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FEDERAL REGISTER

Vol. 86 Monday

No. 150 August 9, 2021

Pages 43381–43582

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Parts 761, 762, 764, 765, 766, and 769

[Docket ID FSA–2021–0002]

RIN 0560–AI44

Heirs' Property Relending Program (HPRP), Improving Farm Loan Program Delivery, and Streamlining Oversight Activities

AGENCY: Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Farm Service Agency (FSA) is implementing a new Heirs' Property Relending Program (HPRP) authorized in the Agricultural Improvement Act of 2018 (the 2018 Farm Bill). HPRP provides loans to eligible entities to relend with the purpose of assisting heirs with undivided ownership interests resolve ownership and succession issues on farms that are owned in common by multiple heirs. The loan funds may be used by an ultimate recipient to purchase and consolidate fractional interests held by other heirs in jointly-owned property to pay for costs and fees associated with developing and implementing a succession plan, and to pay for costs associated with buying out fractional interests held in tenancy in common by other heirs in jointly-owned property to clear the title (for example closing costs, appraisals, title searches, surveys, preparing documents, mediation, and legal services). FSA is also amending the Farm Loan Programs (FLP) regulations to revise its rules related to loan making and servicing to improve program delivery and consolidate value-added oversight activities.

DATES:

Effective date: August 9, 2021.

Comment due date: We will consider comments that we receive by October 8, 2021.

ADDRESSES: We invite you to submit comments on the rule. You may submit comments by either of the following methods, although FSA prefers that you submit comments electronically through the Federal eRulemaking Portal:

- *Federal Rulemaking Portal: http://www.regulations.gov* and search for Docket ID FSA–2021–0002. Follow the instructions for submitting comments.
- *Mail:* Md Mutaleb, Senior Loan Officer, Loan Making Division, Deputy Administrator for Farm Loan Programs, FSA, U.S. Department of Agriculture, 1400 Independence Avenue SW, Stop 0522, Washington, DC 20250–0522. In your comment, specify Docket ID FSA–2021–0002.

Comments will be available online at *http://www.regulations.gov.* A copy of this rule is available through the FSA home page at *http://www.fsa.usda.gov/.*

FOR FURTHER INFORMATION CONTACT: Md Mutaleb; Telephone; telephone: (202) 720–3168; email: *md.mutaleb@usda.gov.* Persons with disabilities or who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Background of HPRP

FSA is implementing HPRP as authorized in section 5104 of the 2018 Farm Bill (Pub. L. 115–334), codified in 7 U.S.C. 1936c. FSA will loan funds to eligible entities, including cooperatives, credit unions, and nonprofit organizations certified to operate as a lender, to serve as intermediaries that will relend the funds to individuals and entities for purposes that assist heirs with undivided ownership interests to resolve ownership and succession issues on a farm that has multiple owners (commonly referred to as ''Heirs' Property'').

In developing HPRP, FSA relied heavily on the design of Rural Development's (RD) relending programs, which have a long history of success, including the Intermediary Relending Program (IRP) found in 7 CFR part 4274. FSA considers the IRP to be a successful relending program and a good model for achieving the goals of HPRP. In developing HPRP, FSA relied on RD's rules, forms, and framework as a model for establishing a relending program, while adapting provisions to ensure they were workable for HPRP's intermediaries and ultimate recipients.

FSA considers heirs' property to be land that has been passed down to subsequent generations via intestate succession (that is, without a will) or via a will that divides real estate assets equally among all heirs. When a landowner dies without a last will and testament or estate plan, state law determines which heirs or classes of family members inherit the land of the deceased, and the ownership share for each heir.

This form of property ownership results in the land being owned in common by all heirs-at-law, each of which owns a fractional interest in the land. As a result, the absence of clear title prevents the owners who farm the land and pay real estate taxes from gaining access to the legal, financial, and managerial transactions needed to effectively manage the land.

FSA is amending 7 CFR part 769 to designate the regulations for the Highly Fractionated Indian Land Loan Program as subpart A, and to add subpart B to specify the requirements for HPRP.

FSA is adding definitions for the terms ''Heirs' Property,'' ''HPRP Loan Agreement,'' ''HPRP Loan Funds,'' ''HPRP Revolving Loan Fund,'' ''Intermediary,'' ''Revolved Funds,'' ''Succession Plan,'' ''Ultimate Recipient,'' and ''Undivided Ownership Interest'' relating to HPRP to 7 CFR 761.2.

This rule implements HPRP in order to provide a way for heirs to obtain assistance resolving property issues through intermediaries.

Administrative and National Policy Requirements

Intermediaries will request demographics data from ultimate recipients on race, sex (gender), and ethnicity (national origin). The response to the data request will be voluntary. Intermediaries will maintain the data when voluntarily submitted to them by the ultimate recipients. Race and ethnicity data will be collected in accordance with the OMB notice published in the **Federal Register** on October 30, 1997 (62 FR 58782–58790), ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity'' and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1–

2000d–7). Sex (gender) data will be collected in accordance with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688). The intermediary does not need to submit these documents with the application, but will need to make these documents available when requested by FSA. See the Paperwork Reduction Act section below for more information.

HPRP is subject to environmental compliance provisions, which are specified in 7 CFR part 799. Therefore, each intermediary is required to provide FSA with documentation of its process to address environmental issues.

Ultimate Recipient

An ultimate recipient is an individual or entity that receives a loan from an intermediary's HPRP revolving loan fund. The eligibility requirements of an ultimate recipient are specified in 7 CFR part 769 and mirror the requirements that are specified in 7 U.S.C. 1936c. As authorized by 7 U.S.C. 1936c(e)(3), individual heirs and entities who have an undivided ownership interest in a farm that are willing to complete a succession plan as a condition of the loan are eligible to be an ultimate recipient of HPRP loan funds. The intent of HPRP is to help families resolve titles issues on heirs' property. To ensure the HPRP loans are used for this purpose rather than by investors to acquire land, FSA has specified the requirement that an ultimate recipient must be a family member or heir-at-law related by blood or marriage to the previous owner of the real property.

Intermediaries

As specified in 7 U.S.C. 1936c(c), HPRP provides loan funds to intermediaries who will re-lend loan funds to individuals and entities with undivided ownership interests in order to resolve ownership and succession issues relating to a farm owned in common by multiple owners. To address these issues, FSA has determined that HPRP loan funds may be used for the following:

- To buy out fractional interests held in tenancy in common by other heirs in jointly-owned property, and
- To pay for costs associated with developing and implementing a succession plan (such as closing costs, appraisals, title searches, surveys, preparing documents, mediation, and legal services).

After researching the heirs' property issue, FSA believes these loan purposes will help ultimate recipients resolve title issues by financing the purchase of property interests and paying to finance the many related costs associated with implementing a succession plan.

In 7 CFR part 769, and as specified in 7 U.S.C. 1936c(b), FSA requires that the intermediary have experience working with socially disadvantaged or beginning farmers. As 7 U.S.C. 1936c(d) requires, preference is given to intermediaries with not less than 10 years' experience serving socially disadvantaged farmers and ranchers and is also given to intermediaries located in states that have adopted a statute consisting of an enactment or adoption of the Uniform Partition of Heirs Property Act.

Under 7 CFR 769.156, intermediaries are required to determine the rates, terms, and payment structure for loans to ultimate recipients in an amount sufficient to cover the cost of operating and sustaining the revolving loan fund; and must clearly and publicly disclose the loan terms and conditions to qualified ultimate recipients. FSA will review the annual monitoring reports of intermediaries, as well as provide oversight of the intermediary's loan processes and procedures.

Use of HPRP Loan Funds

The HPRP funds can only be used for the purposes specified in 7 CFR 769.154 and as explained above.

Loan limitations are specified in 7 CFR 769.155. FSA is establishing maximum limits for loans to intermediaries and ultimate recipients to help manage risk and ensure funds are available for multiple intermediaries. For ultimate recipients, FSA is establishing maximum limits to help ensure that loans are used by family farms rather than larger entities. For each application period, loans to intermediaries will not exceed $5 million for each intermediary, and loans to ultimate recipients will not exceed the loan limit for a Direct Farm Ownership loan as specified in 7 CFR 761.8(a)(1)(i) (which is currently $600,000).

In 7 CFR 769.156, the rates and terms for HPRP loans are specified. For loans to intermediaries, the FSA Administrator will set the interest rate as a fixed rate over the term of the loan of 1 percent or less; the repayment term for HPRP loans will not exceed 30 years; and annual payments will be established. For loans to ultimate recipients, the interest rate will be set by the intermediary within the limits established by the intermediary's relending plan approved by FSA; and the repayment period may not exceed 30 years.

Intermediary's Relending Plan

FSA will provide flexibility to the intermediary to develop a relending plan to be approved by FSA that governs the use of the HPRP revolving loan fund. The relending plan must be approved by FSA prior to closing the initial HPRP loan to the intermediary and must include a detailed explanation of the intermediary's fund administration policies and procedures, and planned use of the HPRP revolving loan fund after the funds in the revolving loan fund have revolved. The required elements of the relending plan are specified in 7 CFR 769.157; and the relending plan must contain, in detail, the policies and procedures that the intermediary must follow with respect to the HPRP loan.

The rates, terms, and payment structure for loans approved by an intermediary to an ultimate recipient must be an amount sufficient to cover the cost of operating and sustaining the revolving loan fund; and must be clearly and publicly disclosed to qualified ultimate recipients. In addition, the proposed rates, terms, and payment structure of any loan made by the intermediary to an ultimate recipient must be reasonable and prudent considering the purpose of the loan, expected repayment ability of the ultimate recipient, the useful life of the collateral, and must adhere to the terms of the approved HPRP loan agreement.

Processing HPRP Loan Applications

The opening and closing date for the HPRP application submission will be announced in a notice in the **Federal Register**. The initial application period will open August 30, 2021 and will close on October 29, 2021. If funds are not sufficient to fully fund all approved applications from intermediaries, 7 CFR 769.159 specifies the priorities used to allocate loan funds to intermediaries. In 7 U.S.C. 1936c(e), it specifies that intermediaries with not less than 10 years' experience serving socially disadvantaged farmers and ranchers, and that are located in states that have adopted a statute consisting of an enactment or adoption of the Uniform Partition of Heirs Property Act will receive first priority. After funding has been provided to those listed in 7 U.S.C. 1936c(e), FSA will then give priority to intermediaries that have applications from ultimate recipients already in process, or intermediaries that have a history of fully relending previous HPRP funds. Multiple applications in the same priority tier will be processed based on the date received. Finally, any

remaining eligible applications will be funded based on the date received.

HPRP Loan Agreement

An HPRP loan agreement must be executed by the intermediary and FSA at loan closing for each loan. The HPRP loan agreement will specify the terms of each loan (such as the loan amount, interest rate, term and repayment schedule, disbursement procedure, provisions for late charges, provisions regarding default, and insurance requirements). As a condition of receiving HPRP funds, the intermediary agrees to seek prior written approval from FSA before making changes to its articles of incorporation, charter, by laws, draft loan documents, security policy, or relending policies when any of these are related to HPRP loans. In addition, 7 CFR 769.165 states that the intermediary must agree to maintain a separate ledger and segregated account for the HPRP revolving loan fund; comply with FSA's annual monitoring reporting requirements on HPRP activities; and pledge the HPRP revolving loan fund and any other form of security that FSA may require.

HPRP Revolving Loan Fund

Primary security for HPRP will be in the form of a first lien on the intermediary's HPRP revolving loan fund. Additional security will be required if needed to fully secure the loan.

The intermediary will be required to establish a revolving loan fund that must be maintained for as long as an HPRP loan to an intermediary remains unpaid. All HPRP loan funds received by an intermediary must be deposited into an HPRP revolving loan fund account to be used by the intermediary to provide direct loans to eligible ultimate recipients. Such accounts must be fully covered by Federal deposit insurance or fully collateralized with other securities in accordance with normal banking practices and all applicable State laws. Maintenance requirements of the revolving loan fund are specified in 7 CFR 769.164.

Post Award Requirements

FSA determined that annual monitoring reports would be both necessary for the success of HPRP and to ensure intermediaries' compliance with HPRP rules; therefore, FSA will require the intermediary to provide reports that include a description of the use of loan funds, information regarding the acreage, the number of heirs both before and after loan was made, audit findings, disbursement transactions, and any other information required by FSA.

Transfer and Assumption of HPRP Loans

As specified in 7 CFR 769.166, FSA will allow for transfer and assumptions of the HPRP loans if an intermediary must discontinue participation in HPRP.

Background of Improving Farm Loan Program Delivery and Streamlining Oversight Activities

The Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1921–2009cc–18) authorizes FSA's Direct and Guaranteed Farm Loan Programs. FSA makes and services a variety of direct and guaranteed loans to farmers who are unable to obtain private commercial credit with reasonable rates and terms. FSA also provides direct loan borrowers with credit counseling and oversight. FSA loan applicants are often Beginning Farmers (BF) and Socially Disadvantaged (SDA) farmers who do not qualify for conventional loans because of insufficient net worth, or established farmers who have suffered financial setbacks due to natural disasters or economic downturns.

This rule streamlines and consolidates to improve program delivery, to improve the oversight of direct loan servicing activities, and to eliminate requirements that are costly, repetitive, or do not further the program's goals. These changes will reduce burden on farmers, ranchers, and FSA staff.

The loan making and servicing revisions included in this rule are intended to improve delivery of farm loans. More specifically, as explained in further detail below, this rule:

- Corrects the spelling of ''down payment'' throughout the regulations;
- Revises the family farm definition to ensure applicants are the operator of a farm;
- Adds a definition of non-monetary default.
- Authorizes the use of appraisals completed within the previous 18 months for loan making and servicing actions;
- Provides additional guidance on the use of supervised bank accounts;
- Modifies operating plan development rules to authorize realistic county or state average yields to be used in place of actual producer yields during disaster years;
- Modifies the requirement to verify applicant debts for loan program participants;
- Clarifies that entity members holding at least 50 percent interest in the entity must be the owners and operators of the farm;
- Clarifies that costs associated with compliance of the Occupational Safety and Health Act of 1970 are an eligible use of guaranteed Operating Loan (OL) funds;
- Corrects an existing cross reference to crop insurance regulations;
- Revises direct loan application review and response timeframes;
- Exempts non-essential assets valued up to $15,000 from being pledged as security for direct loan applicants;
- Authorizes fixtures as an authorized use of funds for direct operating loans;
- Authorizes an annual OL and Emergency Loan (EM) to carry a repayment term of 24 months;
- Authorizes a waiver of previously required borrower training requirements;
- Eliminates obsolete supervisory language and replaces it with language to better reflect FSA's current resources and mission;
- Ties the assessment to the frequency of required classification or graduation reviews;
- Eliminates year end analysis requirement for borrowers who received a direct loan, chattel subordination, or primary loan servicing action during the previous year;
- Changes the limited resource review requirement from annually to every 2 years;
- Adds sole member LLCs to the protections for borrowers entering the armed forces;
- Prohibits large-scale surface leases for non-agricultural purposes;
- Eliminates appraisal requirement on release of property without monetary consideration where FSA is well secured;
- Raises the estimated value for the appraisal requirement from $25,000 to $50,000;
- Increases the processing time for Primary Loan Servicing applications from 60 days to 90 days when a real estate appraisal is required; and
- Allows a borrower to accept a non-writedown offer and waive the need for a writedown offer when an appraisal would be required for the writedown offer.

Spelling of ''Down Payment''

Currently, the regulations use the term ''downpayment'' as one word in twelve locations. As ''downpayment'' is a misspelling, this rule corrects the term to ''down payment'' as two separate words.

Family Farm Definition

Eligibility criteria for most direct and guaranteed farm loans requires an applicant to operate a ''family farm.''

The definition of a ''family farm'' is provided in 7 CFR 761.2(b).

It is commonly understood that the borrower themselves will provide substantial labor and make the majority of daily operating decisions and all strategic business decisions associated with the operation. However, the existing definition allows operational inputs to be provided by the borrower and relatives, with no delineation as to how much management or labor is specifically expected of the borrower or the relative. This can result in an individual obtaining a farm loan with the intention of having a relative operate the farm for all practical purposes, essentially relegating the borrower to a minor role.

This rule amends the definition of ''family farm'' to close the unintended loophole that would create a scenario where the borrower has only a minor role in actually operating the farm, while maintaining the ability of a borrower to rely on management and labor input from relatives. Specifically, this rule amends the definition of ''family farm'' to require the borrower to be the one to provide the required substantial labor, and make the majority of daily operating decisions, and all strategic management decisions; while the relatives can provide input and assistance with both the labor to operate the farm and daily operating and strategic management decisions.

Addition of Non-Monetary Default Definition

FSA is adding the definition of ''non-monetary default'' to the general program definitions in 7 CFR 761.2. Previously, certain FSA documents contained this definition, and FSA is incorporating it into its regulations. No change is being made to the definition.

Use of Appraisals Issued Within 18 Months

Appraisals of proposed real estate loan security are necessary to ensure farm loans are adequately collateralized. Currently in 7 CFR 761.7, an appraisal can be relied upon to determine security values if it was completed within the previous 12 months and if market values have remained stable since the original appraisal was completed.

Many applicants apply for additional loan making or servicing benefits at the end of a crop year, typically within 12 to 18 months of when initial loan benefits were obtained. If subsequent loan making or servicing benefits require appraised values of real estate collateral, an updated appraisal typically needs to be obtained as the original appraisal was completed more than 12 months prior. This results in significant additional time and cost to obtain an updated appraisal that often results in only minor changes in value.

This rule amends 7 CFR 761.7(c) and 766.202(a) to allow the use of real estate appraisals completed within the previous 18 months if FSA determines market values have remained stable.

Supervised Bank Account Guidance

Supervised bank accounts are accounts with financial institutions established through a deposit agreement entered into between the borrower, FSA, and the financial institution. To ensure direct loan funds are used for authorized purposes, 7 CFR 761.51(a) describes the various uses of a supervised bank account.

This rule amends 7 CFR 761.51(a) to memorialize the current practice in the regulation and specify additional common uses of supervised bank accounts that are currently described in administrative handbook guidance including construction and site development work, and sale of basic security.

Substituting Realistic County or State Yields To Develop Operating Plans

Projected yields used to develop farm operating plans for direct loans are typically calculated using the applicant or borrower's own production history for the previous 3 years. Currently, if an applicant for a direct loan has historical yields in the previous 3 years that are substantially affected by a qualifying declared disaster, 7 CFR 761.104(c)(4)(i) allows the applicant or borrower to choose to use county or state average yields in place of their actual disaster year yields when developing a farm operating plan.

While the existing rule often ensures reasonable and accurate yield projections, substituting disaster year yields with county or state average yields does not always result in the development of realistic operating plans. While it is particularly rare, it can occur when county or state average yields are higher than an applicant's yields in non-disaster years.

