-effective source for top-of-book data that provides valuable information about the market for national market system (''NMS'') stocks traded on the Exchange, where a consolidated display covering all U.S. equities exchanges is not required. Such firms are able to determine for themselves whether the BZX Top Feed helps them to achieve their business goals, and if so, whether or not it is attractively priced compared to other similar top-of-book products offered by competing exchanges.

Indeed, if the BZX Top Feed does not provide sufficient value to firms based on the uses those firms may have for it, such firms may simply choose to conduct their business operations in ways that do not use the BZX Top Feed. In fact, comparing the number of internal distributors that currently subscribe to the BZX Top Feed, based on data compiled by the Exchange as of November 2020, to the total number of internal distributors that subscribe to core data offered by the CTA and UTP SIPs, as published on plan websites for Q3 2020,[25] less than 9.5% of internal distributors that purchase U.S. equities data choose to subscribe to the BZX Top Feed.[26] The BZX Top Feed therefore represents an insignificant proportion of the market for such market data, and significantly more internal distributors choose not to purchase this product than those that do. Given the insignificant percentage of internal distributors that consume the BZX Top Feed, it is clear that such firms can and do exercise their right to choose to purchase, or not purchase, this particular market data product. And, as discussed later in this filing, any internal distributor of top-of-book data that does not wish to purchase the BZX Top Feed, due to the price of that data or for any other reason, can choose to substitute similar information from other exchanges.

Although the Exchange is not required to make any data, including top-of-book data, available through its proprietary market data platform, the Exchange believes that making such data available increases investor choice, and contributes to a fair and competitive market. Specifically, making such data publicly available through proprietary data feeds allows investors to choose alternative, potentially less costly, market data based on their business needs. For example, a buy-side investor or fintech firm may choose to purchase the BZX Top Feed, or a similar product from another exchange, in order to perform investment analysis, or to provide general information about the market for U.S. equity securities, respectively. In either case the choice to purchase the BZX Top Feed would be based on the firm's determination of the value of the data offered by their chosen product compared to the cost of acquiring this data instead of receiving similar data from other sources. The BZX Top Feed serves as a valuable reference for investors that do not require a consolidated display. Making alternative products available to market participants ultimately ensures competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees.

Further, in the event that a market data customer views one exchange's top-of-book data product and/or fees as more or less attractive than a competitor's offerings they can and

[20] 15 U.S.C. 78k-1.

[21] *See* 17 CFR 242.603.

[22] *NetCoalition* v. *SEC,* 615 F.3d 525, 535 (DC Cir. 2010) (''*NetCoalition I*'') (quoting H.R. Rep. No. 94–229 at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 323).

[23] *Id.* at 535.

[24] The Exchange notes that broker-dealers are not required to purchase proprietary market data to comply with their best execution obligations. *See* In the Matter of the Application of Securities Industry and Financial Markets Association for Review of Actions Taken by Self-Regulatory Organizations, Release Nos. 34–72182; AP–3–15350; AP–3–15351 (May16, 2014). Similarly, there is no requirement in Regulation NMS or any other rule that proprietary data be utilized for order routing decisions, and some broker-dealers and ATSs have chosen not to do so.

[25] *See* CTA Quarterly Population Metrics (Q3 2020), *available at https://www.ctaplan.com/publicdocs/ctaplan/CTAPLAN_Population_Metrics_3Q2020.pdf;* UTP Quarterly Population Metrics (Q3 2020), *available at https://www.utpplan.com/DOC/UTP_2020_Q3_Stats_with_Processor_Stats.pdf.*

[26] This statistic reflects the number of internal distributors that purchase the BZX Top Feed divided by the number of internal distributors that purchase consolidated market data from the SIPs, as reflected in publicly available information. *Id.* The Exchange does not have similar information about the number of internal distributors that purchase top-of-book data from other exchanges as competing exchanges do not typically make this information publicly available due to the commercially sensitive nature of such information.

often do switch between competing products. As discussed, similar top-of-book information is available from a number of competing U.S. equities exchanges.[27] This include a number of large established exchanges that charge for access to such top-of-book data, as well as certain smaller or new exchange entrants that provide similar data without charge, in many cases as a way of attracting customers to their exchange while they seek to grow market share. In this way, the BZX Top Feed and other top-of-book products offered by a number of U.S. equities exchanges, are all substitutes. The availability of these substitute products constrains the Exchange's ability to charge supra-competitive prices as market participants can easily obtain similar data from one of the Exchange's many competitors. In fact, the impact of competition on the market in which the BZX Top Feed is offered to market participants and investors is showcased by the Exchange's other recent fee changes related to this product, which involved the *reduction* of fees to facilitate the Exchange's ability to compete for customers.[28] And, other exchanges have similarly filed to reduce the prices of their top-of-book data in order to compete with products offered by the Exchange and other competing exchanges.[29]

Distributors can discontinue use of the BZX Top Feed at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Indeed, one internal distributor of the BZX Top Feed that cancelled its subscription as of February 2021 informed the Exchange that its decision to do so was based on this fee increase, which initially went into effect for the month of January 2021. Other internal distributors are free to similarly cancel their subscriptions in favor of a competitor offering, or cheaper or free data offered by the Exchange's affiliated U.S. equities exchanges, if they believe that the fees are too high given their particular use case for obtaining the data that the Exchange provides over the BZX Top Feed. The Exchange offers all of its proprietary market data products pursuant to a month-to-month contract that allows subscribers to choose to terminate their subscription at any time. As a result, there are no contractual or other legal impediments for firms that wish to cancel their subscription to the Exchange's market data products, including the BZX Top Feed. In addition, the Exchange notes that all internal distributors of the BZX Top Feed either receive this data through a market data vendor, as opposed to directly from the Exchange, or is a market data vendor itself.[30] Thus, firms can seamlessly switch to any other competitor product offered by their chosen vendor without incurring additional switching costs, such as the cost of establishing connectivity to another exchange to receive its market data.[31]

In setting the proposed fees for the BZX Top Feed, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. Indeed, the Exchange is not in a position to charge unreasonable fees for its top-of-book data as there are a number of competing products in the market, including products that are currently offered free of charge by certain other exchanges that have determined not to charge for their market data. The existence of alternatives to the BZX Top Feed ensures that the Exchange cannot set unreasonable fees when vendors and subscribers can freely elect these alternatives or choose not to purchase a specific proprietary data product if the attendant fees are not justified by the returns that any particular vendor or data recipient would achieve through the purchase.

ii. The Proposed Fees Are Reasonable Given the Value of the Data Provided to Customers, and When Compared to Competing Market Data Products

The proposed fees are also reasonable as even with the proposed fee increase they would continue to represent a relatively modest fee for top-of-book data that has proven valuable for investors. The BZX Top Feed is a competitively-priced alternative to top-of-book data disseminated by other national securities exchanges. It is purchased by a wide variety of market participants and vendors, including data platforms, websites, fintech firms, buy-side investors, retail brokers, regional banks, and securities firms inside and outside of the U.S. that desire low cost, high quality, real-time U.S. equity market data. By providing lower cost access to U.S. equity market data, the BZX Top Feed benefits a wide range of investors that participate in the national market system. As discussed, the decision to purchase a particular market data product from a particular exchange is largely based on two factors: (1) The quality of the data, and (2) the price charged for access to that data. The Exchange believes that the BZX Top Feed is competitive on both of these factors.

First, the BZX Top Feed would remain competitively priced compared to similar products offered by other comparable U.S. equities exchanges. Although the BZX Top Feed is not offered free of charge like certain other competitor offerings, particularly those offered by newer U.S. equities exchanges that are seeking to grow market share, it is made available at a price that is significantly lower than the prices charged by the Exchange's main competitors—*i.e.,* those with comparable market shares and data quality. Notably, even with the proposed fee increase, the BZX Top Feed would remain significantly cheaper than similar products offered by New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc. (''Arca''), and Nasdaq both in terms of the fees charged for internal distribution and the fees charge for each Professional User that is provided access to the feed. For example, NYSE charges a total of $3,000 per month for internal distribution of their equivalent products, *i.e.,* $1,500 per month for applicable top-of-book quotation information,[32] and an additional $1,500 per month for transaction information,[33] both of which are included in the BZX Top Feed for a single fee.[34] Arca, which has a similar pricing model to NYSE, also charges a higher rate of $1,500 per month for internal distribution of its equivalent products, separated into a $750 per

[27] Although the Exchange does not have access to the customer lists for other competing products, it understands based on conversations with subscribers to the BZX Top Feed that they typically view exchange top-of-book products as substitutes and do not generally look to purchase such data from more than one national securities exchange.

[28] *See supra* note 6. The Exchange also notes that while this proposed fee change involves an increase in fees, it is simultaneously filing another proposed fee change to expand its Financial Products Distribution Program and further *reduce* certain fees. *See* Securities Exchange Act Release No. 90912 (January 13, 2021), 86 FR 6398 (January 1, 2021) (SR–CboeBZX–2021–003) [sic].

[29] *See e.g.* Securities Exchange Act Release No. 90616 (December 9, 2020), 85 FR 81237 (December 15, 2020) (SR–NASDAQ–2020–086).

[30] One previous subscriber to the BZX Top Feed received this data directly from the Exchange. However, that subscriber recently terminated its subscription to the BZX Top Feed in favor of other products offered by the Exchange.

[31] Market data vendors typically establish connectivity to a number of national securities exchanges to be able to offer their market data to customers.

[32] *See* NYSE PDP Market Data Pricing, Section 1.3, NYSE BBO.

[33] *See* NYSE PDP Market Data Pricing, Section 1.4, NYSE Trades.

[34] *See supra* note 4 and accompanying text. The Exchange also offers a separate market data product, *i.e.,* BZX Last Sale, that exclusively provides last sale information. *See* BZX Rule 13.8(d). However, all of the information contained in the BZX Last Sale Feed is also made available in the BZX Top Feed at no additional charge.

month charge for top-of-book quotation information and an additional $750 per month charge for transaction information.[35] Finally, Nasdaq charges its internal distributors a fee of $1,500 per month for Nasdaq Basic, which includes both top-of-book quotation information and transaction information for the same fee, similar to the Exchange's pricing model, but again at a higher cost.[36] In each case, the internal distribution charges associated with obtaining comparable U.S. equities market data from NYSE, Arca, and Nasdaq runs at least double and up to four times as much as the proposed fee to be charged by the Exchange, meaning that the Exchange would continue to be offering its data at a price that is attractive compared to the prices charged by its competitors. Similarly, each of these exchanges charges a fee for each professional subscriber.[37] Those professional subscriber fees are each higher than that proposed by the Exchange—*i.e.,* $26 per month for Nasdaq,[38] and $8 per month total for both NYSE and Arca.[39]

Second, the proposed fees are reasonable given the value of the data provided in the BZX Top Feed and used by data recipients in their profit-generating activities. The BZX Top Feed provides top-of-book quotations and transactions executed on the Exchange, and provides a valuable window into the market for securities traded on a market that accounts for about 5% of U.S. equity market volume today.[40] As discussed, the Exchange offers the BZX Top Feed in a competitive environment where firms may freely choose which market data products best suit their business needs. Invariably, firms that choose to purchase the BZX Top Feed instead of receiving one of the many free products offered by other exchanges,[41] including free products offered by an affiliate of the Exchange,[42] have decided that the value of the BZX Top Feed is greater than that offered by those other products. Indeed, by incentivizing market quality improvements through its Lead Market Maker (''LMM'') and other programs designed to enhance the quality of its market,[43] the Exchange is able to offer higher quality market data products to customers. The Exchange consistently ranks among the top U.S. equities exchanges in terms of various market quality measures, *e.g.,* NBBO quote quality and NBBO market share.[44] In turn, investors may choose to rely on the Exchange's market data products instead of other competitor offerings based on the value they provide in relation to any additional cost associated with obtaining that market data from the Exchange. For example, investors may wish to obtain market data from an exchange that has a higher time at the inside, as data obtained from an exchange that is quoting more often at the NBBO may better reflect the applicable market for securities it trades. Similarly, an exchange with greater overall market share will produce more transaction information that may be valuable to consumers of its data. Improvements in market quality will therefore directly impact the value of the market data that an exchange is able to offer to investors.

iii. The Proposed Fees Are Equitable and Not Unfairly Discriminatory as Internal Distributors Will Be Subject to Uniform Pricing Based on Their Usage of the Data and Differences Between the Fees Charged for Internal and External Distribution are Appropriate

The Exchange believes the proposed fees for internal distribution of the BZX Top Feed will continue to be allocated fairly and equitably among subscribers, and are not unfairly discriminatory, as the proposed fees will apply equally to all data recipients that choose to subscribe to the BZX Top Feed and distribute that data to internal subscribers. As proposed, all internal distributors of the BZX Top Feed will be subject to the same internal distribution fee, regardless of the type of business that they operate, or the use they plan to make of the data feed. Thus, all internal distributors would have access to the BZX Top Feed on the same equitable and non-discriminatory terms. Similarly, with the introduction of Professional User fees, internal distributors of the BZX Top Feed will be subject to the same modest fees based solely on the number of Professional Users that each internal distributor has chosen to permission for access to this information. The Exchange does not believe that it is inequitable, or unfairly discriminatory, to charge a fee based on the number of Professional Users within a firm that have access to the BZX Top Feed as this ensures that firms with the highest usage pay their equitable share for the data.

The Exchange also believes that it is fair and equitable, and not unfairly discriminatory, to continue *not* to charge a fee for internal distribution to Non-Professional Users. The Exchange's fee structure is generally designed to facilitate lower cost access to its market data by retail investors, either through substantially lower User fees for Non-Professional Users, or other incentive programs, such as the Small Retail Broker Distribution Program, which was recently implemented to lower the cost of the Exchange's market data to small broker-dealers that serve retail investors. The Exchange does not believe that any significant number of Non-Professional Users to [sic] receive BZX Top Feed Data through internal, *i.e.,* within the distributor's firm, as opposed to external distribution, and in the event that certain firms may distribute data internally to Users that qualify as Non-Professional, providing such Users access without any User fees would facilitate the Exchange's overall goals of facilitating access to its data by retail investors, which the Commission has continually found to be consistent with the Exchange Act.

Finally, the Exchange believes that it is fair and equitable, and not unfairly discriminatory to continue to charge different fees for internal and external distribution of the BZX Top Feed. As is common practice, the Exchange charges lower fees to distributors that use its market data products for internal distribution only than to distributors

[35] *See* NYSE PDP Market Data Pricing, Section 3.3, NYSE Arca BBO; NYSE PDP Market Data Pricing, Section 3.4, NYSE Arca Trades.

[36] *See* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(c)(1). In addition, Nasdaq also charges distributors a $100 monthly administrative fee. *See* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 135.

[37] These exchanges use a definition of ''professional subscriber'' that is substantially similar to the Professional User definition used by the Exchange. *See e.g.* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(d)(4)(B); NYSE Nonprofessional Subscriber Policy, *available at https://www.nyse.com/publicdocs/nyse/data/Policy-Non-ProfessionalSubscribers_PDP.pdf.*

[38] Nasdaq's Professional User fee is divided into Nasdaq issues ($13), NYSE issues ($6.50), and other issues ($6.50) for a total of $26 per month for each Professional User. *See* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(b)(1).

[39] NYSE and Arca's fees are both broken down into $4 per month for BBO information and an additional $4 per month for Trades information. *See supra* notes 32, 33, and 35.

[40] *See https://markets.cboe.com/us/equities/market_share/.*

[41] *See e.g.,* Investors Exchange Fee Schedule, Market Data fees.

[42] *See e.g.,* Cboe EDGA Exchange, Inc., Fee Schedule, EDGA Top.

[43] Under the LMM Program, the Exchange offers daily incentives for LMMs securities listed on the Exchange for which the LMM meets certain Minimum Performance Standards. *See* Securities Exchange Act Release No. 86213 (June 27, 2019), 84 FR 31951 (July 3, 2019). The term ''Minimum Performance Standards'' means a set of standards applicable to an LMM that may be determined from time to time by the Exchange. *See* Rule 11.8(e)(1)(E). Such standards will vary between LMM Securities depending on the price, liquidity, and volatility of the LMM Security in which the LMM is registered. *Id.* The performance measurements will include: (A) Percent of time at the NBBO; (B) percent of executions better than the NBBO; (C) average displayed size; and (D) average quoted spread. *Id.*

[44] *See https://www.cboe.com/us/equities/market_statistics/market_quality/.*

that redistribute that data externally to their customers. In the case of the BZX Top Feed, external distributors are subject to a higher distribution fee, and are also subject to Non-Professional User fees, which as discussed above the Exchange has determined to continue not to charge to internal distributors.[45] Increasing the fees that the Exchange charges for internal distribution of the BZX Top Feed, as proposed, would actually serve to *decrease* the disparity in charge between internal and external distribution, while at the same time continuing to facilitate the internal distribution of the BZX Top Feed at a lower cost. The Exchange continues to believe that it is appropriate to distinguish between internal and external distributors in setting fees for the BZX Top Feed as external distributors can redistribute the Exchange's market data to its clients for a fee, whereas internal distributors are not allowed to redistribute the data.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by competition among exchanges that offer similar data products to their customers. Top-of-book data is broadly disseminated by competing U.S. equities exchanges. There are therefore a number of alternative products available to market participants and investors, including products offered by certain competing exchanges without charge. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as market data customers look to purchase cheaper top-of-book data products, and quality, as market participants seek to purchase data that represents significant market liquidity.

Intramarket Competition. The Exchange believes that the proposed fees do not put any market participants at a relative disadvantage compared to other market participants. As discussed, the proposed fees would apply to all internal distributors of the BZX Top Feed on an equal and non-discriminatory basis, and the continued difference in fees for internal and external distribution are appropriate given the ability for external distributors to redistribute data externally to their clients. The Exchange therefore believes that the proposed fees neither favor nor penalize one or more categories of market participants in a manner that would impose an undue burden on competition.

To the extent that particular fees would apply to only a subset of subscribers, *e.g.,* Professional versus Non-Professional Users, those distinctions are not unfairly discriminatory and do not unfairly burden one set of customers over another. As discussed, the Exchange does not believe that any significant number of Non-Professional Users receive BZX Top Feed Data through internal distribution. Further, to the extent that any Non-Professional Users receive the BZX Top Feed through internal distribution, the Exchange believes that it is not unfairly discriminatory not to charge a fee for their usage as this would facilitate the dissemination of market data to retail investors.

Intermarket Competition. The Exchange believes that the proposed fees do not impose a burden on competition or on other SROs that is not necessary or appropriate in furtherance of the purposes of the Act. In setting the proposed fees, the Exchange is constrained by the availability of numerous substitute products offered by other national securities exchanges. Because market data customers can find suitable substitute feeds, an exchange that overprices its market data products stands a high risk that users may substitute another product. These competitive pressures ensure that no one exchange's market data fees can impose an undue burden on competition, and the Exchange's proposed fees do not do so here.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[46] and paragraph (f) of Rule 19b–4[47] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2021–020 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2021–020. 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

[45] *See* BZX Schedule of Fees, BZX Top. The proposed Professional User fee for internal distribution of the BZX Top Feed is the same as currently charged for external distribution of that market data product. *Id.*

[46] 15 U.S.C. 78s(b)(3)(A).

[47] 17 CFR 240.19b–4(f).

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–2021–020 and should be submitted on or before April 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05913 Filed 3–22–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91345; File No. SR–NASDAQ–2020–057]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Allow Companies To List in Connection With a Direct Listing With a Primary Offering in Which the Company Will Sell Shares Itself in the Opening Auction on the First Day of Trading on Nasdaq and To Explain How the Opening Transaction for Such a Listing Will Be Effected

March 17, 2021.

On September 4, 2020, The Nasdaq Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] a proposed rule change to allow companies to list in connection with a primary offering in which the company will sell shares itself in the opening auction on the first day of trading on the Exchange and to explain how the opening transaction for such a listing will be effected. The proposed rule change was published for comment in the **Federal Register** on September 21, 2020.[4] On November 4, 2020, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve or disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On December 17, 2020, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change.[8] On February 22, 2021, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the proposed rule change as originally filed. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on March 2, 2021.[9]

Section 19(b)(2) of the Act[10] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of the filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on September 21, 2020.[11] The 180th day after publication of the Notice is March 20, 2021. The Commission is extending the time period for approving or disapproving the proposal for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1, along with the comments received on the proposal. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[12] designates May 19, 2021, as the date by which the Commission should either approve or disapprove the proposed rule change (File No. SR–NASDAQ–2020–057), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05917 Filed 3–22–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91338; File No. SR–CboeEDGX–2021–014]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Applicable to the EDGX Top Feed

March 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 4, 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, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend the fees applicable to the EDGX Top Feed. 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/*), 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

[48] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 89878 (September 15, 2020), 85 FR 59349 (September 21, 2020). Comments received on the proposal are available on the Commission's website at: *https://www.sec.gov/comments/sr-nasdaq-2020-057/srnasdaq2020057.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 90331 (November 4, 2020), 85 FR 71708 (November 10, 2020).

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 90717 (December 17, 2020), 85 FR 84025 (December 23, 2020).

[9] See Securities Exchange Act Release No. 91205 (February 24, 2021), 86 FR 12245 (March 2, 2021).

[10] 15 U.S.C. 78s(b)(2).

[11] *See Supra* note 4.

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 purpose of the proposed rule change is to amend the fees applicable to the EDGX Top Feed,[3] which is an uncompressed data feed that offers both top-of-book quotations and execution information based on equity orders entered into the System.[4] Specifically, the Exchange proposes to: (1) Increase the fee for internal distribution of the EDGX Top Feed; and (2) introduce Professional User fees for internal Professional Users of the EDGX Top Feed.[5] The current fees for external distribution of the EDGX Top Feed will continue to apply, without change, including various incentive programs that the Exchange has adopted to facilitate the provision of lower-cost market data to retail and other investors.[6]

Market Background

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues, and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [7] As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.'' [8]

Equity trading is currently dispersed across sixteen exchanges, including three new U.S. equities exchanges that launched trading in 2020, 32 alternative trading systems,[9] and numerous broker-dealer internalizers and wholesalers, all competing fiercely for order flow. Based on publicly-available information, no single U.S. equities exchange has more than 20% market share.[10] In turn, the market for top-of-book quotation and transaction data is highly competitive as national securities exchanges compete vigorously with each other to provide efficient, reliable, and low-cost data to a wide range of investors and market participants. In fact, there are twelve competing products offered by other national securities exchanges today,[11] not counting products offered by the Exchange's affiliates, and each of the Exchange's affiliated U.S. equities exchanges also offers similar top-of-book data. Each of those exchanges offer top-of-book quotation and last sale information based on their own quotation and trading activity that is substantially similar to the information provided by the Exchange through the EDGX Top Feed.[12] Exchange top-of-book data is therefore widely available today from a number of different sources.

Fees for Internal Distribution of the EDGX Top Feed

Currently, the Exchange charges a modest fee of $500 per month for internal distribution of EDGX Top Feed data,[13] *i.e.,* distribution within the distributor's own firm,[14] and does not charge any additional fees for internal distribution based on the number of Professional or Non-Professional Users that receive access to this information. These internal distribution fees have been in place, without change, since early 2015 when the Exchange first began offering the EDGX Top Feed.[15] In the time since, the Exchange has made a number of significant enhancements to its platform, including notably the introduction of priority for retail limit orders,[16] that have resulted in improved trading opportunities for investors and, consequently, more valuable market data.[17]

As discussed, the Exchange now proposes to increase certain fees applicable to firms that consume this

[3] The Exchange initially filed the proposed fee changes on January 4, 2021. *See* Securities Exchange Act Release No. 90923 (January 14, 2021), 86 FR 6719 (January 22, 2021) (SR–CboeEDGX–2021–002). On March 4, 2021, the Exchange withdrew that filing and submitted this proposal.

[4] *See* EDGX Rule 13.8(c).

[5] A Professional User of an Exchange Market Data product is any User other than a Non-Professional User. *See* EDGX Schedule of Fees, Market Data Fees, Definitions. A ''Non-Professional User'' of an Exchange Market Data product is a natural person or qualifying trust that uses Data only for personal purposes and not for any commercial purpose and, for a natural person who works in the United States, is not: (i) Registered or qualified in any capacity with the Securities and Exchange Commission, the Commodities Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section 202(a)(11) of the Investment Advisors Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt; or, for a natural person who works outside of the United States, does not perform the same functions as would disqualify such person as a Non-Professional User if he or she worked in the United States. *Id.*

[6] *See e.g.,* EDGX Schedule of Fees, EDGX Top, Small Retail Broker Distribution Program; EDGX Schedule of Fees, Financial Product Distribution Program. The Small Retail Broker Distribution Program is a pricing program offered by the Exchange that allows small retail brokers that purchase top-of-book market data from the Exchange to benefit from discounted fees for access to such market data. The Financial Product Distribution Program lowers the cost of distributing Derived Data based upon the Exchange's top-of-book offerings, including Derived Data that is often used by retail investors.

[7] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS Adopting Release'').

[8] *See* Securities Exchange Act Release No. 84875, 84 FR 5202, 5253 (February 20, 2019) (File No. S7–05–18) (Transaction Fee Pilot for NMS Stocks Final Rule) (''Transaction Fee Pilot'').

[9] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsData.* A list of alternative trading systems registered with the Commission is available at *https://www.sec.gov/foia/docs/atslist.htm.*

[10] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, *available at http://markets.cboe.com/us/equities/market_share/.*

[11] Competing top of book products include, Nasdaq Basic, BX Basic, PSX Basic, NYSE BQT, NYSE BBO/Trades, NYSE Arca BQT, NYSE Arca BBO/Trades, NYSE American BBO/Trades, NYSE Chicago BBO/Trades, IEX TOPS, MIAX PEARL Equities Top of Market Feed, and MEMX MEMOIR Top.

[12] For example, The Nasdaq Stock Market LLC (''Nasdaq'') offers ''Nasdaq Basic'' which is a real-time market data product that offers best bid and offer and last sale information for all U.S. exchange-listed securities based on liquidity within the Nasdaq market center and trades reported to the FINRA/Nasdaq Trade Reporting Facility (''Nasdaq TRF''). *See* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(a). The type of information contained on the EDGX Top Feed is substantially similar to that offered through Nasdaq Basic, except that the Exchange disseminates information about quotes and trades on EDGX, whereas Nasdaq Basic provides information about quotes and trades on Nasdaq and the Nasdaq TRF. Other national securities with competing top-of-book products also offer substantially similar types of information through those top-of-book products.

[13] *See* EDGX Schedule of Fees, EDGX Top, Internal Distribution.

[14] The Exchange's fee schedule defines an Internal Distributor of an Exchange Market Data product as a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. *See* EDGX Schedule of Fees, Market Data Fees, Definitions.

[15] *See* Securities Exchange Act Release No. 74282 (February 17, 2015), 80 FR 9487 (February 23, 2015) (SR–EDGX–2015–09).

[16] *See* Securities Exchange Act Release No. 87200 (October 2, 2019), 84 FR 53788 (October 8, 2019) (SR–CboeEDGX–2019–012) (Approval Order).

[17] The Exchange is also about to extend its early trading hours to begin at 4:00 a.m. ET, which would similarly provide additional value to EDGX Top subscribers who would receive additional information about quotes and trades on EDGX during the Early Trading Session. *See* Securities Exchange Act Release No. 90509 (November 24, 2020), 85 FR 77310 (December 1, 2020) (SR–CboeEDGX–2020–056).

data as internal distributors, *i.e.,* firms that use EDGX Top Feed data for internal purposes as opposed to firms that distribute such data externally to its customers. As proposed, the Exchange would increase the monthly charge for internal distribution of EDGX Top Feed data to $750 per month, which would continue to be significantly cheaper than similar products offered by the Exchange's main competitors.[18] In addition, the Exchange would introduce Professional User fees for internal Professional Users of the EDGX Top Feed. Those Professional User fees will be the same as the modest fee currently charged for external distribution of the EDGX Top Feed, *i.e.,* $4 per month for each Professional User. There would continue to be no charge associated with internal distribution to Non-Professional Users. Further, as discussed, the current fees for external distribution of the EDGX Top Feed would continue to apply, without change, including various incentive programs that the Exchange has adopted to facilitate the provision of lower-cost market data to retail and other investors. As a result, the Exchange believes that the proposed fee changes would allow it to be appropriately compensated for the value of its market data, particularly from professional financial services firms that use that data for internal purposes, while simultaneously ensuring that its data would continue to be available to a wide range of investors and market participants at a cost that facilitates widespread availability of such data.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[19] in general, and furthers the objectives of Section 6(b)(4),[20] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. In addition, the Exchange believes that the proposed rule change is consistent with Section 11(A) of the Act as it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.[21] Finally, the proposed rule change is also consistent with Rule 603 of Regulation NMS,[22] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

The Exchange operates in a highly competitive environment. Indeed, with the launch of three new national securities exchanges that trade U.S. equity securities last September, there are now sixteen registered U.S equities exchanges, and with the exception of Long-Term Stock Exchange, Inc. (''LTSE''), which has determined to not offer any proprietary market data feeds, each of these exchanges offer associated market data products to their customers, either with or without a fee. It is in this robust and competitive market in which the Exchange is proposing to increase its fees, while still providing its data at a significantly lower price than competing products offered by other national securities exchanges with similar data quality.

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Further, with respect to market data, the decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC* upheld the Commission's reliance on the existence of competitive market mechanisms to evaluate the reasonableness and fairness of fees for proprietary market data: ''In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.' '' [23] The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [24] As discussed in this filing, significant competitive forces constrain the ability of the Exchange to charge supra-competitive fees.

i. The EDGX Top Feed Is an Optional Market Data Product, and the Exchange Is Constrained in Its Pricing by Significant Competitive Forces

Subscribing to the EDGX Top Feed is entirely optional. The Exchange is not required to make the EDGX Top Feed available to any customers, nor is any customer required to purchase the EDGX Top Feed.[25] A customer's decision as to whether to purchase the EDGX Top Feed is therefore entirely discretionary, and is based on that firms individual business needs. Generally, firms that choose to subscribe to the EDGX Top Feed do so because they believe that it is a cost-effective source for top-of-book data that provides valuable information about the market for national market system (''NMS'') stocks traded on the Exchange, where a consolidated display covering all U.S. equities exchanges is not required. Such firms are able to determine for themselves whether the EDGX Top Feed helps them to achieve their business goals, and if so, whether or not it is attractively priced compared to other similar top-of-book products offered by competing exchanges.

Indeed, if the EDGX Top Feed does not provide sufficient value to firms based on the uses those firms may have for it, such firms may simply choose to conduct their business operations in ways that do not use the EDGX Top Feed. In fact, comparing the number of internal distributors that currently subscribe to the EDGX Top Feed, based on data compiled by the Exchange as of November 2020, to the total number of internal distributors that subscribe to core data offered by the CTA and UTP SIPs, as published on plan websites for Q3 2020,[26] less than 1.9% of internal distributors that purchase U.S. equities data choose to subscribe to the EDGX Top Feed.[27] The EDGX Top Feed

[18] *See infra* notes 32–39 and accompanying text.