Section 331E(a) of the CONACT (7 U.S.C. 1981e(a)), requires farm operating plans be based on accurate projections. To ensure accurate plans are developed, this rule amends 7 CFR 761.104(c)(4)(i) to allow for the use of county or state yields only when those yields are realistic and reasonable compared to an applicant's actual non-disaster year yields.

If the agency approval official determines the county or state yields are not realistic and reasonable compared to an applicant's actual non-disaster year yields, the applicant or borrower may no longer exercise the provision in 7 CFR 761.104(c)(4)(i), but may continue to exercise the provision in 7 CFR 761.104(c)(4)(ii), authorizing the exclusion of the production year with the lowest actual or county average yield if their yields are affected by disasters in at least 2 of the 3 years.

This amendment will help ensure the success of an applicant or borrower by ensuring the development of farm operating plans based only on realistic and reasonable yield projections.

Loan Debt Verification

Guarantee loan applications and direct loan debt settlement applications require verification of all applicant debts over $1,000. However, direct loan making applications require verification of all applicant debts over $5,000. The direct loan making program increased this threshold from $1,000 to $5,000 administratively in November 2020 as regulations governing the direct loan program do not identify the dollar threshold for requiring debt verifications.

To ensure consistency among loan programs, this rule amends 7 CFR 761.405(a)(6), 762.110(d) and 762.145(b) to allow FSA to administratively establish the minimum threshold for debt verification on guaranteed loans. FSA is setting the threshold at $5,000 initially to be consistent with the direct loan making program. This change will improve program delivery by reducing the time required for an applicant to complete an application and reducing the time required by FSA to analyze an application. Program integrity will not be compromised as all significant debts will continue to be verified, and credit reports will continue to be obtained to verify debts of all sizes from lenders reporting to credit bureaus.

Entity Owner and Operator Requirements

The entity owner-operator rules for direct and guaranteed farm ownership loans are stated similarly and both have the same minor inconsistency. The rules initially state that when entity members are not related, the members holding a majority interest must own and operate the farm. However, the rule subsequently states that members of the farm entity (real estate) must own at least 50 percent of the family farm (operating entity). As 50 percent ownership does not constitute a majority, this minor inconsistency can cause confusion for applicants who are unsure if they can own the farm

themselves if they only own 50 percent of the operating entity.

This rule amends 7 CFR 762.120(i)(2) and (j)(2), 764.101(k), and 764.152(c) to ensure the rules consistently state that members owning at least 50 percent of the entity must own the farm.

Guaranteed Operating Loan Use of Funds

Direct and guaranteed operating loan funds may be used to cover the costs associated with compliance with the standards established by the Occupational Safety and Health Act of 1970 (OSHA). Under 7 CFR 764.251(a)(8), direct operating loan funds can be used for expenses involving OSHA compliance if the applicant demonstrates that compliance or non-compliance with the standards will cause substantial economic injury.

This rule amends the guarantee operating loan use of funds regulation in 7 CFR 762.121(a)(1)(ix) to match the regulation covering direct operating loan use of funds in 7 CFR 764.251(a)(8). Specifically, this rule adds the term ''or non-compliance'' to 7 CFR 764.121(a)(1)(ix) to clarify that the applicant may receive assistance if they demonstrate that the cost of compliance or resolving ''non-compliance'' with standards will cause substantial economic injury. This provides applicants additional flexibility to demonstrate the need for this assistance and encourages applicants to bring their operations into compliance with OSHA standards.

Reference to Crop Insurance

This rule amends 7 CFR 762.123(2)(i) to correct a cross reference to crop insurance requirements. The correct reference is 7 CFR 400.651.

Timeframes for Direct Loan Application Processing

Per 7 CFR 764.52(a), applicants for direct loan program benefits currently wait up to 10 calendar days from the date of application before they are notified whether their application for loan benefits is complete, or what additional information is required in order to complete the application. If additional information is required of the applicant, FSA provides written notice to the applicants that they must submit the information within 20 calendar days (see 7 CFR 764.52(a)). Should outstanding items still remain at the end of that 20-day period, 7 CFR 764.52(b) requires that FSA provides the applicant with an additional notification letter allowing for 10 additional days before the application would be withdrawn due to a lack of information.

To improve customer service and reduce application processing times, this rule amends 7 CFR 764.52(a) and (b) to reduce application processing time from within 10 days to 7 days. FSA will review an initial application for completeness, and provide an applicant two 15-day opportunities to provide outstanding application items required to make an application complete.

Applicants will still be provided a total of 30 days to submit outstanding items for a complete application. However, modifying the initial incomplete letter response date from 20 to 15 days, and expanding the response timeframe of the second incomplete letter from 10 to 15 days, will result in improved processing timeframes as applicants will often make concerted efforts to ensure an application is completed within the timeframes provided in the initial response letter.

Non-Essential Asset Security Requirements

To reduce FSA credit needs or other outstanding obligations, direct loan applicants are required to liquidate or pledge non-essential assets with an aggregate value of over $5,000. An applicant may choose to not liquidate assets, and instead pledge the assets as security for the loan. The intent behind this rule is that FSA is assisting only those customers who truly require assistance.

This rule amends 7 CFR 764.103(e) to increase the allowable aggregate value of non-essential assets to be maintained by the borrower up to $15,000 without having to pledge those assets as security. This adjustment is necessary to account for inflationary increases value of goods and allow a reasonable amount of non-essential assets to be retained.

Direct Operating Loan Use of Funds

Direct and guaranteed operating loan funds may be used to cover the purchase of equipment, which sometimes can be construed as minor fixtures to real property, including but not limited to, irrigation equipment or small wind machines. While it is commonly understood that mechanical equipment that are fixtures are eligible for both direct and guaranteed operating loan purposes, currently only the guaranteed operating loan rules specifically state fixtures are an authorized use of funds.

This rule amends the direct operating loan use of funds regulation in 7 CFR 764.251(a)(2) to memorialize the current practice in the regulation by matching the rule covering guaranteed operating loan use of funds in 7 CFR 762.121(a). Specifically, this rule adds the term ''or fixtures'' to 7 CFR 764.251(a)(2) to specify that farm equipment or fixtures are an authorized use of direct operating loan funds.

Annual OL and EM Repayment Terms

Working capital requirements for farms have become increasingly complex with the advent of new commodities, production techniques, commodity storage technologies, and marketing systems. This has resulted in earlier preparation and plantings and extended marketing periods for a single crop. Currently, the repayment term of an annual direct OL and annual EM loan may not exceed 18 months, unless there are specific unusual circumstances and security other than the commodity available to fully secure the loan. As a result, loans to producers who would typically require an annual operating loan term of up to 24 months are limited to a term of just 18 months. This will sometimes result in the producer being unable to repay a loan at maturity, thereby requiring a restructure of their account to provide additional time to repay the loan. This is an unnecessary administrative burden for both the borrower and Agency.

This rule amends 7 CFR 764.254(b)(1) and 764.354(b)(3) to allow the standard repayment term of an annual direct OL and annual EM to be up to 24 months. This will ensure producers whose industry includes unique commodities, technologies or marketing systems are not disenfranchised from farm loan program benefits.

Borrower Training Waivers

Currently, unless previously completed, an applicant must agree to financial and production training at the time of application. As specified in 7 CFR 764.453, FSA may choose to waive training requirements should the applicant's history suggest they have undergone similar training, if training would not be beneficial to the applicant, or if training is not available. Borrowers are required to complete assigned financial or production training within 2 years from the date of loan closing, with the possibility of a 1-year extension in certain circumstances. However, a borrower cannot have previously required training requirements waived.

There are numerous circumstances that might justify a waiver of previously required borrower training. For example, a borrower may have voluntarily completed training from a non-approved vendor that results in demonstratable increased knowledge of and proficiency in financial or production concepts. However, even if

it is clear the borrower will not benefit from an approved vendor's training, there is no mechanism for FSA to provide a waiver of the previously required training.

This rule amends 7 CFR 764.453 by adding a new provision to allow FSA to waive previously required borrower training, if warranted, by reviewing evidence already obtained from an applicant that demonstrates the applicant now possesses experience and training necessary for a successful and efficient operation.

Progression Lending

FSA is revising outdated provisions in the regulations. Historically, FSA and its predecessor Agency, the Farmers Home Administration, has used the term ''supervised credit'' to describe its role as serving as a temporary source of credit for farmers and ranchers unable to secure commercial credit, often beginning or underserved famers, or those who suffered financial setbacks due to adverse weather or economic conditions. FSA is seeking to modify this long-term description of its role with more customer friendly language that is reflective of our mission to serve as a temporary source of credit and assist the borrower in graduating to commercial credit.

Therefore, FSA is replacing references to ''supervision'' throughout 7 CFR part 761 with the term ''progression lending'' or similar pro-graduation terminology.

Assessment

Regulations at 761.103 provide FSA, in collaboration with the loan applicant, will assess the farming operation to determine the applicant's financial condition organizational structure, and management strengths and weaknesses; identify and prioritize training needs; and develop a plan to assist the applicant in transitioning to commercial credit. As provided in 7 CFR 761.103(e), FSA reviews the assesment annually to determine the borrower's progress. Additionally, FSA classifies accounts as required by the Consolidated Farm and Rural Development Act and reviews accounts classified as ''commercial'' or ''standard'' for graduation to commercial credit. The regulation in 7 CFR 761.103(e) is being revised to clarify that the assessment review will be completed simultaneously with the classification or graduation review every other year to improve the efficiency of interactions between FSA and borrowers by minimizing the number of meetings required to fulfill loan servicing requirements.

Year-End Analyses

The regulations in 7 CFR 761.105 require FSA to conduct a year-end analysis (YEAs) if the borrower has received any direct loan (except for streamlined Conservation loans), chattel subordination, or primary loan servicing action within the last year. In order to better manage the limited time resources of FSA staff, FSA is revising 7 CFR 761.105 to eliminate the requirement to complete YEAs on chattel subordinations that are current or paid in full and Primary Loan Servicing actions successfully completed in the last year. FSA would continue to complete YEAs on financially distressed or delinquent borrowers and on borrowers with deferred loan payments. YEAs would also be required for existing borrowers receiving new direct loans or new subordinations.

Limited Resource Reviews

The regulations in 7 CFR 761.51 require FSA to conduct a review of each borrower receiving limited resource interest rates each year. Due to low interest rates, limited resource interest rates have been higher than the regular program interest rates, and have significantly reduced the demand for limited resource rates over the last decade. Also, cash flows for farming operations do not typically change significantly from year to year. Therefore, FSA is amending 7 CFR 761.51 to require a limited resource review every 2 years. This will reduce the workload for the FSA field staff when interest rates rise again. Reviewing the rates every 2 years will also tie in with the current classification and graduation review requirements and permit FSA loan officials to continue to monitor the borrower's progress, while reducing the number of appeals.

Borrower Entering the Armed Forces

Section 332 of the CONACT states that a mobilized military reservist is an ''individual;'' but FSA's regulations do not address whether FSA considers sole member operating entities to be individuals for the purposes of section 332 of the CONACT. FSA is amending the regulations by adding a new 7 CFR 765.161 to specify that a sole member operating entity falls under the protections provided by section 332 of the CONACT.

Surface Leases

The regulations in 7 CFR 765.252 address surface and mineral leases, but do not specifically address large scale surface leases for non-agricultural purposes, such as solar farms, that take many acres out of agriculture production. FSA is experiencing increased demand for these types of leases from borrowers, which remove large tracts of land from agricultural production. This can significantly impact the market value of FSA loan security, including the value of non-farm tracts and can potentially place the borrower in non-monetary default for not farming the loan security. FSA is amending 7 CFR 765.252 to prohibit leases for purposes such as developing a solar farm. Leases for nonfarm purposes which do not require acreage to be taken out of agricultural production or on non-productive land may be considered.

Release Without Compensation

The regulations in 7 CFR 765.351 allow FSA to release collateral without monetary consideration in cases where the agency is well-secured, and the borrower has not had a disaster set-aside or primary loan servicing in the previous 3 years. The regulation states that the value of retained and released security will be evaluated. FSA is amending 7 CFR 765.351 to eliminate the appraisal requirement on the property being released. This will reduce workload on field offices, improve customer service by reducing the time it takes to process releases, and result in cost savings to the Government since FSA pays for these appraisals.

Appraisal Waiver

The regulations in 7 CFR 765.353 permits FSA to waive an appraisal requirement when the estimated value is less than $25,000. This waiver has been in place since 2004. With inflation, the value of the $25,000 is now $34,000. In addition, there is a considerable amount of comparable sale information available to allow loan officials to obtain an accurate estimate of property value. FSA is amending 7 CFR 765.353 to increase the limit to $50,000. The amendment will improve customer service by reducing the time it takes to process releases. More importantly, it will provide significant cost savings to the Government since FSA pays for these appraisals.

PLS Notification Timeframe

CONACT section 353(c)(4) provides FSA with 90 days to process primary loan servicing (PLS) and to notify borrower of its decision. Primary loan servicing includes debt consolidation, restructuring, reamortization, deferral, and debt writedown. The regulations in 7 CFR 766.106 reduced the PLS processing timeframe to 60 days. Increasing the timeframe to 90 days for cases where a real estate appraisal is

required (typically for debt writedown or conservation contract) will permit the local FSA agency official an additional 30 days to complete PLS processing. Real estate appraisals often take weeks to obtain, which causes delay to the final PLS decision. Therefore, FSA is amending 7 CFR 766.106 to increase this timeframe to 90 days when a real estate appraisal is required.

Writedown and Non-Writedown Offers

The regulations in 7 CFR 766.111 require that a borrower be offered both a writedown and non-writedown restructuring offer when both result in a feasible plan, even though the writedown offer can take longer to develop and requires additional appraisals. Often, the borrower does not request the writedown consideration since it results in debt forgiveness and can negatively impact eligibility for future loan assistance. Because FSA is required to complete the appraisals to determine a writedown amount, in many cases unnecessary time and expense is incurred for this process to be completed. As a result, FSA is amending 7 CFR 766.111 to allow the borrower to waive the writedown offer when the non-writedown offer results in a feasible plan. The change will result in a significant savings of FSA time and cost of obtaining appraisals in instances where the borrower does not request a writedown. FSA will discuss the alternatives with the borrower and will consider a writedown if desired. This modification will allow borrowers to make an informed decision regarding a writeddown and limitations established by Section 355 of the CONACT which only allows a borrower one writedown, not to exceed $300,000.

Notice, Comment, and Effective Date

The Administrative Procedure Act (5 U.S.C. 553) provides that the notice and comment and 30-day delay in the effective date of the provisions do not apply when the rule involves a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts (5 U.S.C. 553(a)(2)). This rule involves loans and therefore falls within that exemption. In addition, because this rule is exempt from the requirements in 5 U.S.C. 553, is it also exempt from the regulatory analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). The requirements for the regulatory flexibility analysis in 5 U.S.C. 603 and 604 are specifically tied to the agency being required to issue a proposed rule by section 553 or any other law, further, the definition of rule in 5 U.S.C. 601 is tied to the publication of a proposed rule.

This rule is not a major rule for purposes of the Congressional Review Act; therefore, FSA is not required to delay the effective date for 60 days from the date of publication to allow for Congressional review. Consequently, this rule is effective upon publication in the **Federal Register**.

Executive Orders 12866 and 13563

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The requirements in Executive Orders 12866 and 13573 for the analysis of costs and benefits to loans apply to rules that are determined to be significant.

The Office of Management and Budget (OMB) designated this rule as significant under Executive Order 12866, and therefore, OMB has reviewed this rule. The costs and benefits of this rule are summarized below. The full cost benefit analysis is available on *regulations.gov*.

Cost Benefit Analysis Summary

HPRP assists in the resolution of heirs' property issues through intermediary lenders (experienced non-governmental non-profit organizations). HPRP assists intermediary lenders in the establishment of revolving funds for the purpose of financing owners of heirs' property seeking to resolve land titles.

The benefits are derived from clearly identifying the titles or deeds [1] to agricultural land by assisting with legal services and providing funding for heirs to buy out other heirs' interest in jointly held land, resulting in improved participants' financial standing. Landowners with a clear title will have greater access to credit and will be able to more easily participate in Federal and State farm and conservation programs, leading to increased land values. The net benefit of HPRP is estimated using a present value analysis of the beneficial cash flows for an average program participant. This estimate is then summed over the total number of heirs' properties traditionally used for agriculture in Uniform Partition of Heirs Property Act states.

Over the course of a 20-year period, when all the estimated impacts of HPRP are summed up, there are a little over $1.109 billion in benefits compared to total costs of $869 million for a total net benefit of $239.7 million.

ECONOMIC BENEFIT AND COST OF HPRP TO USDA

[In millions]

Total Benefits	$1,108.7
Total Costs	(869.0)
Net Benefit of HPRP	239.7

Heirs' property values are expected to be restored to fair market value resulting in a benefit of $365 million that includes a $209 million effect to access to direct government payments that accrue primarily to socially disadvantaged landowners (see table below). The increase in credit made available from the ability to collateralize the market value of heirs' property is estimated to lead to incremental cash flows in farm income worth a little over $122 million. In addition, clear title allows increased opportunity for enrollment in farm programs, which has

[1] ''In real property law: Title is the means whereby the owner of lands has the just possession of his property. Co. Litt 345; 2 Bl. Comm. 195. Title is the mean whereby a person's right to property is established. Code Ga. 1S82.'' (Black's Law Dictionary). Proof of title to land is usually shown by a deed filed in real estate records in the county where the land is located. ''Clear title'' means that there is no competing claim of ownership or interest in the property—that is, no other person or entity can claim a superior right of ownership or financial interest in the property.

a direct value of almost $299 million. The legal costs and interest charges on the loans used to pay them reduce this amount by almost $295 million. Additionally, untitled co-tenants, who are typically family members of the heir gaining title, gain $171 million when they are bought out. However, this is also a cost to the titled heir and so has a neutral effect on the participants' costs and benefits. Therefore, net expected benefits to HPRP participants are estimated at $654 million.

Net benefits of nearly $133 million also accrue to the intermediary lenders. This results from $158 million in returns to lending minus $25 million in servicing and marketing costs.

Costs to the Federal Government are estimated to be $547 million, but $508 million are direct Farm Program payments and their impact on the sales value of properties that are transfers from a society-wide perspective (included in the table below as both a benefit and a cost of HPRP, so they become a net cost of zero). Actual program costs to the Federal Government are estimated to be only $39 million over 20 years. This includes the 20 years of appropriations and administrative costs of HPRP. When all costs are considered, the net benefit of HPRP is estimated to be $240 million.