[19] 15 U.S.C. 78f.

[20] 15 U.S.C. 78f(b)(4).

[21] 15 U.S.C. 78k–1.

[22] *See* 17 CFR 242.603.

[23] *NetCoalition* v. *SEC,* 615 F.3d 525, 535 (D.C. Cir. 2010) (''*NetCoalition I*'') (quoting H.R. Rep. No. 94–229 at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 323).

[24] *Id.* at 535.

[25] The Exchange notes that broker-dealers are not required to purchase proprietary market data to comply with their best execution obligations. *See* In the Matter of the Application of Securities Industry and Financial Markets Association for Review of Actions Taken by Self-Regulatory Organizations, Release Nos. 34–72182; AP–3–15350; AP–3–15351 (May16, 2014). Similarly, there is no requirement in Regulation NMS or any other rule that proprietary data be utilized for order routing decisions, and some broker-dealers and ATSs have chosen not to do so.

[26] *See* CTA Quarterly Population Metrics (Q3 2020), *available at https://www.ctaplan.com/publicdocs/ctaplan/CTAPLAN_Population_Metrics_3Q2020.pdf;* UTP Quarterly Population Metrics (Q3 2020), *available at https://www.utpplan.com/DOC/UTP_2020_Q3_Stats_with_Processor_Stats.pdf.*

[27] This statistic reflects the number of internal distributors that purchase the EDGX Top Feed divided by the number of internal distributors that purchase consolidated market data from the SIPs, as reflected in publicly available information. *Id.*

therefore represents an insignificant proportion of the market for such market data, and significantly more internal distributors choose not to purchase this product than those that do. Given the insignificant percentage of internal distributors that consume the EDGX Top Feed, it is clear that such firms can and do exercise their right to choose to purchase, or not purchase, this particular market data product. And, as discussed later in this filing, any internal distributor of top-of-book data that does not wish to purchase the EDGX Top Feed, due to the price of that data or for any other reason, can choose to substitute similar information from other exchanges.

Although the Exchange is not required to make any data, including top-of-book data, available through its proprietary market data platform, the Exchange believes that making such data available increases investor choice, and contributes to a fair and competitive market. Specifically, making such data publicly available through proprietary data feeds allows investors to choose alternative, potentially less costly, market data based on their business needs. For example, a buy-side investor or fintech firm may choose to purchase the EDGX Top Feed, or a similar product from another exchange, in order to perform investment analysis, or to provide general information about the market for U.S. equity securities, respectively. In either case the choice to purchase the EDGX Top Feed would be based on the firm's determination of the value of the data offered by their chosen product compared to the cost of acquiring this data instead of receiving similar data from other sources. The EDGX Top Feed serves as a valuable reference for investors that do not require a consolidated display. Making alternative products available to market participants ultimately ensures competition in the marketplace, and constrains the ability of exchanges to charge supra-competitive fees.

Further, in the event that a market data customer views one exchange's top-of-book data product and/or fees as more or less attractive than a competitor's offerings they can and often do switch between competing products. As discussed, similar top-of-book information is available from a number of competing U.S. equities exchanges. [28] This include a number of large established exchanges that charge for access to such top-of-book data, as well as certain smaller or new exchange entrants that provide similar data without charge, in many cases as a way of attracting customers to their exchange while they seek to grow market share. In this way, the EDGX Top Feed and other top-of-book products offered by a number of U.S. equities exchanges, are all substitutes. The availability of these substitute products constrains the Exchange's ability to charge supra-competitive prices as market participants can easily obtain similar data from one of the Exchange's many competitors. In fact, the impact of competition on the market in which the EDGX Top Feed is offered to market participants and investors is showcased by the Exchange's other recent fee changes related to this product, which involved the *reduction* of fees to facilitate the Exchange's ability to compete for customers.[29] And, other exchanges have similarly filed to reduce the prices of their top-of-book data in order to compete with products offered by the Exchange and other competing exchanges.[30]

Distributors can discontinue use of the EDGX Top Feed at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Indeed, the Exchange's affiliate, Cboe BZX Exchange, Inc. (''BZX''), which also filed to increase fees for its top-of-book product, *i.e.,* the BZX Top Feed, had one internal distributor cancel its subscription to that product as of February 2021 based on its fee increase. Internal distributors of the EDGX Top Feed are free to similarly cancel their subscriptions in favor of a competitor offering, or cheaper or free data offered by the Exchange's affiliated U.S. equities exchanges, if they believe that the fees are too high given their particular use case for obtaining the data that the Exchange provides over the EDGX Top Feed. The Exchange offers all of its proprietary market data products pursuant to a month-to-month contract that allows subscribers to choose to terminate their subscription at any time. As a result, there are no contractual or other legal impediments for firms that wish to cancel their subscription to the Exchange's market data products, including the EDGX Top Feed. In addition, the Exchange notes that all but one internal distributor of the EDGX Top Feed either receives this data through a market data vendor, as opposed to directly from the Exchange, or is a market data vendor itself. Thus, firms can seamlessly switch to any other competitor product offered by their chosen vendor without incurring additional switching costs, such as the cost of establishing connectivity to another exchange to receive its market data.[31] Further, based on discussions with the one internal distributor that has chosen not to receive this data through a relationship with a vendor, the Exchange believes that the firm likely has access to a number of competing exchanges from which it could source similar data without incurring significant switching costs.

In setting the proposed fees for the EDGX Top Feed, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. Indeed, the Exchange is not in a position to charge unreasonable fees for its top-of-book data as there are a number of competing products in the market, including products that are currently offered free of charge by certain other exchanges that have determined not to charge for their market data. The existence of alternatives to the EDGX Top Feed ensures that the Exchange cannot set unreasonable fees when vendors and subscribers can freely elect these alternatives or choose not to purchase a specific proprietary data product if the attendant fees are not justified by the returns that any particular vendor or data recipient would achieve through the purchase.

ii. The Proposed Fees Are Reasonable Given the Value of the Data Provided to Customers, and When Compared to Competing Market Data Products

The proposed fees are also reasonable as even with the proposed fee increase they would continue to represent a relatively modest fee for top-of-book

The Exchange does not have similar information about the number of internal distributors that purchase top-of-book data from other exchanges as competing exchanges do not typically make this information publicly available due to the commercially sensitive nature of such information.

[28] Although the Exchange does not have access to the customer lists for other competing products, it understands based on conversations with subscribers to the EDGX Top Feed that they typically view exchange top-of-book products as substitutes and do not generally look to purchase such data from more than one national securities exchange.

[29] *See supra* note 6. The Exchange also notes that while this proposed fee change involves an increase in fees, it is simultaneously filing another proposed fee change to expand its Financial Products Distribution Program and further *reduce* certain fees. *See* Securities Exchange Act Release No. 90914 (January 13, 2021), 86 FR 6393 (January 21, 2021) (SR–CboeEDGX–2021–003) [sic].

[30] *See e.g.,* Securities Exchange Act Release No. 90616 (December 9, 2020), 85 FR 81237 (December 15, 2020) (SR–NASDAQ–2020–086).

[31] Market data vendors typically establish connectivity to a number of national securities exchanges to be able to offer their market data to customers.

data that has proven valuable for investors, particularly as the Exchange grows market share due to its innovative market model that has been successful in attracting retail limit orders, increasing the Exchange's market share to more than 7.5% consolidated U.S. equities volume.[32] The EDGX Top Feed is a competitively-priced alternative to top-of-book data disseminated by other national securities exchanges. It is purchased by a wide variety of market participants and vendors, including data platforms, websites, fintech firms, buy-side investors, retail brokers, regional banks, and securities firms inside and outside of the U.S. that desire low cost, high quality, real-time U.S. equity market data. By providing lower cost access to U.S. equity market data, the EDGX Top Feed benefits a wide range of investors that participate in the national market system. As discussed, the decision to purchase a particular market data product from a particular exchange is largely based on two factors: (1) The quality of the data, and (2) the price charged for access to that data. The Exchange believes that the EDGX Top Feed is competitive on both of these factors.

First, the EDGX Top Feed would remain competitively priced compared to similar products offered by other comparable U.S. equities exchanges. Although the EDGX Top Feed is not offered free of charge like certain other competitor offerings, particularly those offered by newer U.S. equities exchanges that are seeking to grow market share, it is made available at a price that is significantly lower than the prices charged by the Exchange's main competitors—*i.e.,* those with comparable market shares and data quality. Notably, even with the proposed fee increase, the EDGX Top Feed would remain significantly cheaper than similar products offered by New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc. (''Arca''), and Nasdaq both in terms of the fees charged for internal distribution and the fees charge for each Professional User that is provided access to the feed. For example, NYSE charges a total of $3,000 per month for internal distribution of their equivalent products, *i.e.,* $1,500 per month for applicable top-of-book quotation information,[33] and an additional $1,500 per month for transaction information,[34] both of which are included in the EDGX Top Feed for a single fee.[35] Arca, which has a similar pricing model to NYSE, also charges a higher rate of $1,500 per month for internal distribution of its equivalent products, separated into a $750 per month charge for top-of-book quotation information and an additional $750 per month charge for transaction information.[36] Finally, Nasdaq charges its internal distributors a fee of $1,500 per month for Nasdaq Basic, which includes both top-of-book quotation information and transaction information for the same fee, similar to the Exchange's pricing model, but again at a higher cost.[37] In each case, the internal distribution charges associated with obtaining comparable U.S. equities market data from NYSE, Arca, and Nasdaq runs at least double and up to four times as much as the proposed fee to be charged by the Exchange, meaning that the Exchange would continue to be offering its data at a price that is attractive compared to the prices charged by its competitors. Similarly, each of these exchanges charges a fee for each professional subscriber.[38] Those professional subscriber fees are each higher than that proposed by the Exchange—*i.e.,* $26 per month for Nasdaq,[39] and $8 per month total for both NYSE and Arca.[40]

Second, the proposed fees are reasonable given the value of the data provided in the EDGX Top Feed and used by data recipients in their profit-generating activities. The EDGX Top Feed provides top-of-book quotations and transactions executed on the Exchange, and provides a valuable window into the market for securities traded on a market that accounts for more than 7.5% of U.S. equity market volume today.[41] As discussed, the Exchange offers the EDGX Top Feed in a competitive environment where firms may freely choose which market data products best suit their business needs. Invariably, firms that choose to purchase the EDGX Top Feed instead of receiving one of the many free products offered by other exchanges,[42] including free products offered by an affiliate of the Exchange,[43] have decided that the value of the EDGX Top Feed is greater than that offered by those other products. The Exchange consistently ranks among the top U.S. equities exchanges in terms of various market quality measures, *e.g.,* NBBO quote quality and NBBO market share.[44] Indeed, by attracting liquidity providing orders, *e.g.,* through retail priority, the Exchange is able to offer market data products that benefit from increased market quality. In turn, investors may choose to rely on the Exchange's market data products instead of other competitor offerings based on the value they provide in relation to any additional cost associated with obtaining that market data from the Exchange. For example, investors may wish to obtain market data from an exchange that has a higher time at the inside, as data obtained from an exchange that is quoting more often at the NBBO may better reflect the applicable market for securities it trades. Similarly, an exchange with greater overall market share will produce more transaction information that may be valuable to consumers of its data. Improvements in market quality will therefore directly impact the value of the market data that an exchange is able to offer to investors.

iii. The Proposed Fees Are Equitable and Not Unfairly Discriminatory as Internal Distributors will be Subject to Uniform Pricing Based on Their Usage of the Data and Differences Between the Fees Charged for Internal and External Distribution Are Appropriate

The Exchange believes the proposed fees for internal distribution of the EDGX Top Feed will continue to be allocated fairly and equitably among subscribers, and are not unfairly

[32] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, *available at http://markets.cboe.com/us/equities/market_share/.*

[33] *See* NYSE PDP Market Data Pricing, Section 1.3, NYSE BBO.

[34] *See* NYSE PDP Market Data Pricing, Section 1.4, NYSE Trades.

[35] *See supra* note 4 and accompanying text. The Exchange also offers a separate market data product, *i.e.,* EDGX Last Sale, that exclusively provides last sale information. *See* EDGX Rule 13.8(d). However, all of the information contained in the EDGX Last Sale Feed is also made available in the EDGX Top Feed at no additional charge.

[36] *See* NYSE PDP Market Data Pricing, Section 3.3, NYSE Arca BBO; NYSE PDP Market Data Pricing, Section 3.4, NYSE Arca Trades.

[37] *See* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(c)(1). In addition, Nasdaq also charges distributors a $100 monthly administrative fee. *See* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 135.

[38] These exchanges use a definition of ''professional subscriber'' that is substantially similar to the Professional User definition used by the Exchange. *See e.g.* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(d)(4)(B); NYSE Nonprofessional Subscriber Policy, *available at https://www.nyse.com/publicdocs/nyse/data/Policy-Non-ProfessionalSubscribers_PDP.pdf.*

[39] Nasdaq's Professional User fee is divided into Nasdaq issues ($13), NYSE issues ($6.50), and other issues ($6.50) for a total of $26 per month for each Professional User. *See* Nasdaq Equity Rules, Equity 7, Pricing Schedule, Section 147(b)(1).

[40] NYSE and Arca's fees are both broken down into $4 per month for BBO information and an additional $4 per month for Trades information. *See supra* notes 33, 34, and 36.

[41] *See https://markets.cboe.com/us/equities/market_share/.*

[42] *See e.g.,* Investors Exchange Fee Schedule, Market Data fees.

[43] *See e.g.,* Cboe EDGA Exchange, Inc., Fee Schedule, EDGA Top.

[44] *See https://www.cboe.com/us/equities/market_statistics/market_quality/.*

discriminatory, as the proposed fees will apply equally to all data recipients that choose to subscribe to the EDGX Top Feed and distribute that data to internal subscribers. As proposed, all internal distributors of the EDGX Top Feed will be subject to the same internal distribution fee, regardless of the type of business that they operate, or the use they plan to make of the data feed. Thus, all internal distributors would have access to the EDGX Top Feed on the same equitable and non-discriminatory terms. Similarly, with the introduction of Professional User fees, internal distributors of the EDGX Top Feed will be subject to the same modest fees based solely on the number of Professional Users that each internal distributor has chosen to permission for access to this information. The Exchange does not believe that it is inequitable, or unfairly discriminatory, to charge a fee based on the number of Professional Users within a firm that have access to the EDGX Top Feed as this ensures that firms with the highest usage pay their equitable share for the data.

The Exchange also believes that it is fair and equitable, and not unfairly discriminatory, to continue *not* to charge a fee for internal distribution to Non-Professional Users. The Exchange's fee structure is generally designed to facilitate lower cost access to its market data by retail investors, either through substantially lower User fees for Non-Professional Users, or other incentive programs, such as the Small Retail Broker Distribution Program, which was recently implemented to lower the cost of the Exchange's market data to small broker-dealers that serve retail investors. The Exchange does not believe that any significant number of Non-Professional Users to [sic] receive EDGX Top Feed Data through internal, *i.e.,* within the distributor's firm, as opposed to external distribution, and in the event that certain firms may distribute data internally to Users that qualify as Non-Professional, providing such Users access without any User fees would facilitate the Exchange's overall goals of facilitating access to its data by retail investors, which the Commission has continually found to be consistent with the Exchange Act.

Finally, the Exchange believes that it is fair and equitable, and not unfairly discriminatory to continue to charge different fees for internal and external distribution of the EDGX Top Feed. As is common practice, the Exchange charges lower fees to distributors that use its market data products for internal distribution only than to distributors that redistribute that data externally to their customers. In the case of the EDGX Top Feed, external distributors are subject to a higher distribution fee, and are also subject to Non-Professional User fees, which as discussed above the Exchange has determined to continue not to charge to internal distributors.[45] Increasing the fees that the Exchange charges for internal distribution of the EDGX Top Feed, as proposed, would actually serve to *decrease* the disparity in charge between internal and external distribution, while at the same time continuing to facilitate the internal distribution of the EDGX Top Feed at a lower cost. The Exchange continues to believe that it is appropriate to distinguish between internal and external distributors in setting fees for the EDGX Top Feed as external distributors can redistribute the Exchange's market data to its clients for a fee, whereas internal distributors are not allowed to redistribute the data.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by competition among exchanges that offer similar data products to their customers. Top-of-book data is broadly disseminated by competing U.S. equities exchanges. There are therefore a number of alternative products available to market participants and investors, including products offered by certain competing exchanges without charge. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as market data customers look to purchase cheaper top-of-book data products, and quality, as market participants seek to purchase data that represents significant market liquidity.

Intramarket Competition. The Exchange believes that the proposed fees do not put any market participants at a relative disadvantage compared to other market participants. As discussed, the proposed fees would apply to all internal distributors of the EDGX Top Feed on an equal and non-discriminatory basis, and the continued difference in fees for internal and external distribution are appropriate given the ability for external distributors to redistribute data externally to their clients. The Exchange therefore believes that the proposed fees neither favor nor penalize one or more categories of market participants in a manner that would impose an undue burden on competition.

To the extent that particular fees would apply to only a subset of subscribers, *e.g.,* Professional versus Non-Professional Users, those distinctions are not unfairly discriminatory and do not unfairly burden one set of customers over another. As discussed, the Exchange does not believe that any significant number of Non-Professional Users receive EDGX Top Feed Data through internal distribution. Further, to the extent that any Non-Professional Users receive the EDGX Top Feed through internal distribution, the Exchange believes that it is not unfairly discriminatory not to charge a fee for their usage as this would facilitate the dissemination of market data to retail investors.

Intermarket Competition. The Exchange believes that the proposed fees do not impose a burden on competition or on other SROs that is not necessary or appropriate in furtherance of the purposes of the Act. In setting the proposed fees, the Exchange is constrained by the availability of numerous substitute products offered by other national securities exchanges. Because market data customers can find suitable substitute feeds, an exchange that overprices its market data products stands a high risk that users may substitute another product. These competitive pressures ensure that no one exchange's market data fees can impose an undue burden on competition, and the Exchange's proposed fees do not do so here.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[46] and paragraph (f) of Rule 19b–4[47] thereunder. At any time within

[45] *See* EDGX Schedule of Fees, EDGX Top. The proposed Professional User fee for internal distribution of the EDGX Top Feed is the same as currently charged for external distribution of that market data product. *Id.*

[46] 15 U.S.C. 78s(b)(3)(A).

[47] 17 CFR 240.19b–4(f).

60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2021–014 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2021–014. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of 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–2021–014 and should be submitted on or before April 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05912 Filed 3–22–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91343; File No. SR–NYSE–2020–98]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Its Rules To Prohibit Member Organizations From Seeking Reimbursement, in Certain Circumstances, From Issuers for Forwarding Proxy and Other Materials to Beneficial Owners

March 17, 2021.

I. Introduction

On November 30, 2020, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules to prohibit member organizations from seeking reimbursement from issuers for forwarding proxy and other materials to beneficial owners who received shares from their broker at no cost or at a price substantially less than the market price in connection with a promotion by the broker. The proposed rule change was published for comment in the **Federal Register** on December 18, 2020.[3] On January 29, 2021, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] This order institutes proceedings under Section 19(b)(2)(B) of the Exchange Act [6] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposal

NYSE Rules (''Rule'') 451 and 465 require NYSE member organizations that hold securities for beneficial owners in street name to solicit proxies from, and deliver proxy and issuer communication materials to, beneficial owners on behalf of issuers.[7] For this service, issuers reimburse NYSE member organizations for out-of-pocket, reasonable clerical, postage and other expenses incurred for a particular distribution.[8] This reimbursement structure stems from SEC Rules 14b–1 and 14b–2 under the Act,[9] which impose obligations on companies and nominees to ensure that beneficial owners receive proxy materials. These rules require companies to send their proxy materials to broker-dealers or banks, who are nominees that hold securities in street name, for forwarding to beneficial owners, and to pay nominees for reasonable expenses, both direct and indirect, incurred in providing proxy information to beneficial owners.[10] The Commission's rules do not specify the fees that nominees can charge issuers for proxy distribution; rather, they state that

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[48] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90653 (December 14, 2020), 85 FR 82539 (''Notice''). Certain comments filed in response to File No. SR–NYSE–2020–96 by Paul Conn, President, Global Capital Markets, Computershare, dated January 11, 2021 (''Computershare Letter''), and Niels Holch, Executive Director, Shareholder Communications Coalition, dated January 20, 2021 (''Coalition Letter''), also address this proposed rule change. These comments on the proposed rule change are available at: *https://www.sec.gov/comments/sr-nyse-2020-98/srnyse202098.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 91011, 86 FR 8246 (February 4, 2021). The Commission designated March 18, 2021, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Rules 451 and 465; Notice, *supra* note 3, at 82539. The ownership of shares in street name means that a shareholder, or ''beneficial owner,'' has purchased shares through a broker-dealer or bank, also known as a ''nominee.'' In contrast to direct ownership, where shares are directly registered in the name of the shareholder, shares held in street name are registered in the name of the nominee, or in the nominee name of a depository, such as the Depository Trust Company. *See* Securities Exchange Act Release No. 70720 (October 18, 2013), 78 FR 63530 n.14 (October 24, 2013) (order approving SR–NYSE–2013–07) (''2013 Approval Order'').

[8] *See* Rule 451 and 465; 2013 Approval Order, *supra* note 7, at 63531.

[9] 17 CFR 240.14b–1; 17 CFR 240.14b–2.

[10] *See* 17 CFR 240.14b–1 and 14b–2; *see also* 2013 Approval Order, *supra* note 7, at 63531.

issuers must reimburse the nominees for ''reasonable expenses'' incurred.[11]

The Exchange has proposed to adopt Rule 451A, pursuant to which, notwithstanding the applicable provisions of Rules 451 or 465 or what may be permitted by the rules of any other national securities exchange or national securities association of which a member organization is also a member, no fee shall be imposed for a nominee account that contains only shares or units of the securities involved that were transferred to the account holder by the member organization at no cost or at a price substantially less than the market price.[12]

According to the Exchange, the proposed rule is meant to address a recent practice in which retail brokers provide customers, without charge, a small number of shares with a very small dollar value as a commercial incentive (for example, upon opening a new account or referring a new customer to the broker).[13] NYSE notes that Rule 451 does not distinguish between these beneficial owners and beneficial owners that have paid for their shares, so brokers are required to solicit proxies for these accounts and are entitled to reimbursement of their expenses under NYSE and other SRO rules.[14] The Exchange states that, in certain cases, the issuer can experience a significant increase in its distribution reimbursement expenses solely due to its shares being included in these broker promotional schemes.[15]

The Exchange believes that it would be more appropriate for the broker to bear the proxy distribution costs in these circumstances.[16] According to the Exchange, while the distribution of shares in these broker promotions may result in a significant increase in the number of beneficial owners of an issuer's stock, the generally very small size of each of these positions means that they usually represent a very small percentage of the voting power.[17] As such, according to the Exchange, the costs the issuer incurs in reimbursing the broker for distributing proxies to these accounts is very disproportionate to the maximum potential vote such shares represent.[18] The Exchange states that, by contrast, the broker using such a scheme chooses to engage in it because it believes that it will result in a commercial benefit to the broker.[19] In addition, the Exchange notes that recipients of shares without charge or at a price substantially less than the market price from the broker as part of such schemes typically will not be given any choice as to which shares they receive and are therefore not making any investment decision.[20]

The Exchange states that proposed Rule 451A would not limit a broker's right to reimbursement for distributions to any beneficial owner if any part of that beneficial owner's position in an issuer's securities was received by any means other than a transfer without charge or at a price substantially less than the market price from the broker.[21] The Exchange further states that Rules 451 and 465 would continue to apply to all distributions, so the broker would continue to be fully obligated to solicit votes from, and make other distributions on behalf of issuers to, all beneficial owners notwithstanding the limitations on reimbursement of expenses imposed by proposed Rule 451A.[22]

III. Summary of Comment Letters Received

Two commenters expressed general support for the proposal.[23] One commenter stated that the recent broker practice of gifting small amounts of securities to retail brokerage clients as a promotional measure has caused significant increases in proxy costs for some issuers, and expressed the view that the proposal would alleviate much of the cost impact to issuers from this broker practice, particularly for accounts defaulted to e-delivery.[24] The other commenter stated that it was supportive of the proposal, and that these types of promotions provide commercial benefits to broker-dealers without providing any parallel benefits to public companies.[25]

IV. Proceedings To Determine Whether To Approve or Disapprove SR–NYSE–2020–98 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act to determine whether the proposal should be approved or disapproved.[26] Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of disapproval proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved.

Pursuant to Section 19(b)(2)(B) of the Act, the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis and input concerning the proposed rule change's consistency with the Act and, in particular, with Section 6(b)(4) of the Act,[27] which requires that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members, issuers and other persons using its facilities, and with Section 6(b)(5) of the Exchange Act,[28] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Proposed Rule 451A would prohibit an NYSE member firm from seeking reimbursement for expenses incurred in connection with the distribution of proxies or other materials to a beneficial owner on behalf of an issuer, in cases where the member has provided the shares held in the beneficial owner's account at no cost or at a price ''substantially less than the market price.'' However, the Exchange does not explain how it would determine whether a price is ''substantially less than the market price,'' such that reimbursement could not be sought, or provide any other guidance on the meaning of that term. In addition, the proposed prohibition on reimbursement would not apply if any part of the beneficial owner's position in an

[11] *See* 17 CFR 240.14b–1 and 14b–2; *see also* 2013 Approval Order, *supra* note 7, at 63531. Currently, the Supplementary Material to Rule 451, which is cross-referenced by the Supplementary Material to Rule 465, establishes maximum rates at which a NYSE member organization may be reimbursed for expenses incurred in connection with distributing proxy and other issuer communication materials to beneficial shareholders.

[12] *See* proposed Rule 451A.

[13] *See* Notice, *supra* note 3, at 82539.

[14] *Id.; see also, e.g.,* FINRA Rule 2251.

[15] *See* Notice, *supra* note 3, at 82539.

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.* 82539–40.

[20] *Id.* at 82540.

[21] *Id.* at 82540.

[22] *Id.*

[23] *See* Computershare Letter at 2–3; Coalition Letter at 5 n.14.

[24] *See* Computershare Letter at 2–3. This commenter also stated that while it understood that the accounts that receive such ''gifted'' securities generally are set for electronic communications, as a technical matter it should be noted that if a street-name holder of gifted securities receives hardcopy proxy communications rather than electronic delivery, the issuer will still bear increased costs from printing the materials to be disseminated by the broker. *Id.*

[25] *See* Coalition Letter at 5 n.14.

[26] 15 U.S.C. 78s(b)(2)(B).

[27] 15 U.S.C. 78f(b)(4).

[28] 15 U.S.C. 78f(b)(5).

issuer's securities was received by any means other than a below-market price transfer from the member seeking reimbursement. As a result, if a customer transferred its account to a new broker-dealer, or held any other shares of the issuer in its account, the member would be permitted to seek reimbursement for its expenses. The Exchange does not explain why it is consistent with the Act for the issuer to bear the distribution costs in these scenarios, or address the feasibility of tracking shares held by a particular beneficial owner where the eligibility for reimbursement may change over time. Finally, the Commission notes that Rule 14b–1 under the Act provides that a broker-dealer need not satisfy its obligations to distribute proxies or other materials to a beneficial owner unless it is provided ''assurance of reimbursement of [its] reasonable expenses, both direct and indirect, incurred in connection with performing [those] obligations.'' [29] Under the Exchange's proposal, a broker-dealer would be required to distribute proxies or other materials in the circumstances described, but be precluded from seeking reimbursement of its expenses. The Exchange has not explained how this is consistent with the provisions of Rule 14b–1. Accordingly, the Commission believes questions are raised as to the consistency of the proposal with Sections 6(b)(4) and 6(b)(5) of the Act, including whether it provides for the equitable allocation of reasonable fees, protects investors and the public interest, and is not designed permit unfair discrimination between customers, issuers and broker-dealers.

The Commission notes that, under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change.'' [30] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[31] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.[32]

For these reasons, the Commission believes it is appropriate to institute proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [33] to determine whether the proposal should be approved or disapproved.

V. Commission's Solicitation of Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written view of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[34]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by April 13, 2021. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 27, 2021.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2020–98 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2020–98. 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 the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2020–98 and should be submitted on or before April 13, 2021. Rebuttal comments should be submitted by April 27, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05918 Filed 3–22–21; 8:45 am]

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[29] 17 CFR 240.14b–1.

[30] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[31] *See id.*

[32] *See id.*

[33] 15 U.S.C. 78s(b)(2)(B).

[34] Section 19(b)(2) of the Exchange Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[35] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91342; File No. SR–Phlx–2021–13]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 9, Section 19, ''Discretionary Power as to Customers' Accounts'' and Adopt Two New Rules Within General 9 at Sections 30 and 45

March 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 5, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend General 9, Section 19, ''Discretionary Power as to Customers' Accounts'' and adopt two new rules within General 9 at Sections 30 and 45.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.__com/rulebook/phlx/rules*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

A proposal to amend General 9, Section 19, ''Discretionary Power as to Customers' Accounts'' and adopt two new rules within General 9 at Sections 30 and 45. Each change is described below.

General 9, Section 19

Today, General 9, Section 19, ''Discretionary Power as to Customers' Accounts'' has a rule citation to former ''NASD Rule 2510.'' General 9, Section 19 was relocated[3] in 2020 from Phlx Rule 754 in connection with a Rulebook harmonization effort.[4]

During 2008, FINRA embarked on an extended process of moving rules formerly designated as ''NASD Rules'' into a consolidated FINRA rulebook.[5] As part of that relocation, NASD Rule 2510 was relocated to FINRA Rule 3260 without any substantive changes to the NASD rule text.[6]

At this time, the Exchange proposes to update the reference to ''NASD Rule 2510'' within General 9, Section 19 and replace it with a reference to ''FINRA Rule 3260''. The Exchange also proposes to add a new section (b) to provide cross-references to rules cited within FINRA Rule 3260 to corresponding Phlx rules. In doing so, Phlx is cross-referencing two new rules which are being adopted by this proposal.

The Exchange also proposes to amend the title of this rule from ''Discretionary Power as to Customers' Accounts'' to ''Discretionary Accounts.''

General 9, Section 30

The Exchange proposes to adopt a new General 9, Section 30, which is currently reserved, which is identical to FINRA Rule 4511 in order to align its rule with FINRA's rule.

By way of background, current FINRA Rule 4511 streamlined, and replaced, the language of former NASD Rule 3110(a) to clarify that members are obligated to make and preserve books and records as required under the FINRA rules, the Exchange Act and the applicable Exchange Act rules.[7] FINRA Rule 4511 requires members to preserve for a period of at least six years those FINRA books and records for which there is no specified retention period under the FINRA Rules or applicable Exchange Act rules. The rule also clarifies that members are required to preserve the books and records required to be made pursuant to the FINRA Rules in a format and media that complies with Exchange Act Rule 17a–4. FINRA deleted the general recordkeeping provisions of NYSE Rule 440 because its provisions are substantially similar to FINRA Rule 4511.[8]

Phlx proposes to incorporate by reference FINRA Rule 4511. The Nasdaq Stock Market LLC (''Nasdaq'') General 9, Section 30 similarly incorporates FINRA Rule 4511.