ECONOMIC BENEFIT AND COST OF HPRP LIFE OF PROGRAM (20 YEARS) BY STAKEHOLDER

[$ millions]

HPRP Participants	
Benefits:	
Restoration of Sales Value (without USDA payments)	$147.3
Net Increase in Sales Value of Properties due to USDA payments	209.1
Increase in Net Farm Income (without USDA payments)	122.4
Benefit to Untitled Co-tenants from Buy-outs	170.9
Direct Government Payments	298.6
Total Benefits	948.3
Costs:	
Legal Services	(117.9)
Purchasing Interests of Co-tenants	(170.9)
Loan Application Paperwork	(5.7)
Total Costs	(294.5)
Net Expected Benefit	653.8
Intermediary Lenders	
Benefit—Returns to Loans	157.6
Cost—Non-interest Expense	(12.0)
Cost—Communication Expense	(12.6)
Net Expected Benefit	133.0
FSA	
Cost—Budget and Subsidy Costs	(41.4)
Cost—Administrative Costs	(0.8)
Benefit—Offset Returns to Loans	$2.8
Total—Administrative and Budget Costs	(39.4)
Transfer—Direct USDA Payments	(298.6)
Transfer—Impact to Sales Value due to USDA payments	(209.1)
Net Expected Cost	(547.1)
Net Benefit of HPRP	239.7

Separate from heirs' property considerations, the final rule also streamlines and consolidates various loan-making processes, thereby reducing unnecessary burdens on customers and FSA personnel. These changes are minor and are not expected to affect budget considerations associated with farm loan program lending authorities. As a result, no further analysis of these changes is provided in the cost benefit analysis for this rule.

Environmental Review

The environmental impacts of this final rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and the FSA regulations for compliance with NEPA (7 CFR part 799). This rule implements the new HPRP, as authorized by the 2018 Farm Bill.

The discretionary provisions needed to implement HPRP, specifically those relating to FSA loans to the intermediaries include the loan making and servicing rules. One discretionary provision that will not mirror current FSA direct and guaranteed loan programs rules is that implementation will be through an intermediary that will relend the HPRP funds. HPRP funds may not be used for new development or change in land use. All discretionary aspects of these loan actions are covered by the Categorical Exclusions in 7 CFR 799.31(b).

FSA will continue to require site-specific reviews for each loan application, as defined in §§ 799.31, 799.32, and 799.33. As such, FSA will not prepare an environmental assessment or environmental impact statement for this regulatory action.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, ''Civil Justice Reform.'' This rule will not preempt State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. The rule does not have retroactive effect. The administrative appeal provisions of 7 CFR parts 11 and 780 are to be exhausted before any judicial action may be brought regarding the provisions of this rule.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a Government-to-Government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

The USDA's Office of Tribal Relations (OTR) has assessed the impact of this rule on Indian Tribes and determined that this rule does have Tribal implications. OTR has determined that Tribal consultation under Executive Order 13175 is not required at this time and two different opportunities were afforded to consult on this topic. If a tribe requests consultation, FSA will work with OTR to ensure meaningful consultation is provided where changes, additions, and modifications identified in this rule are not expressly mandated by law. OTR strongly suggests that the FSA Outreach plan be implemented as soon as possible for our tribal stakeholders.

Tribal consultation for this rule was included in the 2018 Farm Bill consultation held on May 1, 2019, at the National Museum of the American Indian, in Washington, DC. The portion of the Tribal consultation relative to this rule was conducted by Bill Northey, as the USDA Under Secretary for the Farm Production and Conservation mission area at that time, as part of the Title I session. There were no specific comments from Tribes on this rule during Tribal consultation.

There was a second Tribal Consultation on the Implementation of the 2018 Farm Bill held at the National Congress for the American Indian conference on June 26, 2019, in Sparks, Nevada. This rule was not raised as an issue by the Tribal leaders. Tribes can request consultation at any time. FSA will work with OTR to ensure meaningful consultation is provided where changes, additions, and modifications identified in this rule are not expressly mandated by law.

Unfunded Mandates Reform Act

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

Paperwork Reduction Act

FSA expects to have fewer than 10 intermediary lenders eligible to participate in HPRP annually. There are limited entities that will qualify to be intermediary lenders for HPRP. Current appropriations will not fund a significant number of intermediary lenders. Therefore, HPRP would not require OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The annual monitoring reports and the agreements approved by FSA that were discussed above will be provided by the intermediary lenders. We will provide the USDA form for the voluntary collection of race, ethnicity, and gender from the ultimate recipients (form AD–2106, Form to Assist in Assessment of USDA Compliance with Civil Rights Laws). As noted above, the intermediaries will request the information and maintain it. The public burden for the use of the form is covered under OMB control number 0503–0019.

The program delivery and oversight changes will not impact the burden estimate for the information collection for FSA's farm loans.

Additionally, FSA will not be collecting any information from the ultimate recipients who receive funds pursuant to Heirs' Property Relending. There are application and reporting requirements on HPRP activities from intermediaries to FSA. The intermediaries must allow FSA to review the ultimate recipients' records; the intermediary's records are expected to be a part of customary and usual business practices for processing loans. Therefore, the burden associated with recordkeeping is excluded. FSA will lend funds to an eligible entity, which will then relend directly to an individual or an entity. The intermediary lender will be an entity that meets certain criteria to be established by FSA. Examples of such criteria include requirements that the intermediary lender:

(1) Is certified as a community development financial institution under 12 CFR 1805.201 (or successor regulations) to operate as a lender; and

(2) Has the requisite experience and capability to make and service agricultural and commercial loans that are similar in nature to HPRP.

Federal Assistance Programs

The title and number of each Federal Assistance Program found in the Catalog of Federal Domestic Assistance, to which this rule applies, are:

10.099 Conservation Loans;
10.404 Emergency Loans;
10.406 Farm Operating Loans;
10.407 Farm Ownership Loans; and
10.128 Heirs' Property Relending Program.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the

responsible Agency or USDA TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: *OAC@usda.gov*.

USDA is an equal opportunity provider, employer, and lender.

List of Subjects

7 CFR Part 761

Accounting, Loan Programs—Agriculture, Rural areas.

7 CFR Part 762

Agriculture, Banks, Banking, Credit, Loan Programs—Agriculture.

7 CFR Part 764

Agriculture, Credit, Loan programs—Agriculture.

7 CFR Part 765

Agriculture, Agricultural commodities, Credit, Livestock, Loan Programs—Agriculture.

7 CFR Part 766

Agriculture, Agricultural commodities, Credit, Livestock, Loan Programs—Agriculture.

7 CFR Part 769

Loan program—Agriculture, Land.

For the reasons discussed above, FSA amends 7 CFR chapter VII as follows:

PART 761—FARM LOAN PROGRAMS; GENERAL PROGRAM ADMINISTRATION

■ 1. The authority citation for part 761 continues to read as follows:

Authority: 5 U.S.C. 301 and 7 U.S.C. 1989.

Subpart A—General Provisions

■ 2. Amend § 761.2:

■ a. In paragraph (a), by adding an entry for the acronym ''HPRP'' in alphabetical order; and

■ b. In paragraph (b):

■ i. By removing the definition of ''Downpayment loan'';

■ ii. By adding in alphabetical order a definition for ''Down payment loan'';

■ iii. In the definition of ''Family farm'', in paragraphs (2)(i)(A) and (2)(ii)(A), by removing the words ''borrower and'' and adding ''borrower, with input and assistance allowed from'' in their place; and

■ iv. By adding in alphabetical order definitions for ''Heirs' property''; ''HPRP loan agreement'', ''HPRP loan funds''; ''HPRP revolving loan fund''; ''Intermediary''; ''Non-monetary default''; ''Revolved funds''; ''Succession plan''; ''Ultimate recipient''; and ''Undivided ownership interest''.

The additions read as follows:

§ 761.2 Abbreviations and definitions.

* * * * *

(a) * * *

HPRP The Heirs' Property Relending Program.

* * * * *

(b) * * *

Down payment loan is a type of FO loan made to beginning farmers and socially disadvantaged farmers to finance a portion of a real estate purchase under part 764, subpart E of this chapter.

* * * * *

Heirs' property means a farm that is jointly held by multiple heirs as tenants in common as a result of inheriting title from a relative.

* * * * *

HPRP loan agreement means the signed agreement between FSA and the intermediary that specifies the terms and conditions of the HPRP loan.

HPRP loan funds means cash proceeds of a loan obtained through HPRP, including the portion of an HPRP revolving loan fund directly provided by the HPRP loan as well as the proceeds advanced to an ultimate recipient. HPRP loan funds are Federal funds.

HPRP revolving loan fund means a group of assets, obtained through or related to an HPRP loan and recorded by the intermediary in a bookkeeping account or set of accounts and accounted for, along with related liabilities, revenues, and expenses, as an entity or enterprise separate from the intermediary's other assets and financial activities.

* * * * *

Intermediary means the entity requesting or receiving HPRP loan funds for establishing a revolving loan fund and relending to ultimate recipients.

* * * * *

Non-monetary default means a situation where a borrower is not in compliance with the covenants or requirements of the loan documents, program requirements, or loan.

* * * * *

Revolved funds means the cash portion of an HPRP revolving loan fund that is not composed of HPRP loan funds, including funds that are repayments of HPRP loans and including fees and interest collected on such loans.

* * * * *

Succession plan means a general plan to address the continuation of the farm, which may include specific intra-family succession agreements or strategies to address business asset transfer planning to create opportunities for farmers and ranchers.

* * * * *

Ultimate recipient means an entity or individual that receives a loan from an intermediaries' HPRP revolving loan fund.

* * * * *

Undivided ownership interest means a common interest in the whole parcel of land that is owned by two or more people. Undivided ownership interest does not include those who own a specific piece of a parcel of land; rather they own a percentage interest in a parcel of land as a whole.

* * * * *

§ 761.7 [Amended]

■ 3. Amend § 761.7 in paragraphs (c)(1) introductory text and (c)(2) by removing the number ''12'' and adding the number ''18'' in its place.

§ 761.8 [Amended]

■ 4. Amend § 761.8 in paragraph (a)(1) introductory text by removing the word ''Downpayment'' and adding the words ''Down payment'' in its place.

Subpart B—Supervised Bank Accounts

■ 5. Amend § 761.51 by revising paragraph (a)(1) to read as follows:

§ 761.51 Establishing a supervised bank account.

(a) * * *

(1) Assure correct use of funds are planned and released for capital purchases, construction projects, site development work, debt refinancing, or proceeds from the sale of basic security, and perfection of the Agency's security interest in assets purchased or refinanced when electronic funds transfer or treasury check processes are not practicable;

* * * * *

Subpart C—Progression Lending

■ 6. Revise the subpart C heading to read as set forth above.

■ 7. Amend § 761.103:

■ a. In paragraph (a)(3), by removing the words ''plan of supervision'' and adding the words ''progressive lending plan'' in their place;

■ b. In paragraphs (b)(8) and (c)(5), by removing the word ''Supervisory'' and adding the words ''Progression lending'' in its place; and

■ c. By revising paragraph (e).

The revision reads as follows:

§ 761.103 Farm assessment.

* * * * *

(e) The Agency reviews the assessment to determine a borrower's progress at least annually, combining any required classification and graduation reviews as part of the review. For streamlined CLs, the borrower must provide a current balance sheet and income tax records. Any negative trends noted between the previous years' and the current years' information must be evaluated and addressed in the assessment of the streamlined CL borrower.

* * * * *

■ 8. Amend § 761.104 by revising paragraph (c)(4)(i) to read as follows:

§ 761.104 Developing the farm operating plan.

* * * * *

(c) * * *

(4) * * *

(i) Use county average yields, or state average yields if county average yields are not available, in place of the disaster year yields when the county or state average yields are realistic and reasonable compared to the applicant's actual non-disaster year yields, as determined by the agency approval official; or

* * * * *

■ 9. Amend § 761.105 by revising paragraphs (a)(1) and (4) to read as follows:

§ 761.105 Year-end analysis.

(a) * * *

(1) Is being considered for a new direct loan or subordination;

* * * * *

(4) Is receiving a limited resource interest rate on any loan, in which case the review will be completed at least every 2 years.

* * * * *

Subpart D—Allocation of Farm Loan Programs Funds to State Offices

§ 761.211 [Amended]

■ 10. Amend § 761.211 in paragraph (a) by removing the word ''Downpayment'' and adding the words ''Down payment'' in its place.

Subpart F—Farm Loan Programs Debt Settlement

§ 761.405 [Amended]

■ 11. Amend § 761.405 in paragraph (a)(6) by removing the words ''greater than $1,000'' and adding the words ''exceeding an amount determined by the Agency'' in their place.

PART 762—GUARANTEED FARM LOANS

■ 12. The authority citation for part 762 continues to read as follows:

Authority: 5 U.S.C. 301 and 7 U.S.C. 1989.

§ 762.110 [Amended]

■ 13. Amend § 762.110 in paragraph (d)(2) by removing ''over $1,000'' and adding ''exceeding an amount determined by the Agency'' in its place.

§ 762.120 [Amended]

■ 14. Amend § 762.120:

■ a. In paragraph (i)(2)(iii), by removing the words ''a majority interest must'' and adding ''at least 50 percent interest must'' in their place; and

■ b. In paragraph (j)(2)(iii), by removing the words ''a majority interest must operate the family farm and the entity members holding a majority interest'' and adding ''at least 50 percent interest must operate the family farm and the entity members holding at least 50 percent'' in their place.

§ 762.121 [Amended]

■ 15. Amend § 762.121:

■ a. In paragraph (a)(1)(ix), by adding the words ''or non-compliance'' after the word ''compliance'' in the second sentence; and

■ b. In paragraph (b)(1), by removing the word ''downpayment'' and adding the words ''down payment'' in its place.

§ 762.123 [Amended]

■ 16. Amend § 762.123 in paragraph (a)(2)(i) by removing ''part 402'' and adding ''§ 400.651'' in its place.

§ 762.127 [Amended]

■ 17. Amend § 762.127 in paragraphs (c)(2) introductory text and (c)(3) by removing the number ''12'' and adding the number ''18'' in its place each time it appears.

§ 762.129 [Amended]

■ 18. Amend § 762.129 in paragraph (b)(1)(ii) by removing the word ''downpayment'' and adding ''down payment'' in its place.

§ 762.130 [Amended]

■ 19. Amend § 762.130 in paragraph (d)(4)(iii)(C) by removing the word ''Downpayment'' and adding the words ''Down Payment'' in its place.

§ 762.145 [Amended]

■ 20. Amend § 762.145 in paragraph (b)(2)(iv) by removing the words ''of $1000 or more'' and adding the words ''exceeding an amount determined by the Agency.'' in their place.

PART 764—DIRECT LOAN MAKING

■ 21. The authority citation for part 764 continues to read as follows:

Authority: 5 U.S.C. 301 and 7 U.S.C. 1989.

Subpart B—Loan Application Process

§ 764.52 [Amended]

■ 22. Amend § 764.52:

■ a. In paragraph (a), by removing the number ''10'' and adding ''7 calendar'' in its place and by removing the number ''20'' and adding the number ''15'' in its place; and

■ b. In paragraph (b), by removing the number ''10'' and add the number ''15'' in its place.

§ 764.54 [Amended]

■ 23. Amend § 764.54 in paragraph (b)(2)(ii) by removing the word ''downpayment'' and adding the words ''down payment'' in its place.

Subpart C—Requirements for All Direct Program Loans

§ 764.101 [Amended]

■ 24. Amend § 764.101 in paragraph (k)(2)(ii) by removing the words ''a majority'' and adding ''at least 50 percent'' in their place.

§ 764.103 [Amended]

■ 25. Amend § 764.103 in paragraph (e) by removing ''$5,000'' and adding ''$15,000'' in its place.

Subpart D—Farm Ownership Loan Program

§ 764.152 [Amended]

■ 26. Amend § 764.152 in paragraph (c)(3)(ii) by removing the words ''a majority'' and adding ''at least 50 percent'' in their place each time they appear.

Subpart E—Downpayment Loan Program

■ 27. Amend § 764.201 by revising the section heading and removing the word ''Downpayment'' and adding the words ''Down payment'' in its place.

The revision reads as follows:

§ 764.201 Down payment loan uses.

* * * * *

§ 764.203 [Amended]

■ 28. Amend § 764.203:

■ a. In paragraph (a)(2), by removing the word ''downpayment'' and adding the words ''down payment'' in its place; and

■ b. In paragraphs (b) introductory text and (c), by removing ''Downpayment'' and adding ''Down payment'' in its place.

§ 764.204 [Amended]

■ 29. Amend § 764.204 in paragraphs (a) and (b)(1) by removing the word ''Downpayment'' and adding the words ''Down payment'' in its place.

§ 764.205 [Amended]

■ 30. Amend § 764.205 in the introductory text by removing the word ''Downpayment'' and adding the words ''Down payment'' in its place.

Subpart G—Operating Loan Program

§ 764.251 [Amended]

■ 31. Amend § 764.251 in paragraph (a)(2) by adding the words ''or fixtures'' after the word ''equipment''.

§ 764.254 [Amended]

■ 32. Amend § 764.254 in paragraphs (b)(1)(i) and (ii) by removing the number ''18'' and adding ''24'' in its place.

Subpart I—Emergency Loan Program

§ 764.354 [Amended]

■ 33. Amend § 764.354 in paragraph (b)(3) by removing the number ''18'' and adding ''24'' in its place.

Subpart K—Borrower Training and Training Vendor Requirements

■ 34. Amend § 764.453 by adding paragraph (d) to read as follows.

§ 764.453 Agency waiver of training requirements.

* * * * *

(d) When considering subsequent loan actions, previous training requirements that have not yet been satisfied may be waived by the Agency should the borrower submit satisfactory evidence in accordance with paragraph (b) of this section.

PART 765—DIRECT LOAN SERVICING—REGULAR

■ 35. The authority citation for part 765 continues to read as follows:

Authority: 5 U.S.C. 301 and 7 U.S.C. 1989.

Subpart B—Borrowers with Limited Resource Interest Rate Loans

■ 36. Amend § 765.51 by revising the section heading and paragraph (a) to read as set forth below.

§ 765.51 Required review.

(a) At least every 2 years, a borrower with limited resource interest rate loans is required to provide the operation's financial information to the Agency; for the Agency to determine if the borrower can afford to pay a higher interest rate on the loan. The Agency will review the information provided in accordance with § 761.105 of this chapter.

* * * * *

Subpart D—Borrower Payments

■ 37. Add § 765.161 to read as follows:

§ 765.161 Borrowers entering the Armed Forces.

(a) *Protections for borrowers on active duty.* The Servicemembers Civil Relief Act (Pub. L. 108–189) and the Ronald W. Reagan National Defense Authorization Act for Fiscal Year (FY) 2005 (Pub. L. 108–375) provide certain loan servicing protections for military borrowers. The Agency will apply those loan servicing protections to applicable Farm Loan borrowers.

(1) The benefits and protections of the Servicemembers Civil Relief Act apply to borrowers on active duty at all times.

(2) The requirements of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year (FY) 2005 apply during a time of a war or national emergency as declared by the President or Congress.

(b) *Eligibility for National Guard members and military reservists.* Borrowers who are National Guard members or military reservists will be eligible for the protections covered by this section, as specified in paragraphs (b)(1) and (2) of this section:

(1) National Guard members must be on duty for at least 30 consecutive calendar days.