General 9, Section 45

The Exchange proposes to adopt a new General 9, Section 45, which is currently reserved, and title that rule ''Customer Account Information.'' The Exchange proposes to adopt rule text similar to Nasdaq General 9, Section 45, which is based on FINRA Rule 4512.

By way of background, former NASD Rule 3110(c)(1) required that members maintain certain information relating to customer accounts, including, among other things, the signature of the registered representative introducing the account and signature of the member, partner, officer or manager who accepts the account. FINRA proposed to simplify this provision by instead requiring members to maintain the name of the associated person, if any, responsible for the account. Current FINRA Rule 4512 requires where a member designates multiple individuals as being responsible for an account, the member maintain each of their names and a record indicating the scope of their responsibilities with respect to the account. Also, the rule requires that members maintain the signature of the partner, officer or manager denoting that the account has been accepted in accordance with the member's policies and procedures for acceptance of accounts.[9]

FINRA provides that with respect to accounts opened pursuant to prior NASD Rules (*e.g.,* the January 1991 cut-off specified in NASD Rule 3110(c)), members will be permitted to continue maintaining the information required by those prior NASD Rules until such time as they update the account information in the course of their routine and customary business or as required by other applicable laws or rules. Additionally, FINRA's rule added supplementary material to:

- Clarify that required customer account records are subject to a six-year retention period;
- Remind members that they may be subject to additional recordkeeping requirements under the Exchange Act (*e.g.,* Exchange Act Rule 17a–3(a)(17));
- Remind members of their obligation to comply with the requirements of FINRA Rule 2070 (Transactions Involving FINRA Employees); [21] [*sic*] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88213 (February 14, 2020), 85 FR 9859 (February 20, 2020) (SR–Phlx–2020–03) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Rules From Its Current Rulebook Into Its New Rulebook Shell).

[4] *See* Securities Exchange Act Release No. 78419 (July 26, 2016), 81 FR 50582 (August 1, 2016) (SR–Phlx–2016–78) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Rule 754 (Employees' Discretion as to Customers' Accounts)).

[5] *See* Securities Exchange Act Release No. 63784 (January 27, 2011), 76 FR 5850 (February 2, 2011) (SR–FINRA–2010–052) (''FINRA Filing'').

[6] *See supra* note 21 [*sic*].

[7] FINRA Filing at 5851.

[8] *Id.*

[9] FINRA Filing at [*sic*].

• Provide general explanations of the terms ''maintain'' and ''preserve'' for purposes of Rule 4512 only.

The remaining provisions of NASD Rule 3110(c) were incorporated into FINRA Rule 4512 without material change.

Phlx proposes to adopt a new rule, similar to Nasdaq General 9, Section 45, which provides:

(a) Phlx member organizations and persons associated with a member shall comply with FINRA Rule 4512 as if such Rule were part of the Phlx rules.

(b) For purposes of this Rule:

(1) References to Rule 3260 shall be construed as references to General 9, Section 19;

(2) references to Rules 2070, 2090, and 4512 shall be construed as references to General 9, Sections 29, 10, and this Rule, respectively;

(3) references to ''a prior FINRA rule'' shall be construed as references to ''a FINRA or PHLX rule in effect prior to the effectiveness of FINRA Rule 4512'';

(4) PHLX and FINRA are parties to the Regulatory Contract pursuant to which FINRA has agreed to perform certain functions on behalf of BX. Therefore, PHLX members are complying with this Rule by complying with FINRA Rule 4512 as written, including, for example, providing information required by FINRA staff. In addition, functions performed by FINRA, FINRA departments, and FINRA staff under this Rule are being performed by FINRA on behalf of PHLX.

This rule text incorporates FINRA Rule 4512 similar to Nasdaq General 9, Section 45.

Exemption Request

The Exchange will request an exemption from the rule filing requirements of Section 19(b) of the Exchange Act for those rules of another self-regulatory organization (''SRO'') that it proposes to incorporate by reference and to the extent such rules are effected solely by virtue of a change to any of those rules.

Implementation

The proposed rule changes that are the subject of this filing will be operative on May 31, 2021, but only if the Exchange's request for an exemption under Section 36 of the Exchange Act from filing proposed rule changes, described above, is granted by that date. The Exchange will publish a notice to confirm the status of its exemptive request on or before May 31, 2021. In the event the exemption is not granted by May 31, 2021, the Exchange will submit a filing to designate a different operative date.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[10] in general, and with Section 6(b)(5) of the Act,[11] in particular, in that the proposal 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 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.

The proposed changes to General 9, Section 19 and adoption of the books and records rules within General 9, Sections 30 and 45 will conform certain Phlx's Rules to FINRA rules, thus promoting application of consistent regulatory standards with respect to rules that FINRA enforces pursuant to its regulatory services agreement with Phlx.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The proposed changes to General 9, Section 19 and adoption of the books and records rules within General 9, Sections 30 and 45 will conform Phlx Rules to those of FINRA which has no impact on competition. Today, FINRA members must adhere to these rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2021–13 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2021–13. 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

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Phlx–2021–13 and should be submitted on or before April 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05916 Filed 3–22–21; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–0278]

Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest; Canapi Ventures SBIC Fund, L.P.

Notice is hereby given that Canapi Ventures SBIC Fund, L.P., 801 17th Street NW, Suite 1050, Washington, DC 20006, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Associates of Canapi Ventures SBIC Fund, L.P. own more than 10% of the equity interests in Finxact, Inc. 1301 Riverplace Drive, Suite 2501, Jacksonville, FL 32207, thereby making Finxact, Inc. an Associate.

The financing is brought within the purview of § 107.730(a)(4) of the Regulations because Canapi Ventures SBIC Fund, L.P. and Finxact, Inc. are Associates and Canapi Ventures SBIC Fund, L.P. is seeking to invest equity in Finxact, Inc. Therefore, this transaction is considered financing an Associate, requiring a prior SBA exemption.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

Small Business Administration.

Thomas G. Morris,

Acting Associate Administrator, Director, Office of Liquidation, Office of Investment and Innovation.

[FR Doc. 2021–05899 Filed 3–22–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice 11381]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Last Supper in Pompeii: Food and Wine From the Table to the Grave'' 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 ''Last Supper in Pompeii: Food and Wine from the Table to the Grave'' at the Fine Arts Museums of San Francisco, Legion of Honor, San Francisco, California 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. 2021–05952 Filed 3–22–21; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highways in Colorado

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final. The actions relate to various proposed highway projects in the State of Colorado. Those actions issue National Environmental Policy Act (NEPA) and Section 4(f) of The Department of Transportation Act (Section 4(f)) decisions for the following projects: South Bridge EA and FONSI and I–70 West Vail Pass Auxiliary Lanes EA and FONSI.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on any of the listed highway projects will be barred unless the claim is filed on or before August 20, 2021. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Stephanie Gibson, Environmental Program Manager, Federal Highway Administration Colorado Division, 12300 W Dakota Avenue, Suite 180, Lakewood, Colorado 80228, telephone: 720–963–3013, email: *Stephanie.Gibson@dot.gov.* Normal business hours are 8:30 a.m. to 5:00 p.m. (Mountain time), Monday through Friday, except Federal Holidays. You may also contact Dave Cesark, Region 3 Planning and Environmental Manager, Colorado Department of Transportation, 222 South 6th Street, Room 317, Grand Junction, Colorado 81501, telephone: 970–683–6251, email: *David.Cesark@state.co.us.* Normal business hours are 8:00 a.m. to 5:00 p.m. (Mountain time), Monday through Friday, except State Holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing NEPA and Section 4(f) decisions for the highway projects in the State of Colorado that are listed below. The actions by the Federal agencies on a project, and the laws under which such actions were taken, are described in the environmental assessment (EA) or environmental impact statement (EIS) and Section 4(f) Evaluations issued in connection with the project and in other key project documents. The EA or EIS, and other key documents for the listed projects are available by contacting the FHWA or the Colorado Department of Transportation at the addresses provided above. The EA, Finding of No Significant Impact (FONSI), Final EIS, and Record of Decision (ROD) documents can be viewed and downloaded from the websites listed below.

This notice applies to all Federal agency decisions on each project as of the issuance date of this notice and all laws under which such actions were taken. This notice does not, however, alter or extend the limitation period of 150 days for challenges to final agency actions subject to previous notices published in the **Federal Register**.

This notice applies to all Federal agency decisions, actions, approvals, licenses and permits on the project as of the issuance date of this notice, including but not limited to those arising under the following laws, as amended:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4370h]; Federal-Aid Highway Act [Title 23 of the United States Code] and associated regulations [Title 23 of the Code of Federal Regulations].

2. *Air:* Clean Air Act, [42 U.S.C. 7401–7671(q)] (transportation conformity); Intermodal Surface Transportation Efficiency Act of 1991, Congestion Mitigation and Air Quality Improvement Program [23 U.S.C. 149].

3. *Land:* Section 4(f) of The Department of Transportation Act: [49 U.S.C. 303] Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]. Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 [42 U.S.C. 6901, *et seq.*]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(e)]; Migratory Bird Treaty Act [16 U.S.C. 703–712]. Plant Protection Act [7 U.S.C. 7701 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966 [54 U.S.C. 306108]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(mm)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469 c–2]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Native American Graves Protection and Repatriation Act [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Uniform Relocation Assistance and Real Property Acquisition Act [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C 1251–1387 (Sections 319, 401, 404, and 408)]; Land and Water Conservation Fund Act [16 U.S.C. 460l–4–460l–11]; Safe Drinking Water Act [42 U.S.C. 300f–300j–9.]; Flood Disaster Protection Act [42 U.S.C. 4001–4129].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 11988 Floodplain Management; E.O. 11990 Protection of Wetlands; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13007 Indian Sacred Sites; E.O. 13112 Invasive Species; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 13287 Preserve America.

The projects subject to this notice are:

1. *South Bridge EA and FONSI.* Project Location: New alignment from Airport Road to State Highway (SH) 82, Glenwood Springs, Colorado. Project reference number: HPP M535–003. Project overview: Provide a bridge across the Roaring Fork River, connecting SH 82 to Airport Road. Project Purpose: Provide a critical second access between SH 82 and the western side of the Roaring Fork River in the south Glenwood Springs area. This new route would improve emergency evacuation, emergency service access, and local land use access. Signed NEPA documents and permits: EA was signed October 8, 2013 and FONSI was signed October 28, 2020. *https://cogs.us/449/South-Bridge.*

2. *I–70 West Vail Pass Auxiliary Lanes EA and FONSI.* Project Location: I–70 east of Vail, Colorado. Project overview: Add an auxiliary lane both eastbound and westbound on I–70 and modify curves as needed to meet current Federal design standards from the East Vail exit to the Vail Pass Rest Area exit, a distance of approximately 10 miles. Project Purpose: The purpose of this project is to improve safety and operations on West Vail Pass. Signed NEPA documents and permits: EA signed August 27, 2020 and FONSI signed February 2, 2021. *https://www.codot.gov/projects/i70westvailauxiliarylanes.*

Authority: 23 U.S.C. 139(l)(1).

Issued on: March 17, 2021.

John M. Cater,

Division Administrator, Lakewood, Colorado.

[FR Doc. 2021–05972 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7165; FMCSA–2000–7363; FMCSA–2000–7918; FMCSA–2002–12844; FMCSA–2004–17984; FMCSA–2005–20027; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2008–0292; FMCSA–2010–0161; FMCSA–2010–0327; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010; FMCSA–2012–0214; FMCSA–2012–0279; FMCSA–2012–0280; FMCSA–2013–0030; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2016–0028; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0208; FMCSA–2016–0212; FMCSA–2016–0213; FMCSA–2016–0214; FMCSA–2018–0007; FMCSA–2018–0013; FMCSA–2018–0207; FMCSA–2018–0208; FMCSA–2018–0209; FMCSA–2019–0005; FMCSA–2019–0006]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 68 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before April 22, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2000–7165, Docket No. FMCSA–2000–7363, Docket No. FMCSA–2000–7918, Docket No. FMCSA–2002–12844, Docket No. FMCSA–2004–17984, Docket No. FMCSA–2005–20027, Docket No. FMCSA–2006–25246, Docket No. FMCSA–2006–26066, Docket No. FMCSA–2008–0106, Docket No. FMCSA–2008–0231, Docket No. FMCSA–2008–0266, Docket No. FMCSA–2008–0292, Docket No. FMCSA–2010–0161, Docket No. FMCSA–2010–0327, Docket No. FMCSA–2010–0354, Docket No. FMCSA–2010–0385, Docket No. FMCSA–2010–0413, Docket No. FMCSA–2011–0010, Docket No. FMCSA–2012–0214, Docket No. FMCSA–2012–0279, Docket No. FMCSA–2012–0280, Docket No. FMCSA–2013–0030, Docket No. FMCSA–2014–0002, Docket No. FMCSA–2014–0003, Docket No. FMCSA–2014–0010, Docket No. FMCSA–2014–0011, Docket No. FMCSA–2014–0296, Docket No. FMCSA–2014–0298, Docket No. FMCSA–2014–0299, Docket No. FMCSA–2014–0300, Docket No. FMCSA–2014–0301, Docket No. FMCSA–2014–0302, Docket No. FMCSA–2014–0304, Docket No. FMCSA–2016–0028, Docket No. FMCSA–2016–0031, Docket No. FMCSA–2016–0033, Docket No. FMCSA–2016–0208, Docket No. FMCSA–2016–0212, Docket No. FMCSA–2016–0213, Docket No. FMCSA–2016–0214, Docket No. FMCSA–2018–0007, Docket No. FMCSA–2018–0013, Docket No. FMCSA–2018–0207, Docket No. FMCSA–2018–0208, Docket No. FMCSA–2018–0209, Docket No. FMCSA–2019–0005, or Docket No. FMCSA–2019–0006 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number, FMCSA–2000–7165, FMCSA–2000–7363, FMCSA–2000–7918, FMCSA–2002–12844, FMCSA–2004–17984, FMCSA–2005–20027, FMCSA–2006–25246, FMCSA–2006–26066, FMCSA–2008–0106, FMCSA–2008–0231, FMCSA–2008–0266, FMCSA–2008–0292, FMCSA–2010–0161, FMCSA–2010–0327, FMCSA–2010–0354, FMCSA–2010–0385, FMCSA–2010–0413, FMCSA–2011–0010, FMCSA–2012–0214, FMCSA–2012–0279, FMCSA–2012–0280, FMCSA–2013–0030, FMCSA–2014–0002, FMCSA–2014–0003, FMCSA–2014–0010, FMCSA–2014–0011, FMCSA–2014–0296, FMCSA–2014–0298, FMCSA–2014–0299, FMCSA–2014–0300, FMCSA–2014–0301, FMCSA–2014–0302, FMCSA–2014–0304, FMCSA–2016–0028, FMCSA–2016–0031, FMCSA–2016–0033, FMCSA–2016–0208, FMCSA–2016–0212, FMCSA–2016–0213, FMCSA–2016–0214; FMCSA–2018–0007, FMCSA–2018–0013, FMCSA–2018–0207, FMCSA–2018–0208, FMCSA–2018–0209, FMCSA–2019–0005, or FMCSA–2019–0006 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2000–7165; FMCSA–2000–7363; FMCSA–2000–7918; FMCSA–2002–12844; FMCSA–2004–17984; FMCSA–2005–20027; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2008–0292; FMCSA–2010–0161; FMCSA–2010–0327; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010; FMCSA–2012–0214; FMCSA–2012–0279; FMCSA–2012–0280; FMCSA–2013–0030; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2016–0028; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0208; FMCSA–2016–0212; FMCSA–2016–0213; FMCSA–2016–0214; FMCSA–2018–0007; FMCSA–2018–0013; FMCSA–2018–0207; FMCSA–2018–0208; FMCSA–2018–0209; FMCSA–2019–0005; FMCSA–2019–0006), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov/,* insert the docket number, FMCSA–2000–7165, FMCSA–2000–7363, FMCSA–2000–7918, FMCSA–2002–12844, FMCSA–2004–17984, FMCSA–2005–20027, FMCSA–2006–25246, FMCSA–2006–26066, FMCSA–2008–0106; FMCSA–2008–0231, FMCSA–2008–0266; FMCSA–2008–0292, FMCSA–2010–0161, FMCSA–2010–0327, FMCSA–2010–0354, FMCSA–2010–0385, FMCSA–2010–0413, FMCSA–2011–0010, FMCSA–2012–0214, FMCSA–2012–0279, FMCSA–2012–0280, FMCSA–2013–0030, FMCSA–2014–0002, FMCSA–2014–0003, FMCSA–2014–0010, FMCSA–2014–0011, FMCSA–2014–0296, FMCSA–2014–0298, FMCSA–2014–0299, FMCSA–2014–0300, FMCSA–2014–0301, FMCSA–2014–0302, FMCSA–2014–0304, FMCSA–2016–0028, FMCSA–2016–0031, FMCSA–2016–0033, FMCSA–2016–0208, FMCSA–2016–0212, FMCSA–2016–0213, FMCSA–2016–0214, FMCSA–2018–0007, FMCSA–2018–0013, FMCSA–2018–0207, FMCSA–2018–0208, FMCSA–2018–0209, FMCSA–2019–0005, or FMCSA–2019–0006 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first

notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2000–7165, FMCSA–2000–7363, FMCSA–2000–7918, FMCSA–2002–12844, FMCSA–2004–17984, FMCSA–2005–20027, FMCSA–2006–25246, FMCSA–2006–26066, FMCSA–2008–0106; FMCSA–2008–0231, FMCSA–2008–0266; FMCSA–2008–0292, FMCSA–2010–0161, FMCSA–2010–0327, FMCSA–2010–0354, FMCSA–2010–0385, FMCSA–2010–0413, FMCSA–2011–0010, FMCSA–2012–0214, FMCSA–2012–0279, FMCSA–2012–0280, FMCSA–2013–0030, FMCSA–2014–0002, FMCSA–2014–0003, FMCSA–2014–0010, FMCSA–2014–0011, FMCSA–2014–0296, FMCSA–2014–0298, FMCSA–2014–0299, FMCSA–2014–0300, FMCSA–2014–0301, FMCSA–2014–0302, FMCSA–2014–0304, FMCSA–2016–0028, FMCSA–2016–0031, FMCSA–2016–0033, FMCSA–2016–0208, FMCSA–2016–0212, FMCSA–2016–0213, FMCSA–2016–0214, FMCSA–2018–0007, FMCSA–2018–0013, FMCSA–2018–0207, FMCSA–2018–0208, FMCSA–2018–0209, FMCSA–2019–0005, or FMCSA–2019–0006 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 68 individuals listed in this notice have requested renewal of their exemptions from the vision standard in § 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 68 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 65 FR 33406, 65 FR 45817, 65 FR 57234, 65 FR 66286, 65 FR 77066, 66 FR 13825, 67 FR 57266, 67 FR 68719, 67 FR 71610, 68 FR 2629, 68 FR 10300, 69 FR 33997, 69 FR 52741, 69 FR 61292, 69 FR 64810, 69 FR 71100, 70 FR 2701, 70 FR 7545, 70 FR 7546, 70 FR 16887, 71 FR 53489, 71 FR 55820, 71 FR 63379, 71 FR 66217, 72 FR 180, 72 FR 1051, 72 FR 1053, 72 FR 7111, 72 FR 7812, 72 FR 9397, 72 FR 12665, 73 FR 35199, 73 FR 46973, 73 FR 48275, 73 FR 51336, 73 FR 51689, 73 FR 54888, 73 FR 61922, 73 FR 61925, 73 FR 63047, 73 FR 65009, 73 FR 74563, 73 FR 74565, 73 FR 76440, 73 FR 78423, 74 FR 6211, 74 FR 6689, 74 FR 9329, 75 FR 39725, 75 FR 44051, 75 FR 52062, 75 FR 52063, 75 FR 57105, 75 FR 59327, 75 FR 61833, 75 FR 65057, 75 FR 72863, 75 FR 77492, 75 FR 77949, 75 FR 79081, 75 FR 79083, 75 FR 80887, 76 FR 1493, 76 FR 2190, 76 FR 5425, 76 FR 9856, 76 FR 9859, 76 FR 9861, 76 FR 9865, 76 FR 12408, 76 FR 15360, 76 FR 17483, 76 FR 20076, 77 FR 46153, 77 FR 46793, 77 FR 52388, 77 FR 52389, 77 FR 56262, 77 FR 59245, 77 FR 60008, 77 FR 60010, 77 FR 64583, 77 FR 64839, 77 FR 68202, 77 FR 70537, 77 FR 71671, 77 FR 74273, 77 FR 74734, 77 FR 75494, 77 FR 76167, 78 FR 800, 78 FR 8689, 78 FR 10250, 78 FR 11731, 78 FR 12813, 78 FR 16035, 78 FR 16762, 78 FR 18667, 78 FR 41975, 78 FR 56986, 79 FR 10606, 79 FR 14571, 79 FR 22003, 79 FR 28588, 79 FR 46153, 79 FR 46300, 79 FR 51642, 79 FR 51643, 79 FR 56099, 79 FR 56117, 79 FR 58856, 79 FR 64001, 79 FR 65759, 79 FR 65760, 79 FR 69985, 79 FR 70928, 79 FR 72754, 79 FR 73393, 79 FR 73397, 79 FR 73686, 79 FR 73687, 79 FR 73689, 79 FR 74168, 80 FR 603, 80 FR 2473, 80 FR 3723, 80 FR 6162, 80 FR 7678, 80 FR 7679, 80 FR 8751, 80 FR 8927, 80 FR 9304, 80 FR 12248, 80 FR 13070, 80 FR 14223, 80 FR 15859, 80 FR 15863, 80 FR 16500, 80 FR 18693, 80 FR 20562, 80 FR 29152, 80 FR 33011, 80 FR 48411, 81 FR 39320, 81 FR 52514, 81 FR 59266, 81 FR 66720, 81 FR 68098, 81 FR 70253, 81 FR 71173, 81 FR 74494, 81 FR 80161, 81 FR 81230, 81 FR 86063, 81 FR 90050, 81 FR 96165, 81 FR 96180, 81 FR 96191, 81 FR 96196, 82 FR 12678, 82 FR 12683, 82 FR 13043, 82 FR 13048, 82 FR 13187, 82 FR 15277, 82 FR 18949, 82 FR 23712, 83 FR 15214, 83 FR 28325, 83 FR 28328, 83 FR 28335, 83 FR 34661, 83 FR 40638, 83 FR 40648, 83 FR 53724, 83 FR 56140, 83 FR 56902, 83 FR 60954, 84 FR 2305, 84 FR 2309, 84 FR 2311, 84 FR 2314, 84 FR 2323, 84 FR 2326, 84 FR 10389, 84 FR 11859, 84 FR 16320, 84 FR 16336, 84 FR

21393, 84 FR 21401, 84 FR 27685). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at § 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of April and are discussed below. As of April 1, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 58 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 33406, 65 FR 45817, 65 FR 57234, 65 FR 77066, 67 FR 57266, 67 FR 68719, 67 FR 71610, 68 FR 2629, 69 FR 33997, 69 FR 52741, 69 FR 61292, 69 FR 64810, 69 FR 71100, 70 FR 7545, 71 FR 53489, 71 FR 55820, 71 FR 63379, 71 FR 66217, 72 FR 180, 72 FR 1051, 72 FR 1053, 72 FR 7812, 72 FR 9397, 73 FR 35199, 73 FR 46973, 73 FR 48275, 73 FR 51336, 73 FR 51689, 73 FR 54888, 73 FR 61922, 73 FR 61925, 73 FR 63047, 73 FR 65009, 73 FR 74563, 73 FR 74565, 73 FR 76440, 73 FR 78423, 74 FR 6211, 74 FR 6689, 75 FR 39725, 75 FR 44051, 75 FR 52062, 75 FR 52063, 75 FR 57105, 75 FR 59327, 75 FR 61833, 75 FR 65057, 75 FR 72863, 75 FR 77492, 75 FR 77949, 75 FR 79081, 75 FR 79083, 75 FR 80887, 76 FR 1493, 76 FR 2190, 76 FR 5425, 76 FR 9859, 76 FR 9861, 76 FR 9865, 76 FR 12408, 77 FR 46153, 77 FR 46793, 77 FR 52388, 77 FR 52389, 77 FR 56262, 77 FR 59245, 77 FR 60008, 77 FR 60010, 77 FR 64583, 77 FR 64839, 77 FR 68202, 77 FR 70537, 77 FR 71671, 77 FR 74273, 77 FR 74734, 77 FR 75494, 77 FR 76167, 78 FR 800, 78 FR 8689, 78 FR 10250, 78 FR 11731, 78 FR 12813, 78 FR 41975, 78 FR 56986, 79 FR 10606, 79 FR 14571, 79 FR 22003, 79 FR 28588, 79 FR 46153, 79 FR 46300, 79 FR 51642, 79 FR 51643, 79 FR 56099, 79 FR 56117, 79 FR 58856, 79 FR 64001, 79 FR 65759, 79 FR 65760, 79 FR 69985, 79 FR 70928, 79 FR 72754, 79 FR 73393, 79 FR 73397, 79 FR 73686, 79 FR 73687, 79 FR 73689, 79 FR 74168, 80 FR 603, 80 FR 2473, 80 FR 3723, 80 FR 6162, 80 FR 7678, 80 FR 7679, 80 FR 8751, 80 FR 8927, 80 FR 9304, 80 FR 15859, 80 FR 18693, 80 FR 20562, 80 FR 48411, 81 FR 39320, 81 FR 52514, 81 FR 59266, 81 FR 66720, 81 FR 68098, 81 FR 70253, 81 FR 71173, 81 FR 74494, 81 FR 80161, 81 FR 81230, 81 FR 86063, 81 FR 90050, 81 FR 96165, 81 FR 96180, 81 FR 96191, 81 FR 96196, 82 FR 12683, 82 FR 13043, 82 FR 13048, 82 FR 15277, 83 FR 15214, 83 FR 28325, 83 FR 28328, 83 FR 28335, 83 FR 34661, 83 FR 40638, 83 FR 40648, 83 FR 53724, 83 FR 56140, 83 FR 56902, 83 FR 60954, 84 FR 2305, 84 FR 2309, 84 FR 2311, 84 FR 2314, 84 FR 2323, 84 FR 2326, 84 FR 16320, 84 FR 16336, 84 FR 21401):

Ramon Adame (IL)
Terry L. Anderson (PA)
Alan A. Andrews (NE)
Jason P. Atwater (UT)
Richard D. Auger (CA)
Randal D. Aukes (MN)
Dewey E. Ballard, Jr. (SC)
Robert S. Bowen (GA)
Gerald D. Bowser (PA)
Nathan A. Buckles (IN)
Monty G. Calderon (OH)
Patricio C. Carvalho (MD)
John B. Casper (OK)
Joshua L. Cecotti (WA)
Edward Cunningham (MI)
Jeffrey D. Davis (NC)
William W. Dunn (PA)
Stephen R. Ehlenburg (IL)
Darrell B. Emery (OK)
John E. Evenson (WI)
Ronald Gaines (FL)
Marc C. Goss (NE)
Jerry L. Hayden (IA)
Christopher L. Humphries (TX)
Thomas J. Ivins (FL)
Kendall S. Lane (OK)
Garry D. Layton (TX)
Jackie Lee (FL)
Billy J. Lewis (LA)
Kenneth Liuzza (LA)
Carl A. Lohrbach (OH)
Thomas J. Long III (PA)
Lawrence D. Malecha (MN)
Wayne R. Mantela (KY)
Hollis J. Martin (AL)
Ellis T. McKneely (LA)
Patrick J. McMillen (WI)
James E. Menz (NY)
Rocky D. Moorhead (NM)
Ali Nimer (IL)
Jeffrey S. Pennell (VT)
Gary W. Phelps (PA)
Jeffrey Sanders (NC)
Stephen A. Scales (IL)
Steven D. Schlichting (NE)
Kirk Scott (CT)
Mustafa Shahadeh (OH)
Gerardo Silva (IL)
John D. Stork (IL)
Sherman L. Taylor (FL)
Jason E. Thomas (ND)
Karl M. Vanderstucken (TX)
Kenneth E. Vigue, Jr. (WA)
Khamla Vongvoraseng (NC)
James R. Wagner (IL)
Bobby M. Warren (KY)
Patricia A. White (IL)
Jeffrey D. Wilson (CO)

The drivers were included in docket numbers FMCSA–2000–7165, FMCSA–2000–7363, FMCSA–2002–12844, FMCSA–2004–17984, FMCSA–2006–25246, FMCSA–2006–26066, FMCSA–2008–0106; FMCSA–2008–0231, FMCSA–2008–0266; FMCSA–2008–0292, FMCSA–2010–0161, FMCSA–2010–0327, FMCSA–2010–0354, FMCSA–2010–0385, FMCSA–2010–0413, FMCSA–2012–0214, FMCSA–2012–0279, FMCSA–2012–0280, FMCSA–2013–0030, FMCSA–2014–0002, FMCSA–2014–0003, FMCSA–2014–0010, FMCSA–2014–0011, FMCSA–2014–0296, FMCSA–2014–0298, FMCSA–2014–0299, FMCSA–2014–0300, FMCSA–2014–0301, FMCSA–2016–0028, FMCSA–2016–0031, FMCSA–2016–0033, FMCSA–2016–0208, FMCSA–2016–0212, FMCSA–2018–0007, FMCSA–2018–0013, FMCSA–2018–0207, FMCSA–2018–0208, and FMCSA–2018–0209. Their exemptions are applicable as of April 1, 2021, and will expire on April 1, 2023.

As of April 5, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 2701, 70 FR 16887, 72 FR 12665, 74 FR 9329, 76 FR 15360, 78 FR 16035, 80 FR 13070, 82 FR 15277, 84 FR 21401):

Donald P. Dodson, Jr. (WV)

The driver was included in docket number FMCSA–2005–20027. The exemption is applicable as of April 5, 2021, and will expire on April 5, 2023.

As of April 6, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (82 FR 12678, 82 FR 18949, 84 FR 21401):

Cory W. Haupt (SD); and Kendrick T. Williams (NC)

The drivers were included in docket number FMCSA–2016–0214. Their exemptions are applicable as of April 6, 2021, and will expire on April 6, 2023.

As of April 7, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement

in the FMCSRs for interstate CMV drivers (80 FR 12248, 80 FR 29152, 82 FR 15277, 84 FR 21401):

Bradley J. Compton (ID)

The driver was included in docket number FMCSA–2014–0302. The exemption is applicable as of April 7, 2021, and will expire on April 7, 2023.

As of April 11, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 9856, 76 FR 20076, 78 FR 16762, 80 FR 15863, 82 FR 13187, 82 FR 15277, 82 FR 23712, 84 FR 21401):

Wesley M. Creamer (NM); and Wade C. Uhlir (MN)

The drivers were included in docket numbers FMCSA–2011–0010, and FMCSA–2016–0213. Their exemptions are applicable as of April 11, 2021, and will expire on April 11, 2023.