(2) Military reservists are eligible from the date orders are received to report for active duty.

(c) Entity eligibility. National Guard members and military reservists on active duty and any operating entity owned solely by the active duty borrower may be considered for protections specified in paragraph (a) of this section.

Subpart F—Required Use and Operation of Agency Security

■ 38. Amend § 765.252 by revising paragraph (a)(4) to read as follows:

§ 765.252 Lease of security.

(a) * * *

(4) The lease does not hinder the future operation or success of the farm, or, if the borrower has ceased to operate the farm, the requirements specified in § 765.253 are met. Leases for nonfarm enterprises, such as solar farms, which take significant acreage of the operation out of agriculture production are not authorized. Non-productive land may be considered for this type of lease; and.

* * * * *

Subpart H—Partial Release of Real Estate Security

§ 765.351 [Amended]

■ 39. Amend § 765.351 in the second sentence of paragraph (f)(6) by removing the words ''and released''.

§ 765.353 [Amended]

■ 40. Amend § 765.353 in paragraph (a)(2) by removing ''$25,000'' and adding ''$50,000'' in its place.

PART 766—DIRECT LOAN SERVICING—SPECIAL

■ 41. The authority citation for part 766 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989, and 1981d(c).

Subpart C—Loan Servicing Programs

■ 42. In § 766.106 amend the introductory text by adding a second sentence to read as follows:

§ 766.106 Agency notification of decision regarding a complete application.

* * * Except that when a real estate appraisal is involved, the Agency will send the borrower notification of the Agency's decision within 90 calendar days after receiving a complete application.

* * * * *

■ 43. Amend § 766.111 by:

■ a. Revising the paragraph (a) subject heading;

■ b. Adding introductory text to paragraph (b); and

■ c. Revising paragraph (b)(1).

The revisions and addition read as follows:

§ 766.111 Writedown.

(a) *Borrower eligibility.* * * *

* * * * *

(b) *Conditions.* The conditions required for approval of writedown are:

(1) Rescheduling, consolidation, reamortization, deferral or some combination of these options on all of the borrower's loans would not result in a feasible plan with a 110 percent debt service margin. If a feasible plan is achieved with a debt service margin of 101 percent or more, the Agency will permit a borrower to accept a non-writedown servicing offer and waive the right to a writedown offer when the writedown offer will require additional time and appraisals to fully develop. If after obtaining an appraisal a feasible plan is achieved with and without a writedown and the borrower meets all the eligibility requirements, both options will be offered and the borrower may choose one option.

* * * * *

§ 766.202 [Amended]

■ 44. Amend § 766.202 in paragraph (a) introductory text by removing the number ''12'' and adding the number ''18'' in its place.

PART 769—FARM LOAN PROGRAMS RELENDING PROGRAMS

■ 45. The authority citation for part 769 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989, and 25 U.S.C. 488.

■ 46. Revise the heading for part 769 to read as set forth above.

§§ 769.101 through 769.125 [Redesignated as Subpart A]

■ 47. Redesignate §§ 769.101 through 769.125 as subpart A under the following heading:

Subpart A—Highly Fractionated Indian Land Loan Program

■ 48. Add subpart B, consisting of §§ 769.150 through 769.168, to read as follows:

Subpart B—Heirs' Property Relending Program

Sec.

769.150 Purpose.
769.151 Abbreviations and definitions.
769.152 Eligibility requirements of the intermediary.
769.153 Eligibility requirements of the ultimate recipient.
769.154 Authorized loan purposes.
769.155 Loan limitations.
769.156 Rates and terms.
769.157 Intermediary's relending plan.
769.158 Intermediary's loan application.
769.159 Processing loan applications.
769.160 Letter of conditions.
769.161 Loan agreements.
769.162 Security.
769.163 Loan closing.
769.164 Post award requirements.
769.165 Loan servicing.
769.166 Transfers and assumptions.
769.167 Appeals.
769.168 Exceptions.

Subpart B—Heirs' Property Relending Program

§ 769.150 Purpose.

(a) This subpart contains regulations for loans made by the Agency to eligible intermediaries that will make and service loans to ultimate recipients pursuant to requirements in this subpart. This subpart applies to intermediaries, ultimate recipients, and other parties involved in making such loans.

(b) The purpose of HPRP is to assist heirs with undivided ownership interests resolve ownership and succession issues on a farm that is owned by multiple owners. This purpose is achieved by providing loan funds to eligible intermediaries who will re-lend to individuals and entities for the purpose of developing and implementing a succession plan and to resolve title issues.

(c) Intermediaries receiving HPRP loans must comply with this subpart, the HPRP loan agreement, the intermediary's relending plan approved by the Agency, the HPRP loan documents and security instruments and any other conditions that the Agency may impose in making a loan.

§ 769.151 Abbreviations and definitions.

Abbreviations and definitions used in this subpart are found in § 761.2 of this chapter.

§ 769.152 Eligibility requirements of the intermediary.

(a) *Eligible entity types.* Cooperatives, credit unions, and nonprofit organizations are eligible to participate as intermediaries.

(b) *Certification.* The intermediary must be certified as a community development financial institution under 12 CFR 1805.201 to operate as a lender.

(c) *Citizenship.* The applicant and the members of the intermediary must be a U.S. citizen or qualified alien (see 8 U.S.C. 1641). Each intermediary must certify to the citizenship requirement in the HPRP loan application.

(d) *Experience.* The intermediary must have:

(1) The requisite experience and capability in making and servicing agricultural and commercial loans that are similar in nature to HPRP. If consultants will be used in the making and servicing of HPRP loans, the Agency will assess the intermediary's experience in choosing and supervising consultants based on information intermediaries include in their application describing the particular lending functions they typically rely on agents to fulfill and also describe their policies and procedures for monitoring these agents;

(2) The legal authority necessary to carry out the proposed loan purposes and to obtain, provide security for, and repay the proposed loan; and

(3) Demonstrated ability and willingness to repay the loan based on the intermediary's financial condition, managerial capabilities, and other resources.

§ 769.153 Eligibility requirements of the ultimate recipient.

(a) The eligibility requirements for the ultimate recipient are:

(1) Ultimate recipients must be individuals or legal entities, with authority to incur the debt and to resolve ownership and succession of a farm owned by multiple owners;

(2) Individual ultimate recipients or members of entity ultimate recipients must be a family member or heir-at-law related by blood or marriage to the previous owner of the real property; and

(3) The ultimate recipient must agree to complete a succession plan.

(b) The intermediary will determine the eligibility of the applicant to become the ultimate recipient in accordance with the rules provided in this subpart and in accordance with the intermediary's relending plan as approved by the Agency in the HPRP loan agreement.

§ 769.154 Authorized loan purposes.

(a) *Loans to the intermediary.* HPRP loan funds must be used by the intermediary to provide direct loans to eligible ultimate recipients according to the rules provided in this subpart and pursuant to the HPRP loan agreement approved by the Agency.

(b) *Loans to the ultimate recipients.* HPRP loan funds:

(1) Must be used to assist heirs with undivided ownership interests to resolve ownership and succession of a farm owned by multiple owners;

(2) Must be sufficient to cover costs and fees associated with development and implementation of the succession plan, including closing costs (such as costs for preparing documents, appraisals, surveys, and title reports) and other associated legal services (such as fees incurred for mediation); and

(3) May be used to purchase and consolidate fractional interests held by other heirs in jointly-owned property, and to purchase rights-of-way, water rights, easements, and other

appurtenances that would normally pass with the property and are necessary for the proposed operation of the farm.

§ 769.155 Loan limitations.

(a) For each application period:

(1) Loans to intermediaries will not exceed $5,000,000 to any intermediary;

(2) Loans to ultimate recipients will not exceed the loan limit for a Direct Farm Ownership loan as specified in § 761.8(a)(1)(i) of this chapter to any ultimate recipient.

(b) Loans to the ultimate recipient may not be used:

(1) For any land improvement, development purpose, acquisition or repair of buildings, acquisition of personal property, payment of operating costs, payment of finders' fees, or similar costs;

(2) For any purpose that will contribute to excessive erosion of highly erodible land or for the conversion of wetlands to produce an agricultural commodity as specified in 7 CFR part 12; or

(3) To resolve heirs' property issues on property that will not be used, or has traditionally not been used, for production agricultural purposes.

(c) The HPRP loan amount may not exceed the current market value of the land determined by an appraisal that meets the requirements specified in § 761.7(b)(1) of this chapter; and

(d) Intermediaries who receive HPRP funding are not permitted to charge the ultimate recipients for mediation services provided through grants received under the Agency's State Agriculture Mediation Program (part 785 of this chapter).

§ 769.156 Rates and terms.

(a) For loans to intermediaries:

(1) The rate of interest for an HPRP loan will bear a fixed rate over the term of the loan of 1 percent or less as determined by the Administrator;

(2) The repayment term for an HPRP loan will not exceed 30 years; and

(3) Annual payments will be established. Interest will be due annually; however, principal payments may be deferred by the Agency.

(b) Loans to the ultimate recipient from the HPRP revolving loan fund are required to have rates and terms clearly and publicly disclosed to qualified ultimate recipients.

(1) The interest rate for loans to ultimate recipients will be set by the intermediary within the limits established by the intermediary's relending plan approved by the Agency. The rate should normally be the lowest rate sufficient to cover the loan's proportional share of the HPRP revolving loan fund's debt service costs, reserve for bad debts, and administrative costs.

(2) Loans made by an intermediary to an ultimate recipient will be scheduled for repayment over a term negotiated by the intermediary and ultimate recipient; but in no case will the loan term exceed 30 years, unless otherwise specified by the Agency.

§ 769.157 Intermediary's relending plan.

(a) The intermediary must submit a proposed relending plan which, once approved by the Agency, will be incorporated by reference as an attachment to the HPRP loan agreement. The relending plan will explain in sufficient detail the mechanics of how the funds will be distributed from the intermediary to the ultimate recipient.

(b) The intermediary's relending plan must include copies of the intermediary's proposed application forms, loan documents and security instruments, and should include information regarding:

(1) The service area;

(2) The proposed fees and other charges the intermediary will assess the ultimate recipients;

(3) Eligibility criteria for the ultimate recipient;

(4) Authorized loan purposes;

(5) Loan limitations;

(6) Loan underwriting methods and criteria;

(7) Loan rates and terms;

(8) Security requirements;

(9) The method of disbursement of the funds to the ultimate recipient;

(10) The process for addressing environmental issues on property to be purchased;

(11) The proposed process for reviewing loan requests from ultimate recipients and making eligibility determinations;

(12) A description of the established internal credit review process;

(13) The monitoring and servicing of loans distributed to the ultimate recipients;

(14) The amount that will be set aside to maintain a reserve for bad debts; and

(15) A description of the requirements for maintaining adequate hazard insurance, life insurance (for principals and key employees of the ultimate recipient), workmen's compensation insurance on ultimate recipients, flood insurance, and fidelity bond coverage.

§ 769.158 Intermediary's loan application.

(a) The intermediary's loan application will consist of:

(1) An application form provided by the Agency;

(2) A relending plan addressing the items in § 769.157;

(3) A copy of the intermediary's certification as a community development financial institution;

(4) A signed form, to be provided by the Agency, assuring the intermediary's compliance and continued compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688) and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1–2000d–7);

(5) Other evidence the Agency requires to determine that the intermediary satisfies the eligibility requirements in § 769.152, and that the intermediary's proposed relending plan is feasible and meets the objectives of HPRP;

(6) Documentation of the intermediary's ability to administer the HPRP loan funds in accordance with this subpart; and

(7) The name(s) of attorneys or any third parties involved with the application process.

(b) Prior to loan approval and advancing funds, the intermediary must certify that:

(1) The intermediary and its officers, or agents are not delinquent on any Federal debt, including, but not limited to, federal income tax obligations, federal loan or loan guarantee, or obligation from another Federal agency. If delinquent, the intermediary must provide in writing the reasons for the delinquency, and the Agency will take this into consideration in deciding whether to approve the loan or advance of funds;

(2) The intermediary and its officers have not been convicted of a felony criminal violation under Federal law in the 24 months preceding the date of the loan application;

(3) The intermediary is in compliance with the restrictions and requirements in 31 U.S.C. 1352, limitation on use of appropriated funds to influence certain Federal contracting and financial transactions;

(4) The intermediary has been informed of the options by the Federal Government to collect delinquent debt; and

(5) The intermediary, its officers, or agents are not debarred or suspended from participation in Government contracts or programs.

(c) An intermediary that has received one or more HPRP loans may apply for and be considered for subsequent HPRP loans provided:

(1) The intermediary is relending all collections from loans made from its revolving fund in excess of what is needed for the required debt service

reserve and approved administrative costs;

(2) The outstanding loans of the intermediary's HPRP revolving loan fund are performing; and

(3) The intermediary is following all regulatory requirements and is complying with the terms and conditions of its HPRP loan agreement(s) and the intermediary's relending plan(s) approved by the Agency.

(d) The Agency may require the intermediary to provide information relating to applications from ultimate recipients the intermediary has in process.

§ 769.159 Processing loan applications.

(a) *Application dates.* The opening and closing dates for the HPRP applications submission will be announced in **Federal Register**.

(b) *Intermediary loan application review.* After the closing date, the Agency will review applications from intermediaries for compliance with the provisions of this subpart.

(c) *Loan approval.* Loan approval is subject to the availability of funds. The loan will be considered approved for the intermediary on the date the Agency signs the obligation of funds confirmation.

(d) *Preferences for loan funding.* The Agency will fund eligible applications from intermediaries:

(1) First, to those with not less than 10 years' experience serving socially disadvantaged farmers and ranchers that are located in states that have adopted a statute consisting of an enactment or adoption of the Uniform Partition of Heirs Property Act, as approved and recommended for enactment in all States by the National Conference of Commissioners on Uniform State Laws in 2010, that relend to owners of heirs property (as defined by the Uniform Partition of Heirs Property Act);

(2) Second, to those that have applications from ultimate recipients already in process, or that have a history of successfully relending previous HPRP funds; and

(3) Multiple applications in the same priority tier, will be processed based by date of application received; and

(4) Any remaining applications, after priority tiers 1 and 2 have be funded, will be funded in order of the date the application was received.

(e) *Current information required.* Information supplied by the intermediary in the loan application must be updated by the intermediary if the information is more than 90 days old at the time of loan closing.

§ 769.160 Letter of conditions.

(a) If the Agency approves a loan application, the Agency will provide the intermediary with a letter of conditions listing all requirements for the loan.

(b) Immediately after reviewing the conditions and requirements in the letter of conditions, the intermediary should complete, sign, and return the form provided by the Agency indicating the intermediary's intent to meet the conditions.

(1) If certain conditions cannot be met, the intermediary may propose alternative conditions to the Agency.

(2) The Agency loan approval official must concur with any changes made to the initially issued or proposed letter of conditions prior to loan approval.

(c) The loan request will be considered withdrawn if the intermediary does not respond within 15 calendar days from the date the letter of conditions was sent.

§ 769.161 Loan agreements.

(a) The HPRP loan agreement will specify the terms of each loan, such as:

(1) The amount of the loan;

(2) The interest rate;

(3) The term and repayment schedule;

(4) Any provisions for late charges;

(5) The disbursement procedure;

(6) Provisions regarding default; and

(7) Fidelity insurance.

(b) As a condition of receiving HPRP loan funds, the intermediary will agree:

(1) To obtain written approval from the Agency prior to making any changes in the intermediary's articles of incorporation, charter, or by-laws;

(2) To maintain a separate ledger and segregated account for the HPRP revolving loan fund;

(3) To comply with the Agency's annual reporting requirements in § 769.164(g);

(4) To obtain prior written approval from the Agency regarding all forms to be used for relending purposes, as well as the intermediary's policy with regard to the amount and security to be required;

(5) To obtain written approval from the Agency prior to making any significant changes in the proposed forms, security policy, or the intermediary's relending plan;

(6) To maintain the collateral pledged as security for the HPRP loan; and

(7) To request demographics data from ultimate recipients on race, ethnicity, and gender. The response to the data request will be voluntary. The intermediary will maintain the information when voluntarily submitted by the ultimate recipient. The intermediary agrees to make this information available when requested by FSA.

§ 769.162 Security.

(a) *Loans to intermediaries.* Security pledged to the Agency by intermediaries must be sufficient to reasonably assure repayment of the loan, while taking into consideration the intermediary's financial condition, the intermediary's relending plan, and the intermediary's management ability. The Agency will require adequate security, as determined by the Agency, to fully secure the loan:

(1) Primary security for HPRP loan will be in the form of a first lien upon the intermediary's revolving loan fund and such accounts must be fully covered by Federal deposit insurance or fully collateralized with other securities in accordance with normal banking practices and all applicable State laws. The form of the control agreement with the depository bank that will be used to perfect the Agency's security interest in the depository accounts used by the intermediary to maintain HPRP funds must be approved by the Agency. The control agreement will not require the Agency's signature for withdrawals. Among other things, the intermediary must use a depository bank that agrees to waive its offset and recoupment rights against the depository account and subordinate any liens it may have against the HPRP depository account in favor of the Agency;

(2) Additional security as needed, which includes, but is not limited to:

(i) Assignments of assessments, taxes, levies, or other sources of revenue as authorized by law;

(ii) Financial assets of the intermediary and its members; and

(ii) Capital assets or other property of the intermediary and its members.

(b) *Loans to the ultimate recipient.* The intermediary is responsible for obtaining adequate security for all loans made to ultimate recipients from the HPRP revolving loan funds as specified in the HPRP loan agreement and intermediary's relending plan. The Agency will only require concurrence with the intermediary's proposed security for a loan to an ultimate recipient from the HPRP revolving loan fund if the proposed security will also serve as security for an unrelated Agency loan.

§ 769.163 Loan closing.

(a) *HPRP loan documents and security instruments.* At loan closing, the intermediary will execute the HPRP loan agreement or supplemental loan agreement, HPRP promissory note, the HPRP security agreement, the control agreement, and any other security instruments required by the Agency.

(b) *Intermediary certification.* At loan closing, the intermediary must certify that:

(1) No changes have been made in the intermediary's relending plan except those approved in the interim by the Agency;

(2) All requirements in the letter of conditions have been met; and

(3) There has been no material change in the intermediary or its financial condition since the issuance of the letter of conditions. If there have been changes, the intermediary must explain the changes to the Agency. The Agency will review the changes and respond in writing prior to loan closing.

§ 769.164 Post award requirements.

(a) *Applicability.* Whenever this subpart imposes a requirement on loan funds from the HPRP revolving loan fund, the requirement will apply to all loans made by an intermediary to an ultimate recipient from the intermediary's HPRP revolving loan fund for as long as any portion of the intermediary's HPRP loan remains unpaid.

(b) *Applicability for HPRP loan funds.* Whenever this subpart imposes a requirement on loans made by intermediaries from HPRP loan funds, without specific reference to the HPRP revolving loan fund, such requirement only applies to loans made by an intermediary using HPRP loan funds, and will not apply to loans made from revolved funds.