As of April 18, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 14223, 80 FR 33011, 84 FR 21401):

Jaroslav Cigler (IN)

The driver was included in docket number FMCSA–2014–0304. The exemption is applicable as of April 18, 2021, and will expire on April 18, 2023.

As of April 20, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (84 FR 10389; 84 FR 21393):

Keith A. Larson (MA)

The driver was included in docket number FMCSA–2019–0005. The exemption is applicable as of April 20, 2021, and will expire on April 20, 2023.

As of April 21, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 66286, 66 FR 13825, 68 FR 10300, 70 FR 7546, 72 FR 7111, 76 FR 17483, 78 FR 18667, 80 FR 16500, 82 FR 15277, 84 FR 21401):

James R. Rieck (CA)

The driver was included in docket number FMCSA–2000–7918. The exemption is applicable as of April 21, 2021, and will expire on April 21, 2023.

As of April 30, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (84 FR 11859, 84 FR 27685):

Clay A. Applegarth (ND)

The driver was included in docket number FMCSA–2019–0006. The exemption is applicable as of April 30, 2021, and will expire on April 30, 2023.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified medical examiner (ME), as defined by § 390.5, who attests that the driver is otherwise physically qualified under § 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the ME at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 68 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in § 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for two years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–05968 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0035; Notice 1]

Hankook Tire America Corp., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Hankook Tire America Corp. (Hankook) has determined that certain Hankook Ventus S1 Noble2 passenger car tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles,* and part 574, *Tire Identification and Recordkeeping.* Hankook filed a noncompliance report dated April 23, 2020. Hankook subsequently petitioned NHTSA on May 19, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of Hankook's petition.

DATES: Send comments on or before April 22, 2021.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://*

www.regulations.gov/. Follow the online instructions for submitting comments.

• Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the docket. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Hankook has determined that certain Hankook Ventus S1 Noble2 size 235/40R18W XL H452 tires do not fully comply with the requirements of paragraph S5.5.1(b) of FMVSS No. 139, *New Pneumatic Radial Tires for Light Vehicles* (49 CFR 571.139) and with the labeling requirements of Part 574.5(a) of part 574, *Tire Identification and Recordkeeping* (49 CFR 574). Hankook filed a noncompliance report dated April 23, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Hankook subsequently petitioned NHTSA on May 19, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Hankook's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any Agency decision or other exercise of judgment concerning the merits of the petition.

II. Tires Involved: Approximately 109 Hankook Ventus S1 Noble2 size 235/40R18W XL H452 passenger car tires manufactured on August 17, 2019, and August 18, 2019, are potentially involved.

III. Noncompliance: Hankook explains that the noncompliance is due to a mold error in which the subject tires contain a tire identification number (TIN) with an inverted serial week and year (date code) as required by part 574.5(a) and paragraph S5.5.1(b) of FMVSS No. 139. Specifically, the date code portion of the TIN was printed upside down.

IV. Rule Requirements: Paragraph S5.5.1(b) of FMVSS No. 139, includes the requirements relevant to this petition:

• For tires manufactured on or after September 1, 2009, each tire must be labeled with the tire identification number required by 49 CFR part 574 on the intended outboard sidewall of the tire.

• Except for retreaded tires, if a tire does not have an intended outboard sidewall, the tire must be labeled with the tire identification number required by 49 CFR part 574 on one sidewall and with either the tire identification number or a partial tire identification number, containing all characters in the tire identification number except for the date code and, at the discretion of the manufacturer, any optional code, on the other sidewall.

V. Summary of Hankook's Petition: The following views and arguments presented in this section, ''V. Summary of Hankook's Petition,'' are the views and arguments provided by Hankook. They have not been evaluated by the Agency and do not reflect the views of the Agency. Hankook described the subject noncompliance and contended that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Hankook submitted the following reasoning:

1. The relevant information remains readily identifiable,

2. the Agency has granted a similar petition in the past (*See* 81 FR 43708 (Jul. 5, 2016)),

3. the subject tires otherwise meet the marking and performance requirements of FMVSS No. 139, and

4. Hankook is not aware of any consumer complaints, claims, or incidents related to the subject noncompliance.

Hankook's complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov* and by following the online search instructions to locate the docket number as listed in the title of this notice.

Hankook concluded by again contending that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject tires that Hankook no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Hankook notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8.

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2021–05920 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0112; Notice 1]

FCA US LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: FCA US LLC (f/k/a Chrysler Group LLC) ''FCA US'' has determined that certain Mopar rear brake hoses for use in model year (MY) 2019–2020 Ram 4500/5500 Cab Chassis motor vehicles and sold as replacement parts to FCA US dealers do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 106, *Brake Hoses.* FCA US filed two noncompliance reports, both dated October 22, 2020. FCA US subsequently petitioned NHTSA on November 13, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of FCA US's petition.

DATES: Send comments on or before April 22, 2021.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the docket. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview

FCA US LLC (f/k/a Chrysler Group LLC) ''FCA US'' has determined that certain Mopar rear brake hoses for use in model year (MY) 2019–2020 Ram 4500/5500 Cab Chassis motor vehicles and sold as replacement parts to FCA US dealers do not fully comply with paragraph S5.3.1 of FMVSS No. 106, *Brake Hoses* (49 CFR 571.106). FCA US filed two noncompliance reports, both dated October 22, 2020, pursuant to 49 CFR 573, *Defect and Noncompliance Responsibility and Reports.* FCA US subsequently petitioned NHTSA on November 13, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 40 U.S.C. 30118 and 49 U.S.C. 30120, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of FCA US's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any Agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles and Equipment Involved

Approximately 26,961 MY 2019-2020 Ram 4500/5500 Cab Chassis motor vehicles, manufactured between February 10, 2019, and August 26, 2020, and approximately 182 Mopar right rear brake hose replacement parts having part numbers 68371722AA and 68371722AB, and left rear brake hose replacement parts having part numbers 68371723AA and 68371723AB, manufactured between January 29, 2019, and August 26 2020, are potentially involved.

III. Noncompliance

FCA US explains that the noncompliance is that the inside diameter in certain Mopar rear brake hoses equipped in certain model year (MY) 2019–2020 Ram 4500/5500 Cab Chassis motor vehicles and sold to FCA US dealers as replacement parts do not meet the required 64 percentage of the nominal inside diameter of the brake hose and therefore do not fully comply with paragraph S5.3.1 of FMVSS No. 106. Specifically, FCA says that in the worst-case scenario, parts measured 52.8 percent of the nominal inside diameter.

IV. Rule Requirements

Paragraph S5.3.1 of FMVSS No. 106 provides that except for that part of an end fitting which does not contain hose, every inside diameter of any section of a hydraulic brake hose assembly shall be not less than 64 percent of the nominal inside diameter of the brake hose.

V. Summary of FCA US's Petition

The following views and arguments presented in this section, V. Summary of FCA US's Petition, are the views and arguments provided by FCA US. They have not been evaluated by the Agency and do not reflect the views of the Agency.

FCA US described the subject noncompliance and stated that the noncompliance is inconsequential as it relates to motor vehicle safety. FCA US submitted the following views and arguments in support of the petition:

1. FCA states that it has completed testing showing that, in this particular circumstance, there is no safety concern with the noncompliant brake hose assemblies that were built with an under-specification orifice size. FCA further claims that the testing shows there is no concern for hose rupture and

no risk of brake system failure due to pressure loss. Testing also shows there is no meaningful effect on vehicle braking performance built with the noncompliant brake hose assemblies.

2. FCA claims that the Ram 4500/5500 Cab Chassis vehicle achieves no more than 2,500 pounds per square inch (PSI) in the brake hose assemblies when performing FMVSS No. 105 testing for stopping distance. FMVSS No. 106 specifies a minimum burst strength requirement of 7,000 PSI for brake hoses of 1/8″ or smaller diameter. (The subject brake hoses have a diameter of 1/8″.) The FCA internal specification requires the supplier to perform burst testing daily, and the minimum requirement that all hose assemblies must meet is 9,000 PSI under the FMVSS No. 106 test conditions. The brake hose assemblies containing an out of specification orifice all surpassed the requirement and showed no difference from those containing a compliant orifice.

3. FCA believes that the viscosity of brake fluid at colder temperatures increases, thus, the flow rate of brake fluid will be reduced at colder temperatures, making cold temperature testing the worst-case scenario. The Ram 4500/5500 Cab Chassis vehicle brake hose assemblies containing an out of specification orifice and those with a compliant orifice were tested for flow at ambient and at cold temperature. The cold temperature test included an overnight soak at $-30°$ C. The test was conducted using a panic brake application of 500 Newtons in 0.5 seconds per FMVSS No. 105 pedal force requirements and then held for an additional 5 seconds to ensure fluid flow to the wheel end. The compliant and noncompliant brake hose assemblies showed no meaningful difference in the time they each took to reach 50 bar and 100 bar at either ambient or cold.

4. FCA tested the Ram 4500/5500 Cab Chassis vehicle for stopping distance according to FMVSS No. 105 testing procedures for vehicles over 10,000 pounds (''lbs.'') Gross Vehicle Weight, which is the worst-case scenario. The test was conducted on a vehicle that was slowed from a speed of 60 mph with a maximum pedal effort of 150 lbs. to determine if it could meet the required stopping distance requirements. The test was conducted six times, and FCA focused on second effectiveness and third effectiveness results. The best distance was used to calculate the Best Stop Percentage Margin. The test results showed no meaningful difference between the second effectiveness and the third effectiveness government specifications or the more stringent FCA internal stopping requirements between a brake hose with an out of specification orifice and a brake hose with a compliant orifice. FCA completed two tests with brake hose assemblies with compliant orifice sizes and one test with the subject out of specification orifice size.

5. FCA is not aware of any crashes, injuries, or customer complaints associated with the condition.

FCA concludes by again contending that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, be granted.

FCA's complete petition and all supporting documents, including details of test results, are available by logging onto the Federal Docket Management System (FDMS) website at: *https://www.regulations.gov* and by following the online search instructions to locate the docket number as listed in the title of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles and equipment that FCA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles and equipment under their control after FCA notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2021–05922 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0036; Notice 1]

Toyota Motor North America, Inc., Receipt of Petitions for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petitions.

SUMMARY: Toyota Motor North America, Inc. (TMNA) on behalf of Toyota Motor Corporation (TMC) (collectively referred to as ''Toyota'') has determined that certain replacement seat belt assemblies manufactured by Tokai Rika Mexico and Joyson Safety Systems and sold to Toyota dealerships as replacement equipment do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies.* Toyota filed two noncompliance reports, both dated May 4, 2020. Toyota subsequently submitted two petitions to NHTSA both dated May 28, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of Toyota's petition.

DATES: Send comments on or before April 22, 2021.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than

15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petitions are granted or denied, notice of the decisions will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the docket. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Toyota has determined that certain replacement seat belt assemblies manufactured by Tokai Rika Mexico and Joyson Safety Systems and sold to Toyota dealerships as replacement equipment do not fully comply with the requirements of paragraph S4.1(k) and (l) of FMVSS No. 209, *Seat Belt Assemblies* (49 CFR 571.209). Toyota filed two noncompliance reports both dated May 4, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Toyota subsequently submitted two petitions to NHTSA both dated May 28, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Toyota's petitions is published under 49 U.S.C. 30118 and 30120 and does not represent any Agency decision or other exercise of judgment concerning the merits of the petition.

II. Equipment Involved: Approximately 37 Tokai Rika Mexico replacement seat belt assemblies manufactured between March 1, 2019, and April 15, 2020, and approximately 97,550 Joyson Safety Systems replacement seat belt assemblies manufactured between July 18, 1997, and February 25, 2020, are potentially involved.

III. Noncompliance: Toyota explains that the noncompliance involves seatbelt assemblies sourced to Toyota dealerships by Tokai Rika Mexico and Joyson Safety Systems for use or subsequent resale to dealership customers as replacement equipment. Specifically, certain replacement seat belt assemblies were sold with missing or incorrect ''Installation instructions'' and ''Usage and maintenance instructions'' and therefore, do not meet all applicable requirements specified in paragraph S4.1(k) and (l) of FMVSS No. 209.

IV. Rule Requirements: Paragraph S4.1(k) and (l) of FMVSS No. 209 include the requirements relevant to this petition. A seat belt assembly, other than a seat belt assembly installed in a motor vehicle by an automobile manufacturer, shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle. A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components.

V. Summary of Toyota's Petition: The following views and arguments presented in this section, V. Summary of Toyota's Petition, are the views and arguments provided by Toyota. They have not been evaluated by the Agency and do not reflect the views of the Agency. Toyota described the subject noncompliance and stated their belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Toyota submitted the following reasoning:

1. The subject seat belt assemblies were sold only by Toyota dealerships. Due to the dealerships' replacement parts ordering system and the parts packaging, improper replacement seat belt assembly selection would not likely occur.

Toyota stated that it is unlikely that the subject replacement seat belt assemblies would be selected for an incorrect seating position as a result of this issue. The subject assemblies were only sold by Toyota dealerships. The parts ordering system clearly indicates the part and enables identification of the appropriate model vehicle and seating position for which the assembly is intended to be installed. When selecting a replacement part, the dealerships can search by Vehicle Identification Number (VIN), part number, and vehicle model. They can also see a diagram of the part location via the Electronic Parts Catalog. In addition, the part can be identified by the label on the box and the old part can be compared to the new part. The label on the box in which the replacement seat belt is packaged specifies the part number and part description.

Because of the Toyota dealerships' robust part ordering system and the additional label on the box, it is unlikely that an incorrect seat belt would be provided or used as a replacement part. The missing instruction sheet has no effect on a dealership's ability to provide the correct replacement part ordered or on the installer's ability to correctly identify the appropriate replacement part.

2. The improper installation of the seat belt assembly is unlikely. Dealership technicians and third-party installers can access Toyota's electronic repair manual and other aftermarket manuals.

It is unlikely that an improper installation of a replacement seat belt would occur as a result of a missing instruction sheet. First, if the instruction sheet is missing from the box, the installer would likely obtain the correct installation information from a different source or would return the part to the dealer.

Second, after identifying that the part does not have the installation instruction sheet, the installer could return the part to the dealer, request the installation instructions from the dealer, or consult other sources of installation instructions that are readily available. Technicians at Toyota dealerships have access to Toyota's electronic repair manual. Third-party installers have access to various aftermarket repair manuals and can obtain access to Toyota's electronic repair manual. Finally, the installer can also request a copy of the installation instructions from Toyota; and it would be provided free of charge.

Third, the subject assemblies themselves have characteristics that discourage incorrect installation. Because the subject seat belts are not universal type seat belts, they are intended to be used to replace specific seat belts in specific seating positions. Thus, the installation procedure is the reverse of part removal. Further, Toyota believes that it is unlikely that the subject seat belts can be installed properly in an incorrect seating position.

All of the Tokai Rika Mexico seat belt assemblies are intended to be used as replacement equipment for the model year (MY) 2020 Corolla rear seat. Toyota determined that these seat belt assemblies cannot be properly installed in any of the other MY 2020 Corolla seating positions and are not used on any other Toyota or Lexus models.

Concerning the Joyson Safety Systems seat belt assemblies, based on the audits Toyota conducted of the replacement seat belt assemblies in its parts distribution centers, Toyota identified 27 different replacement seat belt assembly models that had incorrect instruction sheets. While there could be other variations not identified in these audits, Toyota determined that the seat belt assemblies identified in these audits could not be properly installed in the location specified by the incorrect instruction sheet. In addition, the torque value for structurally mounting the seat belt assemblies is a standard value and is correct regardless of which instruction sheet is used (42Nm). Because these torque values are common, even if the technician uses the torque values from the wrong installation instruction sheet, the torque value will still be correct.

For these reasons, it is unlikely that the subject seat belt assemblies would be improperly installed.