(c) *File maintenance.* In addition to information normally maintained by lenders in each loan file associated with a relending loan to an ultimate recipient, the intermediary must include a certification and supporting documentation in its file demonstrating that:

(1) The ultimate recipient is eligible for the loan;

(2) The loan is for eligible purposes; and

(3) The loan complies with all applicable laws, regulations, and the intermediary's HPRP loan agreement.

(d) *Maintenance of HPRP revolving loan fund.* For as long as any part of an HPRP loan remains unpaid, the intermediary must maintain the HPRP revolving loan fund in accordance with the requirements in paragraphs (d)(1) through (11) of this section:

(1) All HPRP loan funds received by an intermediary must be deposited into the HPRP revolving loan fund. The intermediary may transfer additional assets into the HPRP revolving loan fund;

(2) All cash of the HPRP revolving loan fund must be deposited in a separate bank account or accounts;

(3) The HPRP revolving loan fund must be segregated from other financial assets of the intermediary, and no other funds of the intermediary will be commingled with the HPRP revolving loan fund;

(4) All moneys deposited in the HPRP revolving loan fund account or accounts will be money from the HPRP revolving loan fund;

(5) Loans to ultimate recipients are advanced from the HPRP revolving loan fund;

(6) The receivables created by making loans to ultimate recipients, the intermediary's security interest in collateral pledged by ultimate recipients, collections on the receivables, interest, fees, and any other income or assets derived from the operation of the HPRP revolving loan fund are a part of the HPRP revolving loan fund;

(7) The portion of the HPRP revolving loan fund consisting of HPRP loan funds may only be used for making loans in accordance with § 769.154. The portion of the HPRP revolving loan fund that consists of revolved funds may be used for debt service reserve, approved administrative costs, or for making additional loans;

(8) A reasonable amount of revolved funds must be maintained as a reserve for bad debts. The total amount should not exceed maximum expected losses, considering the credit quality of the intermediary's portfolio of loans. The amount of reserved funds proposed by the intermediary requires written concurrence from the Agency. Unless the intermediary provides loss and delinquency records that, in the opinion of the Agency, justifies different amounts, a reserve for bad debts of 6 percent of outstanding loans must be accumulated over 5 years and then maintained; and

(9) Any funds in the HPRP revolving loan fund from any source that is not needed for debt service reserve, approved administrative costs, or reasonable reserves must be available for additional loans to ultimate recipients.

(i) Funds may not be used for any investments in securities or certificates of deposit of over 30-day duration without the Agency's concurrence.

(ii) The intermediary must make one or more loans to ultimate recipients within 6 months of any disbursement it receives from the Agency. If funds have been unused to make loans to ultimate recipients for 6 months or more, those funds will be returned to the agency unless the Agency provides a written exception based on evidence satisfactory to the Agency that every effort is being made by the intermediary to utilize the HPRP funding in conformance with HPRP objectives;

(10) All reserves and other cash in the HPRP revolving loan fund that are not immediately needed for loans to ultimate recipients or other authorized uses must be deposited in accounts in banks or other financial institutions. Such accounts must be fully covered by Federal deposit insurance or fully collateralized with other securities in accordance with normal banking practices and all applicable State laws. Any interest earned on the account remains a part of the HPRP revolving loan fund; and

(11) If an intermediary receives more than one HPRP loan, it does not need to establish and maintain a separate HPRP revolving loan fund for each loan; it may combine them and maintain only one HPRP revolving loan fund.

(e) *Budgets and administrative costs.* The intermediary must submit an annual budget of proposed administrative costs for Agency approval. The annual budget should itemize cash income and cash out-flow. Projected cash income should consist of, but is not limited to, collection of principal repayment, interest repayment, interest earnings on deposits, fees, and other income. Projected cash out-flow should consist of, but is not limited to, principal and interest payments, reserve for bad debt, and an itemization of administrative costs to operate the HPRP revolving loan fund.

(1) Proceeds received from the collection of principal repayment cannot be used for administrative expenses.

(2) The amount removed from the HPRP revolving loan fund for administrative costs in any year must be reasonable, must not exceed the actual cost of operating the HPRP revolving loan fund, including loan servicing and providing technical assistance, and must not exceed the amount approved by the Agency in the intermediary's annual budget.

(f) *Loan monitoring reviews.* The Agency may conduct loan monitoring reviews, including annual and periodic reviews, and performance monitoring.

(1) At least annually, the intermediary must provide the Agency documents for reviewing the financial status of the intermediary, assessing the progress of using loan funds, and identifying any potential problems or concerns. Non-regulated intermediaries must furnish

audited financial statements at least annually.

(2) The intermediary must allow the Agency or its representative to review the operations and financial condition of the intermediary upon the Agency's request. The intermediary and its agents must provide access to all pertinent information to allow the Agency, or any party authorized by the Agency, to conduct such reviews. The intermediary must submit financial or other information within 14 calendar days upon receipt of the Agency's request, unless the data requested is not available within that time frame. Failure to supply the requested information to the satisfaction of the Agency will constitute non-monetary default. The Agency may conduct reviews, including on-site reviews, of the intermediary's operations and the operations of any agent of the intermediary, for the purpose of verifying compliance with Agency regulations and guidelines. These reviews may include, but are not limited to, audits of case files; interviews with owners, managers, and staff; audits of collateral; and inspections of the intermediary's and its agents underwriting, servicing, and liquidation guidelines.

(g) *Annual monitoring reports.* Each intermediary will be monitored by the Agency through annual monitoring reports submitted by the intermediary. Annual monitoring reports must include a description of the use of loan funds, information regarding the acreage, the number of heirs both before and after loan was made, audit findings, disbursement transactions, and any other information required by the Agency, as necessary.

(h) *Unused loan funds.* If any part of the HPRP loan has not been used in accordance with the intermediary's relending plan within 3 years from the date of the HPRP loan agreement, the Agency may cancel the approval of any funds not delivered to the intermediary. The Agency may also direct the intermediary to return any funds delivered to the intermediary that have not been used by that intermediary in accordance with the intermediary's relending plan. The Agency may, at its sole discretion, allow the intermediary additional time to use the HPRP loan funds.

§ 769.165 Loan servicing.

(a) *Payments.* The intermediary will make payments to the Agency as specified in the HPRP loan documents. All payments will be applied to interest first, any additional amount will be applied to principal.

(b) *Restructuring.* The Agency may restructure the intermediary's loan debt, if:

(1) The loan objectives cannot be met unless the HPRP loan is restructured;

(2) The Agency's interest will be protected; and

(3) The restructuring will be within the Agency's budget authority.

(c) *Default.* The Agency will work with the intermediary to correct any default, subject to the requirements of paragraph (b) of this section. In the event of monetary or non-monetary default, the Agency will take all appropriate actions to protect its interest, including, but not limited to, declaring the debt fully due and payable and may proceed to enforce its rights under the HPRP loan agreement, and any other loan instruments relating to the loan under applicable law and regulations, and commencement of legal action to protect the Agency's interest. Violation of any agreement with the Agency or failure to comply with reporting or other HPRP requirements will be considered non-monetary default.

§ 769.166 Transfers and assumptions.

(a) All transfers and assumptions must be approved in advance by the Agency. The assuming entity must meet all eligibility criteria for HPRP.

(b) Available transfer and assumption options to eligible intermediaries include:

(1) The total indebtedness may be transferred to another eligible intermediary on the same rates and terms; or

(2) The total indebtedness may be transferred to another eligible intermediary on different terms not to exceed the term for which an initial loan can be made.

(c) The transferor must prepare the transfer document for the Agency's review prior to the transfer and assumption.

(d) The transferee must provide the Agency with information required in the application as specified in § 769.158.

(e) The Agency's approved form of the assumption agreement will formally authorize the transfer and assumption and will contain the Agency case number of the transferor and transferee.

(f) When the transferee makes a cash down-payment in connection with the transfer and assumption, any proceeds received by the transferor will be credited on the transferor's loan debt in order of maturity date.

§ 769.167 Appeals.

Any appealable adverse decision made by the Agency may be appealed upon written request of the intermediary as specified in 7 CFR part 11.

§ 769.168 Exceptions.

The Agency may grant an exception to any of the requirements of this subpart if the proposed change is in the best financial interest of the Government and not inconsistent with the authorizing law or any other applicable law.

Zach Ducheneaux,

Administrator, Farm Service Agency.

[FR Doc. 2021–16459 Filed 8–5–21; 8:45 am]

BILLING CODE 3410–05–P

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2021–0113]

RIN 3150–AK65

Miscellaneous Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to make miscellaneous corrections. These changes include correcting mailing addresses, typographical errors, grammatical errors, references, spelling, agency names, and office titles; removing outdated reporting requirements; clarifying language; adding metric units; and inserting missing language. This document is necessary to inform the public of these non-substantive amendments to the NRC's regulations.

DATES: This final rule is effective on September 8, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0113 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–2021–0113. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the

ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *pdr.resource@nrc.gov.*

- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dawn Forder, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is amending its regulations in parts 2, 11, 20, 25, 32, 35, 37, 50, 52, 55, 70, 72, 73, 95, and 110 of title 10 of the *Code of Federal Regulations* (10 CFR). The NRC is making these amendments to correct mailing addresses, typographical errors, grammatical errors, references, spelling, agency names, and office titles; remove outdated reporting requirements; clarify language; add metric units; and insert missing language.

II. Summary of Changes

10 CFR Part 2

Correct Spelling. This final rule amends §§ 2.911(a), 2.1023(b) introductory text, 2.1026(b)(1), and 2.1322(a) introductory text and appendix D to 10 CFR part 2 to correct the spelling of ''preceeding'' to ''proceeding,'' ''respository'' to ''repository,'' ''unforseen'' to ''unforeseen,'' ''he'' to ''the, and ''identifing'' to ''identifying''.

10 CFR Parts 11, 25, and 95 and Appendix A to 10 CFR Part 25

Correct Office Title. This final rule amends §§ 11.7, 11.15(e), 25.5, 25.17, and 95.5 and appendix A to 10 CFR part 25 to correct the office title from ''Office of Personnel Management'' in all its forms to ''Defense Counterintelligence and Security Agency.''

10 CFR Part 20

Remove Outdated Reporting Requirement. This final rule amends § 20.2207(h) to remove an outdated reporting requirement.

10 CFR Part 32

Insert Missing Language. This final rule amends § 32.15(d) to insert missing introductory language.

10 CFR Part 35

Correct Spelling. This final rule amends § 35.50(c)(3) to correct a phrase from ''master material license'' to ''master material licensee.''

Correct Agency Name. This final rule amends § 35.55(a)(1) to correct the title ''American Council on Pharmaceutical Education (ACPE)'' to ''Accreditation Council for Pharmacy Education (ACPE) (previously named the American Council on Pharmaceutical Education).''

Correct Phrase. This final rule amends § 35.57(b)(2) to correct the phrase ''or a permit issued by a Commission master material license of broad scope on or before October 25, 2005,'' to ''or a permit issued in accordance with a Commission master material broad scope license on or before October 25, 2005,''.

10 CFR Part 37

Correct Mailing Address. This final rule amends § 37.27(c)(1) to revise the mail stop for the submission of the fingerprinting cards for background checks.

10 CFR Part 50

Correct Typographical Error. This final rule amends § 50.34(b)(6)(i) to correct ''or'' to ''of.''

Remove Outdated Reporting Requirements. This final rule revises § 50.63(c)(1) introductory text and removes §§ 50.63(c)(4) and 50.71(e)(3)(ii) to remove outdated reporting requirements. It also amends sections IV.D.4 and VI.4 in appendix E to 10 CFR part 50 to remove outdated reporting requirements.

10 CFR Part 52

Clarify Language. This final rule amends § 52.98(b) and (d) introductory text to clarify duplicative language. It also amends section V.B.1 in appendix E to 10 CFR part 52 to remove the title of the section containing the exempted requirement and replace it with a short description. It also amends section III.D in appendix F to 10 CFR part 52 by removing the words ''the NUREG,'' and revises section V.A and removes and reserves section V.B to remove an exempted requirement.

10 CFR Part 55

Correct Typographical Error. This final rule amends § 55.31(b) to correct the spelling of ''futher'' to ''further.''

10 CFR Part 70

Correct Typographical Error. This final rule amends § 70.22(g)(3) to correct the spelling of ''discription'' to ''description.''

Correct References. This final rule amends § 70.32(a)(9)(i)(B) and (C) to update references to the United States Code.

10 CFR Part 72

Correct Spelling. This final rule amends § 72.218(a), to correct the spelling of ''thev'' to ''the.''

10 CFR Part 73

Add Metric Units and Correct Phrase. This final rule amends §§ 73.1(b)(5), 73.35, 73.37(a)(1), 73.50 introductory text, 73.60 introductory text, and 73.67(b)(1)(i) to make non-substantive changes to correct the terminology and units to ensure consistency with the performance objectives of the regulations, apply metric standards, and conform with existing NRC regulations (*i.e.,* § 73.6(b)).

Correct Typographical Error. This final rule amends § 73.6(b) to correct the capitalization of ''rad'' and ''gray.''

Revise Mailing Address. This final rule amends § 73.57(d) to revise the mail stop for the submission of the fingerprint cards for background checks.

10 CFR Part 110

Correct Grammatical and Typographical Errors. This final rule amends §§ 110.2, 110.8, and 110.50(c)(3) introductory text to correct grammatical and typographical errors.

Correct Agency Name. This final rule amends § 110.20 to correct the name of a Federal agency.

III. Rulemaking Procedure

Under section 553(b) of the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive publication in the **Federal Register** of a notice of proposed rulemaking and opportunity for comment requirements if it finds, for good cause, that it is impracticable, unnecessary, or contrary to the public interest. As authorized by 5 U.S.C. 553(b)(3)(B), the NRC finds good cause to waive notice and opportunity for comment on these amendments, because notice and opportunity for comment is unnecessary. The amendments will have no substantive impact and are of a minor and administrative nature dealing with corrections to certain CFR sections or are related only to management, organization, procedure, and practice. Specifically, the revisions correct mailing addresses, typographical errors, grammatical errors, references,

spelling, agency names, and office titles; remove outdated reporting requirements; clarify language; add metric units; and insert missing language. The Commission is exercising its authority under 5 U.S.C.553(b) to publish these amendments as a final rule. The amendments are effective September 8, 2021. These amendments do not require action by any person or entity regulated by the NRC and do not change the substantive responsibilities of any person or entity regulated by the NRC.

IV. Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in § 51.22(c)(2), which categorically excludes from environmental review rules that are corrective or of a minor, nonpolicy nature and do not substantially modify existing regulations. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this rule.

V. Paperwork Reduction Act

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

VI. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

VII. Backfitting and Issue Finality

The NRC has determined that the corrections in this final rule would not constitute backfitting as defined in § 50.109, ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests.'' It also would not constitute forward fitting as that term is defined and described in MD 8.4 or affect the issue finality of any approval issued under 10 CFR part 52. The amendments are non-substantive in nature, including correcting mailing addresses, typographical errors, grammatical errors, references, spelling, agency names, and office titles; removing outdated reporting requirements; clarifying language; adding metric units; and inserting missing language. They impose no new requirements and make no substantive changes to the regulations. The corrections do not involve any provisions that would impose backfits as defined in 10 CFR chapter I, or that would be inconsistent with the issue finality provisions in 10 CFR part 52. For these reasons, the issuance of this final rule would not constitute backfitting or be inconsistent with any of the issue finality provisions in 10 CFR part 52. Therefore, the NRC has not prepared any additional documentation for this correction rulemaking addressing backfitting or issue finality.

VIII. Congressional Review Act

This final rule is not a rule as defined in the Congressional Review Act (5 U.S.C. 801–808).

IX. Agreement State Compatibility

Under the ''Agreement State Program Policy Statement'' approved by the Commission on October 2, 2017, and published in the **Federal Register** on October 18, 2017 (82 FR 48535), NRC program elements (including regulations) are placed into compatibility categories A, B, C, D, NRC, or adequacy category Health and Safety (H&S). Compatibility Category A program elements are those program elements that are basic radiation protection standards and scientific terms and definitions that are necessary to understand radiation protection concepts. An Agreement State should adopt Category A program elements in an essentially identical manner in order to provide uniformity in the regulation of agreement material on a nationwide basis. Compatibility Category B program elements are those program elements that apply to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. Compatibility Category C program elements are those program elements that do not meet the criteria of Category A or B, but contain the essential objectives that an Agreement State should adopt to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a national basis. An Agreement State should adopt the essential objectives of the Category C program elements. Compatibility Category D program elements are those program elements that do not meet any of the criteria of Category A, B, or C and, therefore, do not need to be adopted by Agreement States for purposes of compatibility. Compatibility Category NRC program elements are those program elements that address areas of regulation that cannot be relinquished to the Agreement States under the Atomic Energy Act of 1954, as amended, or provisions of 10 CFR. These program elements should not be adopted by the Agreement States. Adequacy category H&S program elements are program elements that are required because of a particular health and safety role in the regulation of agreement material within the State and should be adopted in a manner that embodies the essential objectives of the NRC program.

The portions of this final rule that amend 10 CFR parts 32, 37, and 70 are a matter of compatibility between the NRC and the Agreement States, thereby providing consistency among Agreement State and NRC requirements, and are listed in the following table. The changes to 10 CFR parts 2, 11, 25, 50, 52, 55, 72, 73, 95, and 110 and appendix A to 10 CFR part 25, appendix E to 10 CFR part 50, and appendices E and F to 10 CFR part 52 categories are not subject to Agreement State jurisdiction and consequently are not required for compatibility.

COMPATIBILITY TABLE

Section	Change	Subject	Compatibility	
			Existing	New
Part 20				
§ 20.2207(h)	Amend	Reports of transactions involving nationally tracked sources	B	B

COMPATIBILITY TABLE—Continued

Section	Change	Subject	Compatibility	
			Existing	New
Part 32				
§ 32.15(d) introductory text.	Amend	Same: Quality assurance, prohibition of transfer and labeling	NRC	NRC
Part 35				
§ 35.50(c)(3)	Amend	Training for Radiation Safety Officer and Associate Radiation Safety Officer	B	B
§ 35.57(b)(2)	Amend	Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist.	B	B
§ 35.55(a)(1)	Amend	Training for an authorized nuclear pharmacist	B	B
Part 37				
§ 37.27(c)(1)	Amend	Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.	B	B
Part 70				
§ 70.22(g)(3)	Amend	Contents of application	NRC	NRC
§ 70.32(a)(9)(i)(B)	Amend	Conditions of licenses	H&S	H&S
§ 70.32(a)(9)(i)(C)	Amend	Conditions of licenses	H&S	H&S

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information; Freedom of information, Environmental protection, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 11

Hazardous materials transportation, Investigations, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Security measures, Special nuclear material.