3. The replacement seat belt assemblies are intended to replace the original equipment seat belts. The owner's manual for each vehicle contains the seat belt usage and maintenance instructions.

It is unlikely that an improper use or maintenance of a replacement seat belt would occur as a result of a missing or incorrect instruction sheet. The affected seat belt assemblies are designed to replace the originally equipped seat belts in specific Toyota vehicles. All of the vehicle models for which these replacement seat belt assemblies were designed were originally equipped with an owner's manual that contains usage and maintenance instructions for these seat belt assemblies. Thus, the vehicle owner has access to the usage and maintenance instructions and would not need to refer to the instruction sheet for this information.

4. The seat belts comply with all other requirements of FMVSS No. 209.

The missing or incorrect instruction sheets have no bearing on the materials or performance of the replacement seat belt assembly itself. Thus, the assemblies continue to meet the other performance requirements specified in FMVSS No. 209. There is no impact to performance, functionality, or occupant safety.

5. Toyota is unaware of allegations of missing instruction sheets.

Toyota has searched its records for allegations of missing instruction sheets concerning the subject replacement seat belt assemblies. As of April 23, 2020, no owner complaints, field reports, warranty claims, legal claims, or dealer technical assistance calls concerning the missing installation instruction sheets were found.

6. In similar situations, NHTSA has granted petitions for inconsequential noncompliance relating to the subject requirement of FMVSS No. 209.

NHTSA has previously granted at least seven similar petitions for inconsequential noncompliance for missing or incorrect instruction sheets for certain replacement seat belt assemblies. These include: FCA US LLC (84 FR 20948, May 13, 2019); Mitsubishi Motors North America, Inc., (77 FR 24762, April 25, 2012); Bentley Motors, Inc. (76 FR 58343, September 20, 2011); Hyundai Motor Company (74 FR 9125, March 2, 2009); Ford Motor Company, (73 FR 11462, March 3, 2008); Mazda North American Operations (73 FR 11464, March 3, 2008); and Subaru of America, Inc. (65 FR 67471, November 9, 2000).

Toyota's complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov* and by following the online search instructions to locate the docket number as listed in the title of this notice.

Toyota concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the equipment that Toyota no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant seat belt assemblies under their control after Toyota notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2021–05921 Filed 3–22–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2021–0004]

Minority Depository Institutions Advisory Committee

AGENCY: Department of the Treasury, Office of the Comptroller of the Currency.

ACTION: Notice.

SUMMARY: The Office of the Comptroller of the Currency (OCC) announces a meeting of the Minority Depository Institutions Advisory Committee (MDIAC).

DATES: The OCC MDIAC will hold a public meeting on Tuesday, April 13, 2021, via webinar, beginning at 1:00 p.m. Eastern Daylight Time (EDT).

ADDRESSES: The OCC will hold the April 13, 2021 meeting of the MDIAC via webinar.

FOR FURTHER INFORMATION CONTACT: Beverly Cole, Designated Federal Officer and Deputy Comptroller for the Northeastern District, (212) 790–4001, Office of the Comptroller of the Currency, 340 Madison Ave., Fifth Floor, New York, New York 10173.

SUPPLEMENTARY INFORMATION: By this notice, the OCC is announcing that the MDIAC will convene a meeting at 1:00 p.m. EDT on Tuesday, April 13, 2021, via webinar. Agenda items will include current topics of interest to the industry. The purpose of the meeting is for the MDIAC to advise the OCC on steps the

agency may be able to take to ensure the continued health and viability of minority depository institutions and other issues of concern to minority depository institutions. Members of the public may submit written statements to the MDIAC by email to: *MDIAC@OCC.treas.gov.*

The OCC must receive written statements no later than 5:00 p.m. EDT on Tuesday, April 6, 2021. Members of the public who plan to attend the meeting via webinar should contact the OCC by 5:00 p.m. EDT on Tuesday, April 6, 2021, to inform the OCC of their desire to attend the meeting and to obtain information about participation via webinar. Members of the public may contact the OCC via email at *MDIAC@OCC.treas.gov* or by telephone at (212) 790–4001. Attendees should provide their full name, email address, and organization, if any. Members of the public who are hearing impaired should call (202) 649–5597 (TTY) no later than 5:00 p.m. EDT on Tuesday, April 6, 2021, to arrange auxiliary aids such as sign language interpretation for this meeting.

Blake J. Paulson,

Acting Comptroller of the Currency.

[FR Doc. 2021–05958 Filed 3–22–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing an update to the identifying information of a person currently included in the list of Specially Designated Nationals and Blocked Persons. 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 applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

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 (*www.treasury.gov/ofac*).

Notice of OFAC Action[s]

On March 17, 2021, OFAC updated the Specially Designated Nationals and Blocked Persons List entry for the following person, whose property and interests in property subject to U.S. jurisdiction continue to be blocked.

BILLING CODE 4810–AL–P

Individuals

1. CAO, Jianming (Chinese Simplified: 曹建明; Chinese Traditional: 曹建明), Beijing, China; DOB 24 Sep 1955; POB Shanghai, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

2. YOU, Quan (Chinese Simplified: 尤权), Beijing, China; DOB Jan 1954; POB Lulong County, Hebei Province, China; nationality China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149** (individual) [HK-EO13936].

3. SUN, Wenqing (Chinese Simplified: 孙文清) (a.k.a. SUN, Qingye (Chinese Simplified: 孙青野)), Hong Kong; DOB 1965; POB Shijiazhuang City, Hebei Province, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149** (individual) [HK-EO13936].

4. TAM, Yiu-chung (Chinese Simplified: 谭耀宗; Chinese Traditional: 譚耀宗) (a.k.a. TAN, Yaozong), China; Hong Kong; DOB 15 Dec 1949; POB Hong Kong; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149** (individual) [HK-EO13936].

5. CHOI, Frederic (a.k.a. CHOI, Chin-pang (Chinese Traditional: 蔡展鹏); a.k.a. CHOI, Frederic Chin Pang), Hong Kong; DOB 28 Aug 1970; POB Hong Kong; nationality Hong Kong; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Passport K05145380 (Hong Kong) expires 10 Nov 2025; National ID No. C6142328 (Hong Kong) (individual) [HK-EO13936].

6. IMIRBAKI, Arken (Chinese Simplified: 艾力更·依明巴海; Chinese Traditional: 艾力更依明巴海) (a.k.a. YIMINGBAHAI, Ailigeng), Beijing, China; DOB Sep 1953; POB Yengisar County, Xinjiang Uyghur Autonomous Region, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

7. WAN, Exiang (Chinese Simplified: 万鄂湘; Chinese Traditional: 萬鄂湘) (a.k.a. WANG, Exiang), Beijing, China; DOB May 1956; POB Gongan County, Hubei Province, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

8. CHEN, Zhu (Chinese Simplified: 陈竺; Chinese Traditional: 陳竺), Beijing, China; DOB 17 Aug 1953; POB Zhenjiang City, Jiangsu Province, China; alt. POB Shanghai, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

9. WANG, Dongming (Chinese Simplified: 王东明; Chinese Traditional: 王東明), Beijing, China; DOB Jul 1956; POB Benxi, Liaoning Province, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

10. CHOLING, Padma (Chinese Simplified: 白玛赤林; Chinese Traditional: 白瑪赤林) (a.k.a. CHILIN, Baima; a.k.a. TRILEK, Pelma), Beijing, China; DOB Oct 1951; POB Dengqen County, Changdu, Tibet Autonomous Region, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

11. DING, Zhongli (Chinese Simplified: 丁仲礼; Chinese Traditional: 丁仲禮), Beijing, China; DOB Jan 1957; POB Shengzhou City, Zhejiang Province, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

12. HAO, Mingjin (Chinese Simplified: 郝明金; Chinese Traditional: 郝明金), Beijing, China; DOB Dec 1956; POB Jiaxiang County, Shandong Province, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

13. CAI, Dafeng (Chinese Simplified: 蔡达峰; Chinese Traditional: 蔡達峰), Beijing, China; DOB Jun 1960; POB Shanghai, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

14. WU, Weihua (Chinese Simplified: 武维华; Chinese Traditional: 武維華), Beijing, China; DOB 06 Sep 1956; POB Linfen, Shanxi Province, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

15. DENG, Zhonghua (Chinese Simplified: 邓中华), China; DOB Sep 1961; POB Changsha City, Hunan Province, China; nationality China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149** (individual) [HK-EO13936].

16. LI, Jiangzhou (Chinese Simplified: 李江舟), Hong Kong, China; DOB Jan 1968; POB Qianshan City, Anhui Province, China; nationality China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149** (individual) [HK-EO13936].

17. LAU, Edwina (a.k.a. LAU, Chi Wai (Chinese Traditional: 劉賜蕙); a.k.a. LAU, Edwina Chi Wai; a.k.a. LIU, Cihui (Chinese Simplified: 刘赐蕙)), Hong Kong, China; DOB 29

Jul 1965; POB Hong Kong, China; nationality China; Gender Female; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Passport HA1338416 (Hong Kong) expires 27 May 2015; National ID No. D5545251 (Hong Kong) (individual) [HK-EO13936].

18. SHEN, Yueyue (Chinese Simplified: 沈跃跃; Chinese Traditional: 沈躍躍), Beijing, China; DOB Jan 1957; POB Ningbo, Zhejiang Province, China; citizen China; Gender Female; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

19. JI, Bingxuan (Chinese Simplified: 吉炳轩; Chinese Traditional: 吉炳軒), Beijing, China; DOB Nov 1951; POB Mengjin County, Henan Province, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

20. KAN, Andrew (a.k.a. KAN, Andrew Kai Yan; a.k.a. KAN, Kai Yan (Chinese Simplified: 简启恩)), Hong Kong; DOB 22 Sep 1969; POB Hong Kong; nationality Hong Kong; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Passport K03981162 (Hong Kong) expires 28 Mar 2024 (individual) [HK-EO13936].

21. KONG, Kelvin (a.k.a. KONG, Hok Lai (Chinese Simplified: 江学礼); a.k.a. KONG, Kelvin Hok Lai), Hong Kong; DOB 22 May 1972; POB Hong Kong; nationality Hong Kong; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Passport K03327564 (Hong Kong) expires 14 May 2023; National ID No. K0278408 (Hong Kong) (individual) [HK-EO13936].

22. ZHANG, Chunxian (Chinese Simplified: 张春贤; Chinese Traditional: 張春賢), Beijing, China; DOB May 1953; POB Yuzhou City, Henan Province, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

23. WANG, Chen (Chinese Simplified: 王晨; Chinese Traditional: 王晨), Beijing, China; DOB Dec 1950; POB Beijing, China; citizen China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Vice-Chairperson, 13th National People's Congress Standing Committee (individual) [HK-EO13936].

24. LI, Kwai-wah (Chinese Traditional: 李桂華) (a.k.a. LEE, Kwai-wah; a.k.a. LI, Guihua (Chinese Simplified: 李桂华); a.k.a. LI, Steve Kwai-wah), Flat B, 22 Floor, Block 30, Laguna City, Lam Tin, Kowloon City, Hong Kong, China; DOB 22 Nov 1964; POB Hong Kong, China; nationality China; Gender Male; **Secondary sanctions risk: pursuant to the Hong Kong Autonomy Act of 2020 – Public Law 116–149**; Passport K06749109 (Hong Kong) expires 06 Sep 2028; National ID No. D4017081 (Hong Kong) (individual) [HK-EO13936].

Dated: March 17, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–05919 Filed 3–22–21; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation, Notice of Meeting, Rescheduled

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a virtual meeting of the Advisory Committee on Disability Compensation (the Committee) will begin and end as follows:

Dates	Times
Tuesday, June 22, 2021.	9 a.m.–12 p.m. (Eastern Standard Time—EST).
Wednesday, June 23, 2021.	9 a.m.–12 p.m. EST.

The virtual meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities.

The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The agenda will include, but is not limited to, briefings on the VA Schedule for Rating Disabilities and on relevant earnings and losses studies.

Time will not be allocated at this virtual meeting for receiving oral presentations from the public. However, interested individuals may submit a one (1) to two (2) page summary of their written statements for the Committee's review. Public statements may be received no later than June 15, 2021; for inclusion in the official meeting record. Please send these to Sian Roussel of the Veterans Benefits Administration, Compensation Service at *Sian.Roussel@va.gov.*

Members of the public who wish to obtain a copy of the agenda should contact Sian Roussel at *Sian.Roussel@va.gov* and provide his/her name, professional affiliation, email address and phone number.

The call-in number for those who would like to attend the meeting is 1–800–767–1750; access code: 75937#.

Dated: March 18, 2021.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–05980 Filed 3–22–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Prosthetics and Special-Disabilities Programs, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, that a virtual meeting of the Federal Advisory Committee on Prosthetics and Special-Disabilities Programs will be held on Monday, April 19–Tuesday, April 20, 2021. The meeting sessions will begin and end as follow:

Date:	Time (Eastern Standard Time):
April 19, 2021	8:30 a.m.–4:30 p.m.
April 20, 2021	8:30 a.m.–12:30 p.m.

The virtual meeting sessions are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on VA's prosthetics programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Committee also provides advice to the Secretary on special-disabilities programs, which are defined as any program administered by the Secretary to serve Veterans with spinal cord injuries, blindness or visual impairments, loss of extremities or loss of function, deafness or hearing impairment, and other serious incapacities in terms of daily life functions.

On April 19, 2021 the Committee will convene open virtual sessions on Overview of the Federal Advisory Committee Act; Subcommittees for Neurology Centers of Excellence; Office of Community Care; Office of Workforce Management and Consulting; Chiropractic Care; and Spinal Cord Injury and Disorders System of Care.

On April 20, 2021, the Committee members will convene open virtual sessions on Amputation System of Care; Physical Medicine and Rehabilitation; Polytrauma System of Care; and Clinical Orthotic and Prosthetic Services.

No time will be allocated at this virtual meeting for receiving oral presentations from the public. The public may submit 1–2-page summaries of their written statements for the Committee's review. Public comments may be received no later than April 12, 2021 for inclusion in the official meeting record. Please send these comments to Judy Schafer, Ph.D., Designated Federal Officer, Rehabilitation and Prosthetic Services, Veterans Health Administration, at *Judy.Schafer@va.gov.*

Members of the public who wish to obtain a copy of the agenda, should contact Judy Schafer, Ph.D. at *Judy.Schafer@va.gov,* and provide your name, professional affiliation, email address, and phone number. For any members of the public that wish to attend virtually, they may use the WebEx link: *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=m836b800432e2508ad12266e68456790e,* meeting number (access code) 1994713739; meeting password: uUtAMZ6i@24' audio only: 404.397.1596/1994713739##. Real time closed captioning will be available.

Dated: March 17, 2021.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–05901 Filed 3–22–21; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 86 Tuesday,

No. 54 March 23, 2021

Part II

The President

Proclamation 10156—Honoring the Victims of the Tragedy in the Atlanta Metropolitan Area

Federal Register
Vol. 86, No. 54
Tuesday, March 23, 2021

Presidential Documents

Title 3—

The President

Proclamation 10156 of March 18, 2021

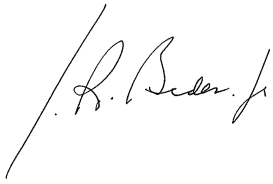
Honoring the Victims of the Tragedy in the Atlanta Metropolitan Area

By the President of the United States of America

A Proclamation

As a mark of respect for the victims of the senseless acts of violence perpetrated on March 16, 2021, in the Atlanta Metropolitan area, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, March 22, 2021. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, 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.



[FR Doc. 2021–06140
Filed 3–22–21; 11:15 am]
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