10 CFR Part 20

Byproduct material, Criminal penalties, Hazardous waste, Licensed material, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 25

Classified information, Criminal penalties, Investigations, Penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 32

Byproduct material, Criminal penalties, Labeling, Nuclear energy, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 35

Biologics, Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Labeling, Medical devices, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 37

Byproduct material, Criminal penalties, Exports, Hazardous materials transportation, Imports, Licensed material, Nuclear materials, Penalties, Radioactive materials, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Combined license, Early site permit, Emergency planning, Fees, Incorporation by reference, Inspection, Issue finality, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 55

Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

10 CFR Part 70

Classified information, Criminal penalties, Emergency medical services, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material, Whistleblowing.

10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping

requirements, Security measures, Spent fuel, Whistleblowing.

10 CFR Part 73

Criminal penalties, Exports, Hazardous materials transportation, Incorporation by reference, Imports, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 95

Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Exports, Incorporation by reference, Imports, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Chapter I:

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note.

Section 2.205(j) also issued under 28 U.S.C. 2461 note.

Section 2.205(j) also issued under Sec. 31001(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note).

§ 2.911 [Amended]

■ 2. In § 2.911(a), remove the word ''preceeding'' and add in its place the word ''proceeding''.

§ 2.1023 [Amended]

■ 3. In § 2.1023(b) introductory text, remove the word ''respository'' and add in its place the word ''repository''.

§ 2.1026 [Amended]

■ 4. In § 2.1026(b)(1), remove the word ''unforseen'' and add in its place the word ''unforeseen''.

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

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

Authority: Atomic Energy Act of 1954, secs. 161, 223 (42 U.S.C. 2201, 2273); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note. Section 11.15(e) also issued under 31 U.S.C. 9701; 42 U.S.C. 2214.

§ 11.7 [Amended]

■ 6. In § 11.7, in the definition for *NRC-''U'' special nuclear material access authorization,* remove ''Office of Personnel Management'' and add in its place ''Defense Counterintelligence and Security Agency''.

§ 11.15 [Amended]

■ 7. In § 11.15:

■ a. In paragraph (e) introductory text, remove ''Office of Personnel Management (OPM)'' and add in its place ''Defense Counterintelligence and Security Agency (DCSA)'';

■ b. In paragraph (e) introductory text and paragraphs (e)(1) through (3), wherever it appears, remove ''OPM'' and add in its place ''DCSA''; and

■ c. In paragraphs (e)(2) and (3), remove ''OPM's'' and add in its place ''DCSA's''.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

■ 8. The authority citation for part 20 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 63, 65, 81, 103, 104, 161, 170H, 182, 186, 223, 234, 274, 1701 (42 U.S.C. 2014, 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2210h, 2232, 2236, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

§ 20.2207 [Amended]

■ 9. In § 20.2207, remove paragraph (h).

PART 25—ACCESS AUTHORIZATION

■ 10. The authority citation for part 25 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 145, 161, 223, 234 (42 U.S.C. 2165, 2201, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note; E.O. 10865, 25 FR 1583, as amended, 3 CFR, 1959–1963 Comp., p. 398; E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391. Section 25.17(f) and Appendix A also issued under 31 U.S.C. 9701; 42 U.S.C. 2214.

§ 25.5 [Amended]

■ 11. In § 25.5, in the definitions for ''*L*'' *access authorization* and ''*Q*'' *access authorization,* remove ''Office of Personnel Management'' and add in its place ''Defense Counterintelligence and Security Agency''.

§ 25.17 [Amended]

■ 12. In § 25.17:

■ a. In paragraph (f) introductory text, remove ''Office of Personnel Management (OPM)'' and add in its place ''Defense Counterintelligence and Security Agency (DCSA)'';

■ b. In paragraph (f) introductory text and paragraphs (f)(1) and (2), wherever it appears, remove ''OPM'' and add in its place ''DCSA''; and

■ c. In paragraph (f)(2), remove ''OPM's'' and add in its place ''DCSA's''.

■ 13. In appendix A to 10 CFR part 25, revise the table headings to read as follows:

APPENDIX A TO PART 25—FEES FOR NRC ACCESS AUTHORIZATION

The NRC application fee for an access authorization of type . . .	Is the sum of the current DCSA investigation billing rate charged for an investigation of type . . .	Plus the NRC's processing fee (rounded to the nearest dollar), which is equal to the DCSA investigation billing rate for the type of investigation referenced multiplied by . . .
.		

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

■ 14. The authority citation for part 32 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note.

■ 15. In § 32.15, add paragraph (d) introductory text to read as follows:

§ 32.15 Same: Quality assurance, prohibition of transfer, and labeling.

* * * * *

(d) Each person licensed under § 32.14 for products for which quality control procedures are required shall:

* * * * *

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

■ 16. The authority citation for part 35 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

§ 35.50 [Amended]

■ 17. In § 35.50(c)(3), remove the words ''master material license'' and add in their place the words ''master material licensee''.

§ 35.55 [Amended]

■ 18. In § 35.55(a)(1), remove the title ''American Council on Pharmaceutical Education (ACPE)'' and add in its place the title ''Accreditation Council for Pharmacy Education (ACPE) (previously named the American Council on Pharmaceutical Education)''.

§ 35.57 [Amended]

■ 19. In § 35.57(b)(2), remove the phrase ''or a permit issued by a Commission master material license of broad scope on or before October 25, 2005,'' and add in its place the phrase ''or a permit issued in accordance with a Commission master material broad scope license on or before October 25, 2005,''.

PART 37—PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

■ 20. The authority citation for part 37 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 81, 103, 104, 147, 148, 149, 161, 182, 183, 223, 234, 274 (42 U.S.C. 2014, 2073, 2111, 2133, 2134, 2167, 2168, 2169, 2201, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

§ 37.27 [Amended]

■ 21. In § 37.27(c)(1), remove ''T–8B20'' and add in its place ''T–07D04M''.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 22. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, Pub. L. 96–295, 94 Stat. 783.

§ 50.34 [Amended]

■ 23. In § 50.34(b)(6)(i), remove the word ''or'' and add in its place the word ''of''.

■ 24. In § 50.63, revise paragraph (c)(1) introductory text to read as follows and remove paragraph (c)(4).

§ 50.63 Loss of all alternating current power.

* * * * *

(c) * * *

(1) *Information Submittal.* For each light-water-cooled nuclear power plant operating license application submitted after September 27, 2007, the applicant shall submit the information defined below in its final safety analysis report.

* * * * *

§ 50.71 [Amended]

■ 25. In § 50.71, remove and reserve paragraph (e)(3)(ii).

Appendix E to 10 CFR Part 50 [Amended]

■ 26. In appendix E to 10 CFR part 50, remove sections IV.D.4 and VI.4.

PART 52—LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

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

Authority: Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

■ 28. In § 52.98, revise paragraph (b) and paragraph (d) introductory text to read as follows:

§ 52.98 Finality of combined licenses; information requests.

* * * * *

(b) If the combined license does not reference a design certification or a reactor manufactured under a manufacturing license issued under subpart F of this part, then a licensee may make changes in the facility as described in the final safety analysis report (as updated), make changes in the procedures as described in the final safety analysis report (as updated), and conduct tests or experiments not described in the final safety analysis report (as updated) under the applicable change processes in 10 CFR part 50 (*e.g.,* § 50.54, § 50.59, or § 50.90 of this chapter).

* * * * *

(d) If the combined license references a reactor manufactured under a manufacturing license issued under subpart F of this part, then—

* * * * *

■ 29. In appendix E to 10 CFR part 52, revise section V.B.1 to read as follows:

Appendix E to Part 52—Design Certification Rule for the ESBWR Design

* * * * *

V. * * *

B. * * *

1. Paragraph (f)(2)(iv) of 10 CFR 50.34—Separate Plant Safety Parameter Display Console.

* * * * *

■ 30. Amend appendix F to 10 CFR part 52 by:

■ a. In section III.D removing the words ''the NUREG,'';

■ b. Revising section V.A; and

■ c. Removing and reserving section V.B.

The revision reads as follows:

Appendix F to Part 52—Design Certification Rule for the APR1400 Design

* * * * *

V. * * *

A. The regulations that apply to the APR1400 design are in 10 CFR parts 20, 50, 52, 73, and 100, codified as of September 19, 2019, that are applicable and technically relevant, as described in the final safety evaluation report.

B. [Reserved]

* * * * *

PART 55—OPERATORS' LICENSES

■ 31. The authority citation for part 55 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 107, 161, 181, 182, 183, 186, 187, 223, 234 (42 U.S.C. 2137, 2201, 2231, 2232, 2233, 2236, 2237, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); 44 U.S.C. 3504 note.

§ 55.31 [Amended]

■ 32. In § 55.31(b), remove the word ''futher'' and add in its place the word ''further''.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

■ 33. The authority citation for part 70 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57(d), 108, 122, 161, 182, 183, 184, 186, 187, 193, 223, 234, 274, 1701 (42 U.S.C. 2071, 2073, 2077(d), 2138, 2152, 2201, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

§ 70.22 [Amended]

■ 34. In § 70.22(g)(3), remove the word ''discription'' and add in its place the word ''description''.

§ 70.32 [Amended]

■ 35. In § 70.32, amend paragraph (a)(9)(i)(B) by removing ''11 U.S.C. 101(14)'' and adding in its place ''11 U.S.C. 101(15)'', and amend paragraph (a)(9)(i)(C) by removing ''11 U.S.C. 101(a)'' and adding in its place ''11 U.S.C. 101(2)''.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH–LEVEL RADIOACTIVE WASTE, AND REACTOR–RELATED GREATER THAN CLASS C WASTE

■ 36. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

§ 72.218 [Amended]

■ 37. In § 72.218(a), remove the word ''thev'' and add in its place the word ''the''.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

■ 38. The authority citation for part 73 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 147, 149, 161, 170D, 170E, 170H, 170I, 223, 229, 234, 1701 (42 U.S.C. 2073, 2167, 2169, 2201, 2210d, 2210e, 2210h, 2210i, 2273, 2278a, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note. Section 73.37(b)(2) also issued under Sec. 301, Public Law 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

§ 73.1 [Amended]

■ 39. In § 73.1(b)(5), remove the phrase ''total radiation dose in excess of 100 rems per hour at a distance of 3 feet'' and add in its place the phrase ''total external radiation level in excess of 1 gray (100 rad) per hour at a distance of 1 meter (3.3 feet)''.

§ 73.6 [Amended]

■ 40. In § 73.6(b), remove ''Rad'' and add in its place ''rad'' and remove ''Gray'' and add in its place ''gray''.

§ 73.35 [Amended]

■ 41. In § 73.35, remove the phrase ''total external radiation dose rate'' and add in its place the phrase ''total external radiation level''.

§ 73.37 [Amended]

■ 42. In § 73.37(a)(1), remove the phrase ''total external radiation dose rate in excess of 1 Gy (100 rad) per hour at a distance of 1 meter (3.3 feet)'' and add in its place the phrase ''total external radiation level in excess of 1 gray (100 rad) per hour at a distance of 1 meter (3.3 feet)''.

§ 73.50 [Amended]

■ 43. In § 73.50 introductory text, remove the phrase ''total external radiation dose rates in excess of 100 rems per hour at a distance of 3 feet'' and add in its place the phrase ''a total external radiation level in excess of 1 gray (100 rad) per hour at a distance of 1 meter (3.3 feet)''.

§ 73.57 [Amended]

■ 44. In § 73.57(d), remove ''T–8B20'' and add in its place ''T–07D04M''.

§ 73.60 [Amended]

■ 45. In § 73.60 introductory text, remove the phrase ''a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet'' and add in its place the phrase ''a total external radiation level in excess of 1 gray (100 rad) per hour at a distance of 1 meter (3.3 feet)''.

§ 73.67 [Amended]

■ 46. In § 73.67(b)(1)(i), remove the phrase ''a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet'' and add in its place the phrase ''a total external radiation level in excess of 1 gray (100 rad) per hour at a distance of 1 meter (3.3 feet)''.

PART 95—FACILITY SECURITY CLEARANCE AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATE

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

Authority: Atomic Energy Act of 1954, secs. 145, 161, 223, 234 (42 U.S.C. 2165, 2201, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note; E.O. 10865, as amended, 25 FR 1583, 3 CFR, 1959–1963 Comp., p. 398; E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298.

§ 95.5 [Amended]

■ 48. In § 95.5, in the definitions for *NRC ''L'' access authorization* and *NRC ''Q'' access authorization,* remove ''Office of Personnel Management'' and add in its place ''Defense Counterintelligence and Security Agency''.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

■ 49. The authority citation for part 110 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 51, 53, 54, 57, 62, 63, 64, 65, 81, 82, 103, 104, 109, 111, 121, 122, 123, 124, 126, 127, 128, 129, 133, 134, 161, 170H, 181, 182, 183, 184, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2071, 2073, 2074, 2077, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2139, 2141, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2160c, 2160d, 2201, 2210h, 2231, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Administrative Procedure Act (5 U.S.C. 552, 553); 42 U.S.C. 2139a, 2155a; 44 U.S.C. 3504

note. Section 110.1(b) also issued under 22 U.S.C. 2403; 22 U.S.C. 2778a; 50 App. U.S.C. 2401 *et seq.*

§ 110.2 [Amended]

■ 50. In § 110.2, in the definition for *Special nuclear material,* add a comma after ''uranium-233''.

§ 110.8 [Amended]

■ 51. In § 110.8(h), remove ''MWe'' and add in its place ''MW''.

§ 110.20 [Amended]

■ 52. In § 110.20(e), remove ''U.S. Customs Service's'' and add in its place ''U.S. Customs and Border Protection's''.

§ 110.50 [Amended]

■ 53. In § 110.50(c)(3) introductory text, remove the word ''stationary'' and add in its place the word ''stationery''.

Dated: July 30, 2021.

Angella M. Love Blair,

Acting Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–16662 Filed 8–6–21; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0614; Project Identifier AD–2021–00831–T; Amendment 39–21677; AD 2021–16–15]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–8, 737–9, and 737–8200 (737 MAX) airplanes; and certain Model 737–800 and 737–900ER series airplanes. This AD was prompted by the determination that the aft cargo compartment fire suppression capability is reduced if the airplane is dispatched or released with failed electronic flow control of air conditioning packs, as is currently allowed by these airplane models' master minimum equipment lists (MMELs). This AD prohibits the carriage of cargo in the aft cargo compartment when the airplane is dispatched or released with failed electronic flow control of air conditioning packs. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 9, 2021.

The FAA must receive comments on this AD by September 23, 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.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0614; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Sam Nalbandian, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3993; email: *Samuel.K.Nalbandian@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA was notified by Boeing in March 2021 of a potential concern that the aft cargo compartment fire suppression capability is reduced on affected airplanes if the airplane is dispatched or released with failed electronic flow control of air conditioning packs, as is currently allowed by the existing FAA-approved MMEL of the affected airplane models. This MMEL allowance can result in the inability to contain a fire in the aft cargo compartment due to increased air leakage that degrades the fire suppression performance. A failed electronic flow control of air conditioning packs would significantly increase the pack airflow and cargo compartment air leakage. In April 2021, Boeing advised the FAA that such increased leakage could result in insufficient concentration of Halon fire suppressant in the aft cargo compartment, which can result in the inability to contain a fire for the time necessary to divert to a suitable airport.

The FAA is issuing this AD to address failed electronic flow control of air conditioning packs, which can result in an uncontained aft cargo compartment fire due to insufficient cargo fire suppression capability. The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD prohibits dispatch or release of an airplane with cargo in the aft cargo compartment with failed electronic flow control of air conditioning packs. The AD specifically allows non-combustible and/or non-flammable empty cargo handling equipment, ballast, and/or fly-away kits in the aft cargo compartment.

MMEL Revisions

This AD refers to items in ATA System No. 21, Air Conditioning, of Boeing 737 (B–737–100/200/300/400/500/600/700/800/900/900ER) MMEL, Revision 61, dated July 8, 2020; and Boeing 737 MAX (B–737–8/–8200/–9) MMEL, Revision 3, dated April 12, 2021; [1] those items may also be included in an operator's FAA-approved minimum equipment list (MEL). This AD prohibits dispatch or release of the airplane under conditions currently allowed by those items in the MMEL. The FAA plans to revise the MMELs to modify those items; operators would then be required to also revise their applicable existing FAA-approved MEL accordingly.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a

[1] The MMEL items can be found in the applicable FAA-approved MMEL, which can be found on the Flight Standards Information Management System (FSIMS) website, *https://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=MMELByModel.*

final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because failed electronic flow control of air conditioning packs can result in an uncontained aft cargo compartment fire due to insufficient cargo fire suppression capability. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include Docket No. FAA–2021–0614 and Project Identifier AD–2021–00831–T at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Sam Nalbandian, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3993; email: *Samuel.K.Nalbandian@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 663 airplanes of U.S. registry.

The FAA has determined that revising the operator's existing FAA-approved MEL, if accomplished in association with compliance for the requirements of this AD, would take an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators typically incorporate MEL changes for their affected fleets, the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–16–15 The Boeing Company: Amendment 39–21677; Docket No. FAA–2021–0614; Project Identifier AD–2021–00831–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 9, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company airplanes, certificated in any category, as identified in paragraphs (c)(1) through (3) of this AD.

(1) All Model 737–8, 737–9, and 737–8200 airplanes.

(2) Model 737–800 series airplanes, line numbers 5684 and 5759 and subsequent.

(3) Model 737–900ER series airplanes, line numbers 5768 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 21, Air conditioning.

(e) Unsafe Condition

This AD was prompted by the determination that the aft cargo fire suppression capability is reduced if the airplane is dispatched or released with failed electronic flow control of air conditioning packs. The FAA is issuing this AD to address this condition, which can result in an uncontained aft cargo compartment fire due to insufficient cargo fire suppression capability.

(f) Compliance

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

(g) Conditions for Prohibited Operation

Beginning August 19, 2021, no person may dispatch or release an airplane with cargo in the aft cargo compartment with failed electronic flow control of air conditioning packs, unless the aft cargo compartment remains empty, or is verified by the operator to contain only non-combustible and/or non-flammable empty cargo handling equipment, ballast, and/or fly-away kits.

Note 1 to paragraph (g): The operator's existing FAA-approved minimum equipment list (MEL) defines which items are approved for inclusion in the fly-away kits, and which materials may be used as ballast.

(h) Minimum Equipment List (MEL) Items

The master minimum equipment list (MMEL) items specified in paragraphs (h)(1) and (2) of this AD are affected by the prohibition specified in paragraph (g) of this AD, and therefore may affect the operator's existing FAA-approved MEL.

(1) For Model 737–8, 737–9, and 737–8200 airplanes: MMEL System No. 21, Sequence No. 51–02–01, ''Electronic Flow Control.''

(2) For Model 737–800 and 737–900ER series airplanes: MMEL System No. 21, Sequence No. 02–03, ''Electronic Flow Control.''

Note 2 to paragraph (h): The MMEL items specified in paragraph (h) of this AD can be found in the applicable FAA-approved MMEL: Boeing 737 (B–737–100/200/300/400/500/600/700/800/900/900ER) MMEL, Revision 61, dated July 8, 2020; and Boeing 737 MAX (B–737–8/–8200/–9) MMEL, Revision 3, dated April 12, 2021. These MMELs can be found on the Flight Standards Information Management System (FSIMS) website, *https://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=MMELByModel.*

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

For more information about this AD, contact Sam Nalbandian, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3993; email: *Samuel.K.Nalbandian@faa.gov.*

(k) Material Incorporated by Reference

None.

Issued on July 29, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–16972 Filed 8–5–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0619; Project Identifier AD–2021–00789–R; Amendment 39–21678; AD 2021–15–51]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bell Textron Inc. (type certificate previously held by Bell Helicopter Textron Inc.) Model 204B, 205A, 205A–1, 205B, and 212 helicopters. This AD was prompted by a fatal accident in which an outboard main rotor hub strap pin (pin) sheared off during flight, resulting in the main rotor blade and the main rotor head detaching from the helicopter. This AD requires removing the pins from service before further flight and prohibits installing them on any helicopter. The FAA previously sent an emergency AD to all known U.S. owners and operators of these helicopters and is now issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 24, 2021. Emergency AD 2021–15–51, issued on July 6, 2021, which contained the requirements of this amendment, was effective with actual notice.

The FAA must receive comments on this AD by September 23, 2021.

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

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

For service information identified in this final rule, contact Bell Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; email *productsupport@bellflight.com;* or at *https://www.bellflight.com/support/contact-support.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA 2021–0619; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: David Wilson, Aerospace Engineer, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5786; email *david.wilson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On July 6, 2021, the FAA issued Emergency AD 2021–15–51 (Emergency AD 2021–15–51), which requires, before further flight, removing from service all part number (P/N) 204–012–104–005 pins with a serial number (S/N) prefix ''FNFS''. Emergency AD 2021–15–51 also prohibits installing the pin on any helicopter as of the emergency AD's effective date. The FAA sent Emergency AD 2021–15–51 to all known U.S. owners and operators of these helicopters.

Emergency AD 2021–15–51 was prompted by a fatal accident on a Bell Textron Inc. Model 212 helicopter in which a pin P/N 204–012–104–005 with an S/N prefix ''FNFS'' sheared off during flight, which resulted in the main rotor blade and the main rotor head detaching from the helicopter. The pin had accumulated only 20 total hours time-in-service (TIS). An inspection of a different Model 212 helicopter revealed that another pin installed, and made by the same manufacturer and with the same S/N prefix, was deformed; this pin had accumulated only 29 total hours TIS. Failure of the pin could result in the main rotor blade detaching from the helicopter and subsequent loss of control of the helicopter.

Prior to the FAA issuing Emergency AD 2021–15–51, Transport Canada, which is the aviation authority for Canada, issued Canadian Emergency AD CF–2021–23, dated July 5, 2021 (Transport Canada Emergency AD CF–2021–23), to correct an unsafe condition for the following Bell Helicopter Textron Inc., helicopters:

- Model 204B helicopters, S/Ns 2001 through 2070 and 2196 through 2199;
- Model 205A–1 helicopters, S/Ns 30001 through 30065, 30067 through 30165, 30167 through 30187, 30189 through 30296, and 30298 through 30332;
- Model 205B helicopters, S/Ns 30066, 30166, 30188, and 30297; and
- Model 212 helicopters, S/Ns 30501 through 30999, 31101 through 31311, 32101 through 32142, and 35001 through 35103.

Transport Canada advises that during an investigation of a Bell Textron Inc., Model 212 fatal accident in Canada, it was discovered that a pin P/N 204–012–104–005 with an S/N prefix ''FNFS'', sheared off during flight, leading to detachment of the main rotor blade and the main rotor head. The pin had accumulated only 20 hours of service, and inspection of another Canadian Bell Textron Inc., Model 212 helicopter found a pin of the same P/N, made by the same manufacturer, with the same S/N prefix ''FNFS'', to be deformed after only approximately 29 hours in service. According to Transport Canada, failure of a main rotor hub strap pin will result in detachment of the main rotor blade and loss of control of the helicopter.

Transport Canada also advises that, although the defective pins were only reported on Bell Textron Inc., Model 212 helicopters, pins of the same P/N can also be installed on Bell Textron Inc., Model 204B, 205A–1, and 205B helicopters. While the cause of failure has not been determined, as a precautionary measure and to address the risk of detachment of main rotor hub strap pins in flight, Bell has issued Alert Service Bulletins to require replacing all pins with P/N 204–012–104–005 that have S/N prefix ''FNFS''. Accordingly, Transport Canada Emergency AD CF–2021–23 mandates replacement of affected pins. Transport Canada considers its emergency AD an interim action and states that further AD action may follow.

FAA's Determination

The FAA is issuing this AD after evaluating all the relevant information and determining that the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Related Service Information

The FAA reviewed the following Bell Alert Service Bulletins (ASBs), each dated July 5, 2021:

- ASB 204B–21–74 for Bell Textron Inc., Model 204B helicopters, S/Ns 2001 through 2070 and 2196 through 2199;
- ASB 205–21–117 for Bell Textron Inc., Model 205A and 205A–1 helicopters, S/Ns 30001 through 30065, 30067 through 30165, 30167 through 30187, 30189 through 30296, and 30298 through 30332;
- ASB 205B–21–71 for Bell Textron Inc., Model 205B helicopters, S/Ns30066, 30166, 30188 and 30297; and
- ASB 212–21–165 for Bell Textron Inc., Model 212 helicopters, S/Ns 30501 through 30999, 31101 through 31311, 32101 through 32142, and 35001 through 35103.

The ASBs specify removing all P/N 204–012–104–005 pins with an S/N prefix ''FNFS'' before further flight. The ASBs also specify that, although the investigation is still in progress, removing these pins from service is required. The ASBs state that these pins may not have been manufactured in accordance with the engineering design requirements and may therefore shear as a result of this nonconformance.

AD Requirements

This AD requires removing from service all P/N 204–012–104–005 pins with an S/N prefix ''FNFS'' before further flight. This AD also prohibits installing this pin on any helicopter as of the effective date of this AD.

Interim Action

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

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that required the immediate adoption of Emergency AD 2021–15–51, issued on July 6, 2021, to all known U.S. owners and operators of these helicopters. The FAA found that the risk to the flying public justified waiving notice and comment prior to adoption of this rule because an urgent unsafe condition existed and corrective action was required before further flight. This condition still exists, therefore, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include the docket number FAA 2021–0619 and Project Identifier AD–2021–00789–R at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing

date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to David Wilson, Aerospace Engineer, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5786; email *david.wilson@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.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 160 helicopters of U.S. registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Replacing up to four pins takes about 20 work-hours and parts cost about $1,756 for four pins for an estimated cost of up to $3,456 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–15–51 Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.): Amendment 39–21678; Docket No. FAA 2021–0619; Project Identifier AD–2021–00789–R.

(a) Effective Date

This airworthiness directive (AD) is effective without actual notice on August 24, 2021. Emergency AD 2021–15–51, issued on July 6, 2021, which contained the requirements of this amendment, was effective with actual notice.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Inc. (type certificate previously held by Bell Helicopter Textron Inc.) Model 204B, 205A, 205A–1, 205B, and 212 helicopters, certificated in any category, with an outboard main rotor hub strap pin (pin) part number 204–012–104–005 with a serial number prefix ''FNFS'' installed.

(d) Subject

Joint Aircraft System Component (JASC) Code/Air Transport Association (ATA) of America Code: 6200, Main rotor system.

(e) Unsafe Condition

This AD was prompted by a fatal accident in which a pin sheared off during flight, resulting in the main rotor blade and the main rotor head detaching from the helicopter. The FAA is issuing this AD to address this unsafe condition and prevent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Before further flight, remove from service any pin that is identified in paragraph (c) of this AD.

(2) As of the effective date of this AD, do not install any pin that is identified in paragraph (c) of this AD on any helicopter.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, DSCO 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 in paragraph (j)(1) of this AD. Information may be emailed to: *9-ASW-190-COS@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 David Wilson, Aerospace Engineer, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort

Worth, TX 76177; telephone (817) 222–5786; email *david.wilson@faa.gov*.

(2) The subject of this AD is addressed in Transport Canada Emergency AD CF–2021–23, dated July 5, 2021.

Issued on July 30, 2021.

Ross Landes,

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

[FR Doc. 2021–17024 Filed 8–5–21; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0347; Project Identifier AD–2020–01610–E; Amendment 39–21652; AD 2021–15–05]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all General Electric Company (GE) GE90–110B1 and GE90–115B model turbofan engines. This AD was prompted by an in-service occurrence of loss of engine thrust control resulting in uncommanded high thrust. This AD requires initial and repetitive replacement of the full authority digital engine control (FADEC) integrated circuit (MN4) microprocessor. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 13, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 13, 2021.

ADDRESSES: For service information identified in this final rule, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *www.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. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0347.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0347; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Stephen Elwin, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7236; fax: (781) 238–7199; email: *Stephen.L.Elwin@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all GE GE90–110B1 and GE90–115B model turbofan engines. The NPRM published in the **Federal Register** on May 7, 2021 (86 FR 24554). The NPRM was prompted by an in-service occurrence of loss of engine thrust control resulting in uncommanded high thrust. The FAA received a report from the manufacturer of an in-service loss of engine thrust control that occurred on October 27, 2019, resulting in uncommanded high thrust. Analysis by the manufacturer found accumulated thermal cycles of the MN4 integrated circuit in the FADEC, through normal operation, causes the solder ball joints to wear out and eventually fail over time. The FAA published AD 2020–20–17 (85 FR 63443, dated October 8, 2020) to prohibit dispatch of an airplane if certain status messages are displayed on the engine indicating and crew alerting system and if certain conditions are present per the manufacturer's service information. As a terminating action, AD 2020–20–17 also requires revision of the existing FAA-approved minimum equipment list (MEL) by incorporating into the MEL the dispatch restrictions listed in AD 2020–20–17. Since the effective date of AD 2020–20–17, the manufacturer published GE GE90–100 Service Bulletin (SB) 73–0118 R00, dated November 6, 2020, and Revision 01, dated April 27, 2021, to replace the FADEC MN4 microprocessor and solder. In the NPRM, the FAA proposed to require initial and repetitive replacement of the FADEC MN4 microprocessor using an approved overhaul procedure. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from five commenters. Commenters included Air Line Pilots Association, International (ALPA), Boeing Commercial Airplanes (Boeing), Cathay Pacific Airways Limited (Cathay), FedEx Express (FedEx), and United Airlines, Inc. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Revise Installation Prohibition

Cathay requested the FAA revise paragraph (h), Installation Prohibition, of the NPRM that specifies no more than three replacements of the FADEC MN4 microprocessor may be performed on the same main channel board. Cathay suggested that the FAA revise proposed paragraph (h) to prohibit installation onto any engine of any FADEC that is not compliant with GE GE90–100 SB 73–0118. Cathay stated that the MN4 processor replacements are managed by the original equipment manufacturer's (OEM) internal maintenance procedures and operators do not have visibility into the number of replacements that have been performed.

The FAA partially agrees. As stated by Cathay, the MN4 processor replacements are managed by the OEM's internal maintenance procedures and, therefore, are not necessary in this AD. The FAA has removed paragraph (h), Installation Prohibition, from this AD. The subsequent paragraphs of this AD have been redesignated accordingly.

Request To Add Terminating Action

FedEx requested the upcoming FADEC software revision (A085) be included in this AD as a terminating action. FedEx commented that this AD may no longer be necessary due to the development and pending release of GE's new and improved FADEC software upgrade (A085).

The FAA disagrees. The new FADEC software revision (A085) has not been approved by the FAA. Therefore, this software is not eligible for installation and cannot be referenced in this AD. The FAA considers this AD to be an interim action. If terminating action is identified later, the FAA might consider additional rulemaking. The FAA did not change this AD.

Support for the AD

ALPA and Boeing expressed support for the NPRM as written. United Airlines, Inc. stated they had no objections to the NPRM as proposed.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed General Electric GE90–100 Service Bulletin (SB) 73–0118, Revision 01, dated April 27, 2021. This SB specifies procedures for replacing the FADEC MN4 microprocessor. 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**.

Interim Action

The FAA considers this AD to be an interim action. If final action is later identified, the FAA may consider additional rulemaking.

Costs of Compliance

The FAA estimates that this AD affects 311 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove and replace FADEC	1 work-hour × $85 per hour = $85	$25,200	$25,285	$7,863,635

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–15–05 General Electric Company: Amendment 39–21652; Docket No. FAA–2021–0347; Project Identifier AD–2020–01610–E.

(a) Effective Date

This airworthiness directive (AD) is effective September 13, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) GE90–110B1 and GE90–115B model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7600, Engine Controls.

(e) Unsafe Condition

This AD was prompted by an in-service occurrence of loss of engine thrust control resulting in uncommanded high thrust. The FAA is issuing this AD to prevent failure of the full authority digital engine control (FADEC) integrated circuit (MN4) microprocessor solder ball. The unsafe condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within the following compliance times after the effective date of this AD, replace the FADEC MN4 microprocessor using an approved overhaul procedure:

(i) For a FADEC MN4 microprocessor with 10,500 or more cycles since new (CSN), replace the FADEC MN4 microprocessor before accumulating 500 additional cycles on the FADEC MN4 microprocessor.

(ii) For a FADEC MN4 microprocessor with 5,000 CSN or more, but fewer than 10,500 CSN, replace the FADEC MN4 microprocessor at the next FADEC component shop visit or before accumulating 11,000 CSN on the FADEC MN4 microprocessor, whichever occurs first.

(2) Thereafter, repeat the replacement of the FADEC MN4 microprocessor at the first FADEC component shop visit after accumulating 5,000 CSN since the last replacement but before accumulating 11,000 CSN since the last replacement.

(h) Definition

(1) For the purpose of this AD, an ''approved overhaul procedure'' is one of the following:

(i) Replacement of the FADEC MN4 microprocessor using FADEC International-approved maintenance procedures; or

(ii) Replacement of the FADEC MN4 microprocessor using the Accomplishment Instructions, paragraph 3.A., of GE GE90–100 Service Bulletin 73–0118, Revision 01, dated April 27, 2021.

(2) For the purpose of this AD, a ''FADEC component shop visit'' is the induction of the FADEC into a repair facility to perform internal maintenance on the FADEC.

(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. 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.

(j) Related Information

For more information about this AD, contact Stephen Elwin, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7236; fax: (781) 238–7199; email: *Stephen.L.Elwin@faa.gov*.

(k) Material Incorporated by Reference

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

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

(i) General Electric Company (GE) GE90–100 Service Bulletin 73–0118, Revision 01, dated April 27, 2021.

(ii) [Reserved]

(3) For GE service information identified in this AD, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *www.ge.com*.

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

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

Issued on July 9, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–16766 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0418; Airspace Docket No. 21–ACE–12]

RIN 2120–AA66

Amendment of Class E Airspace; New Madrid, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface at County Memorial Airport, New Madrid, MO. The FAA is taking this action as a result of an airspace review caused by the decommissioning of the Malden Very High Frequency Omnidirectional Range (VOR) collocated with Tactical Air Navigation (VORTAC) navigational aid as part of the VOR Minimum Operational Network (MON) Program. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) in the area.

DATES: Effective 0901 UTC, October 7, 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 *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface in New Madrid, MO, to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 30399, June 8, 2021) for Docket No. FAA–2021–0418 to amend Class E airspace extending upward from 700 feet above the surface at County Memorial Airport, New Madrid, MO, due to the decommissioning of the Malden VORTAC.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in Paragraph 6005, of FAA Order 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 designations 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 routes, and reporting points.

The Rule

The FAA is amending 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface at County Memorial Airport, New Madrid, MO, as the Malden VORTAC has been decommissioned and all associated airspace extensions of Class E airspace extending upward from 700 feet above the surface, off the Malden VORTAC, have been eliminated. The Class E airspace extending upward from 700 feet above the surface is amended by increasing the radius to 10.3 miles (previously 6.3 miles).

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. 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 minimal. Since this is a routine matter that only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 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 New Madrid, MO [Amended]

County Memorial Airport, New Madrid, MO
(Lat. 36°32′07″ N, long. 89°35′59″ W)

That airspace extending upward from 700 feet above the surface within a 10.3-mile radius of the County Memorial Airport.

Issued in College Park, Georgia, on August 2, 2021.

Andreese C. Davis,

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

[FR Doc. 2021–16775 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1204

[Document Number NASA–21–015; Docket Number–NASA–2021–0003]

RIN 2700–AE62

NASA Guidance Procedures; Removal

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule removes information about NASA's processes and procedures for issuing guidance documents because requirements to publish this information were revoked.

DATES: *Effective:* August 9, 2021.

FOR FURTHER INFORMATION CONTACT: Nanette Smith, Team Lead, NASA Directives and Regulations Management, Mission Support Directorate, (202) 358–0819, *nanette.jennings@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Executive Order 13891, Promoting the Rule of Law Through Improved Agency Guidance Documents, issued October 9, 2019, required agencies to finalize regulations to set forth processes and procedures for issuing guidance documents. To respond to this action, NASA issued its Guidance Procedures, 14 CFR part 1204 subpart 3, that published on March 24, 2020, at 85 FR 16542.

On January 20, 2021, Executive Order 13992, Revocation of Certain Executive Orders Concerning Federal Regulation, was issued to revoke several regulatory policies, including Executive Order 13891. Therefore, NASA is removing 14 CFR part 1204 subpart 3, NASA Guidance Documents, to comply with Executive Order 13992.

II. Regulatory Analysis

Executive Order 12866—Regulatory Planning and Review and Executive Order 13563—Improving Regulation and Regulatory Review

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rule is not a significant regulatory action under Executive Order 12866.

Executive Order 13132—Federalism

Executive Order 13132 requires agencies to ensure meaningful and timely input by state and local officials in the development of regulatory policies that may 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. This action has been analyzed in accordance with the principles and criteria contained in the order, and NASA has determined that this action will not have a substantial direct effect or federalism implications on the states and would not preempt any state law or regulation or affect the states' ability to discharge traditional state governmental functions. Therefore, consultation with the states is not necessary.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175. NASA has determined that this removal of Subpart 1204.3 does not significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs on them, the funding and consultation requirements of Executive Order 13175 does not apply.

Regulatory Flexibility Act

It has been certified that removal of Subpart 1204.3 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it does not have a significant economic impact on a substantial number of small entities.

Administrative Procedure Act

This final rule responds to Executive Order 13992 that requires agencies to remove the CFR regulations that set forth processes and procedures for issuing guidance documents. Therefore, in accordance with 5 U.S.C. 553, the Administrator of NASA has concluded that there is good cause to publish this rule without prior opportunity for public comment because the action is of Agency organization, procedure, or practice. See 5 U.S.C 553(b)(3)(A).

Statutory Authority

Part 1204 is established under the National Aeronautics and Space Act (Space Act). In accordance with 51 U.S.C. 20113(a), ''In the performance of its functions, the Administration is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.''

Paperwork Reduction Act

This rule does not contain an information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments.

List of Subjects in 14 CFR Part 1204

Administrative practice and procedure.

Accordingly, 14 CFR part 1204 is amended as follows:

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 3 [Removed and Reserved]

■ Under the authority of 51 U.S.C. 20113(a), subpart 3, consisting of §§ 1204.300 through 1204.313, is removed and reserved.

Nanette Smith,

Team Lead, NASA Directives and Regulations.

[FR Doc. 2021–16772 Filed 8–6–21; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0616]

RIN 1625–AA87

Security Zone; Corpus Christi Ship Channel, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three 500-yard radius temporary security zones around Motor Vessel (M/V) ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM. These zones are needed to protect the vessels, which will be carrying military cargo onboard, while they are transiting the Corpus Christi Ship Channel in Corpus Christi, TX. Entry of vessels or persons into the zones are prohibited unless specifically authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative.

DATES: This rule is effective without actual notice August 9, 2021 through August 20, 2021. For the purposes of enforcement, actual notice will be used from August 2, 2021 until August 9, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2021–0616 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 Lieutenant Commander Anthony Garofalo, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email *Anthony.M.Garofalo@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Corpus Christi
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish these security zones by August 2, 2021 to ensure security of these vessels and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to provide for the security of these vessels.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with the transit of the M/V ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM when loaded with military cargo will be a security concern within a 500-yard radius of the vessels. This rule is needed to protect the vessels while they are transiting within Corpus Christi, TX, from August 2, 2021 through August 20, 2021.

IV. Discussion of the Rule

The Coast Guard is establishing three 500-yard radius temporary security zones around M/V ARC ENDURANCE,

M/V LIBERTY PEACE, and M/V OCEAN FREEDOM. The zones for the vessels will be enforced from the time the first vessel arrives on August 2, 2021, until the last vessel arrives Corpus Christi Ship Channel on August 14, 2021. The duration of the zones is intended to protect the vessels and military cargo on board while the vessels are in transit. No vessel or person will be permitted to enter the security zones without obtaining permission from the COTP or a designated representative.

Entry into these security zones are prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Corpus Christi. Persons or vessels desiring to enter or pass through these zones must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 361–939–0450. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate of the enforcement times and dates for these security zones.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, duration, and location of the security zones. This rule will impact a small designated area of the Corpus Christi Ship Channel during the vessels' transits while loaded with cargo over a nineteen-day period. Moreover, the Coast Guard will issue BNMs via VHF–FM marine channel 16 about the zones as appropriate and the rule allows vessels to seek permission to enter the zones.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the temporary security zones 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 will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves security zones lasting for the duration of time that the M/V ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM are within the Corpus Christi Ship Channel. It will prohibit entry within a 500 yard radius of the M/V ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM while the vessels are transiting within the Corpus Christi Ship Channel. It is categorically excluded from further review under paragraph L60 in Appendix A, Table 1 of DHS Instruction

Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Revision No. 01.2.2. Add § 165.T08–0616 to read as follows:

§ 165.T08–0616 Security Zone; Corpus Christi Ship Channel. Corpus Christi, TX.

(a) *Location.* The following areas are a security zone: All navigable waters encompassing a 500-yard radius around Motor Vessel (M/V) ARC ENDURANCE, M/V LIBERTY PEACE, and M/V OCEAN FREEDOM while the vessels are in the Corpus Christi Ship Channel.

(b) *Effective period.* This section is from August 2, 2021 through August 20, 2021.

(c) *Regulations.* (1) The general regulations in § 165.33 of this part apply. Entry into the zones is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Corpus Christi.

(2) Persons or vessels desiring to enter or pass through the zones must request permission from the COTP Sector Corpus Christi on VHF–FM channel 16 or by telephone at 361–939–0450.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate of the enforcement times and dates for these security zones.

Dated: July 31, 2021.

H.C. Govertsen,

Captain, U.S. Coast Guard, Captain of the Port Corpus Christi.

[FR Doc. 2021–16738 Filed 8–6–21; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: On May 28, 2021, the Postal Service (USPS®) filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective August 29, 2021. On June 23, 2021 USPS further filed a notice to change the maximum size limitation for presorted First-Class Mail postcards. This final rule contains the revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) to implement the changes coincident with the price adjustments and postcard size limitation changes.

DATES: Effective August 29, 2021.

FOR FURTHER INFORMATION CONTACT: Jacqueline Erwin at (202) 268–2158 or Dale Kennedy at (202) 268–6592.

SUPPLEMENTARY INFORMATION: On July 19, 2021, the PRC favorably reviewed the price adjustments proposed by the Postal Service. On July 28, 2021, the PRC favorably reviewed the presorted postcard maximum size limitations proposed by the Postal Service. The price adjustments, presorted postcard maximum limitations and DMM revisions are scheduled to become effective on August 29, 2021. Final prices are available under Docket No. R2021–2 (Order No. 5937), and presorted postcard maximum size limitations are available under Docket No. MC2021–104 (Order No. 5946) on the Postal Regulatory Commission's website at *www.prc.gov.*

Direct Pallet Discount for Marketing Mail High Density Flats

The Postal Service is offering additional discounts to move additional USPS Marketing Mail High Density flats to direct pallets. Flat shaped pieces on direct pallets are operationally desirable, as pallets can be directly cross docked to the Destination Delivery Units (DDUs). The pallets will consist of Carrier Route and finer sorted bundles such as High Density, High Density Plus, and Saturation. The nature of their make-up allows the Postal Service to avoid moving these pallets to bundle sorters within the plant, sorting the bundles, and moving these bundles back to the dock to be transported to the DDU.

First-Class Mail Nonautomation Letters Change

The Postal Service is offering two prices for nonautomation machinable letters, AADC and Mixed AADC; and three prices for nonautomation nonmachinable letters, 5-digit, 3-digit, and Mixed ADC. This structural change will reduce revenue at risk and better align prices for customers mailing nonautomation letters, machinable and nonmachinable. This change will also eliminate the nonmachinable surcharge applicable to nonautomation presort letters.

First-Class Mail Commercial Larger Postcard

The Postal Service is offering to increase the maximum dimensions for commercial postcards, from 4–1/4 inches by 6 inches to 6 inches by 9 inches.

Comments on Proposed Changes and USPS Responses

The Postal Service received two formal comments on the June 3, 2021 proposed rule.

Customer Comment

One comment expressed concerns around the lack of clarity surrounding future price increase from a timing and scale perspective.

USPS Response

In its notice of mailing services price adjustments with the PRC, the Postal Service explained that the Governors determined to shift from the Postal Service's previous January implementation schedule for annual price increases to an August timeline for 2021 in light of the recent adoption of the PRC's amendments to the ratemaking system and the urgent need to begin addressing the Postal Service's financial challenges through

implementation of more rational pricing. The Postal Service further explained that the Governors have not yet determined whether this timeline shift will apply to future years.

Customer Comment

One comment expressed concerns around the new pricing category regarding pricing for AADC origin trays with fewer than 150 pieces.

USPS Response

Language was added to DMM 233.4.0 to address the concern.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations. See* 39 CFR 111.1.

For the reasons stated in the preamble, the Postal Service amends 39 CFR part 111 as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

200 Commercial Mail

201 Physical Standards

1.0 Physical Standards for Machinable Letters and Cards

* * * * *

1.2 Physical Standards for Cards Claimed at Card Prices

1.2.1 Dimensional Standards for Cards

Each card (each stamped card or postcard or each half of a double stamped card or postcard) claimed at a card price must be:

* * * * *

[Revise the text of item b to read as follows:]

b. Not more than 4–1/4 inches high, or more than 6 inches long, or greater than .016 inch thick, for each stamped card or each half of a double stamped card or double postcard.

[Renumber item c as item d and add new item c to read as follows:]

c. Not more than 6 inches high, or more than 9 inches long, or greater than 0.016 inch thick for each postcard.

* * * * *

230 First-Class Mail

233 Prices and Eligibility

1.0 Prices and Fees

* * * * *

1.2 Price Computation for First-Class Mail Letters and Flats

1.2.1 Cards and Letters

Commercial First-Class Mail Presorted cards and letters are charged as follows:

[Revise 1.2.1b2 and 1.2.1b3; to read as follows:]

* * * b. Letters: * * *

2. Nonautomation Machinable: One price per presort level up to the maximum 3.5 ounces.

3. Non automation Nonmachinable: One price per presort level up to the maximum 3.5 ounces. * * *

* * * * *

[Revise the title of 1.3 to read as follows]

1.3 Automation and Nonautomation Prices for Cards and Letters

* * * * *

[Revise the title and text of 1.4 to read as follows]

1.4 Nonautomation Nonmachinable Price

For the letter-size nonautomation nonmachinable prices see Notice 123–Price List.

* * * * *

2.0 Content Standards for First-Class Mail

* * * * *

2.8 Round-Trip Mailings with One Optical Disc

* * * For the purpose of this standard, round-trip mailings are mailings entered under these conditions:

[Revise the text of 2.8a1; to read as follows]

a. The mailing is presented at a BMEU or other acceptance facility as a:

1. presort mailing at nonautomation machinable or automation First-Class Mail letter prices, or

* * * * *

[Revise the title of 4.0 to read as follows:]

4.0 Additional Eligibility Standards for Nonautomation Machinable First-Class Mail

[Revise the title and text of 4.1 to read as follows:]

4.1 Basic Standards for Nonautomation Machinable First-Class Mail

All pieces in a First-Class Mail nonautomation machinable mailing must:

a. Meet the basic standards for First-Class Mail in 3.0.

b. Be part of a single mailing of at least 500 pieces of nonautomation machinable price First-Class Mail.

c. Meet the physical standards in 201.3.0.

d. Bear a delivery address that includes the correct ZIP Code, ZIP+4 code.

e. Be marked, sorted, and documented as specified in 235.5.0.

[Revise the title and text of 4.2 to read as follows:]

4.2 Maximum Weight for Nonautomation Machinable Letters

Maximum weight for First-Class Mail nonautomation machinable letters is 3.5 ounces (0.2188 pound) (see 201.3.6, for pieces heavier than 3 ounces).

[Revise the title and text of 4.3 to read as follows:]

4.3 Price Application—Nonautomation Machinable—Letters

Nonautomation Machinable letters are subject to AADC and Mixed AADC prices, only.

[Add new sections 4.3.1 and 4.3.2; to read as follows:]

4.3.1 AADC Price

The AADC price applies to qualifying letter-size machinable pieces (see 201.1.0) placed in origin/entry AADC trays (regardless of quantity), to quantities of 150 or more pieces prepared in AADC trays for a single AADC, and to pieces placed in mixed AADC trays in lieu of overflow AADC trays.

4.3.2 Mixed AADC Price

The mixed AADC price applies to qualifying letter-size machinable pieces that the mailer prepares in mixed AADC trays, except for pieces placed in mixed AADC trays in lieu of overflow AADC trays (see 235.5.2.2).

[Add new section 4.4; to read as follows:]

4.4 Maximum Weight for Nonautomation Nonmachinable Letters

Maximum weight for First-Class Mail nonautomation nonmachinable letters is

3.5 ounces (0.2188 pound) (see 201.3.6, for pieces heavier than 3 ounces).

[Add new sections 4.5, 4.5.1, 4.5.2 and 4.5.3; to read as follows:]

4.5 Nonautomation Nonmachinable Price Application—Letters

Nonautomation nonmachinable prices in 1.4 apply only to First-Class Mail letter-size pieces (including card-size pieces) that meet the criteria in 201.2.1 for nonmachinable letters. Nonautomation nonmachinable letters are subject to 5-digit, 3-digit and Mixed ADC prices.

4.5.1 5-Digit Price

The 5-digit price applies to letter-size mail in quantities of 150 or more pieces for a 5-digit ZIP Code prepared in 5-digit trays (overflow pieces in 3-digit or Mixed ADC trays and 10 or more pieces, bundled in 3-digit origin/entry trays).

4.5.2 3-Digit Price

The 3-digit price applies to letter-size mail in quantities of 150 or more pieces for a 3-digit ZIP Code prepared in 3-digit trays (overflow pieces in MADC and10 or more pieces, bundled in 3-digit origin/entry trays).

4.5.3 Mixed ADC Price

The mixed ADC price applies to letter-size pieces that are subject to the nonmachinable prices and prepared in mixed ADC trays.

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235 Mail Preparation

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[Revise the title of 5.0; to read as follows:]

5.0 Preparing Nonautomation Machinable Letters

* * * * *

5.3 Nonmachinable Preparation

5.3.1 Nonmachinable Bundling

[Remove current 5.3.1c entirely; re-letter current 5.3.1d to 5.3.1c; to read as follows:]

* * * a. 5-digit (required); 10-piece minimum; red Label 5 or optional endorsement line (OEL); labeling not required for pieces in full 5-digit trays.

b. 3-digit (required); 10-piece minimum; green Label 3 or OEL.

c. Mixed ADC (required); no minimum; tan Label X or OEL.

5.3.2 Traying and Labeling

[Remove current 5.3.2c entirely; re-letter current 5.3.2d to 5.3.2c; to read as follows:]

* * * c. Mixed ADC (required); no minimum; labeling:

1. Line 1: Use L201; for mail originating in ZIP Code areas in Column A, use ''MXD'' followed by city, state, and 3-digit ZIP Code prefix in Column C (use ''MXD'' instead of ''OMX'' in the destination line and ignore Column B).

2. Line 2: ''FCM LTR MANUAL WKG.''

* * * * *

240 Commercial Mail USPS Marketing Mail

243 Prices and Eligibility

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6.0 Additional Eligibility Standards for Enhanced Carrier Route USPS Marketing Mail Letters and Flats

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6.5 High Density and High Density Plus (Enhanced Carrier Route) Standards—Flats

* * * * *

[Add new section 6.5.3; to read as follows:]

6.5.3 High Density Carrier Route Bundles on a 5-Digit Pallet (High Density-CR Bundles/Pallet Price Eligibility)—Flats

High Density—CR Bundles/Pallet prices apply to each piece in a carrier route bundle of 10 or more pieces that are palletized under 705.8.0 on a 5-digit carrier route, 5-digit carrier routes, or 5-digit scheme carrier route pallet entered at an Origin (None), DNDC, DSCF, or DDU entry.

* * * * *

700 Special Standards

* * * * *

705 Advanced Preparation and Special Postage Payment Systems

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5.0 First-Class Mail or USPS Marketing Mail Mailings With Different Payment Methods

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5.3 Producing the Combined Mailing

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5.3.2 Price and Postage Marking

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PRICE AND POSTAGE CATEGORY

* * *

[Revise current price and postage category line 19; to read as follows]

Machinable Mixed AADC/AADC Meter Postage Affixed

* * * * *

8.0 Preparing Pallets

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8.6 Pallet Labels

* * * * *

8.6.5 Line 2 (Content Line)

[Add new CONTENT TYPE line item 5; to read as follows]

* * * *High Density/High Density Plus*

[Add new CODE line item 5; to read as follows]

* * * *HD/HD+*

* * * * *

8.10 Pallet Presort and Labeling

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8.10.3 USPS Marketing Mail or Parcel Select Lightweight—Bundles, Sacks, or Trays

[Add new second sentence to 8.10.3; to read as follows:]

* * * For USPS Marketing Mail High Density flats price eligibility, only 5-digit pallets under 8.10.3a–c are allowed, and the pallets must be entered under None, DNDC, DSCF or DDU standards (Use ''HD/HD+ DIRECT'' for one route and ''HD/HD+ CR–RTS'' for multiple routes on the line 2 contents description). * * * Preparation sequence and labeling:

[Revise the text in 8.10.3a–c to read as follows:]

a. *5-digit carrier route,* required, bundles only, 250 pound minimum. Pallet must contain only carrier route mail for one carrier and the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination.

2. Line 2: ''STD'' followed by ''FLTS''; followed by ''HD/HD+ DIRECT''

b. *5-digit scheme carrier routes, required,* allowed with no minimum, permitted for bundles of flats only. Pallet must contain only carrier route bundles for the same 5-digit scheme under *L001.* Labeling:

1. Line 1: *L001.*

2. ''STD'' followed by ''FLTS''; followed by ''HD/HD+'' for High Density flats; followed by ''SCHEME'' (or ''SCH''). * * *

c. *5-digit carrier routes, required except for trays,* permitted for bundles, sacks, trays, and cartons. Allowed with no weight minimum for bundles. Pallet must contain only carrier route mail for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see *8.6.4c* for overseas military mail).

2. Line 2: For flats and Marketing parcels (Product Samples only), ''STD FLTS'' or ''STD MKTG,'' as applicable; followed by ''HD/HD+'' for High Density flats pricing eligibility; followed by ''CARRIER ROUTES'' (or ''CR–RTS''). For letters, ''STD LTRS''; followed by ''CARRIER ROUTES'' (or ''CR–RTS''); followed by ''BC'' if pallet contains barcoded letters; followed by ''MACH''

if pallet contains machinable letters; followed by ''MAN'' if pallet contains nonmachinable letters.***

* * * * *

10.0 Merging Bundles of Flats Using the City State Product

* * * * *

10.2 USPS Marketing Mail

* * * * *

10.2.5 Pallet Preparation and Labeling

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[Revise the text in 10.2.5a2; to read as follows:]

* * * 2. Line 2: ''STD FLTS CR–RTS SCHEME'' followed by HD/HD+ if the pallet contains High Density/High Density plus flats.

[Revise the text in 10.2.5b2; to read as follows:]

* * * 2. Line 2: ''STD FLTS CR/5D SCHEME'' followed by HD/HD+ if the pallet contains High Density/High Density plus flats

[Revise the text in 10.2.5c2; to read as follows:]

* * * 2. Line 2: ''STD FLTS,'' followed by ''CARRIER ROUTES'' or ''CR–RTS'' followed by HD/HD+ if the pallet contains High Density/High Density plus flats.

[Revise the text in 10.2.5d2; to read as follows:]

* * * 2. Line 2: ''STD FLTS CR/5D'' followed by HD/HD+ if the pallet contains High Density/High Density plus flats. * * *

* * * * *

12.0 Merging Bundles of Flats on Pallets Using a 5% Threshold

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12.2 USPS Marketing Mail

* * * * *

12.2.3 Pallet Preparation and Labeling

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* * * Mailers must label pallets according to the Line 1 and Line 2 information listed below and under *8.6.*

[Revise the text in 12.2.3a2; to read as follows:]

* * * 2. Line 2: ''STD FLTS CR–RTS SCHEME'' followed by HD/HD+ if the pallet contains High Density/High Density plus flats.

[Revise the text in 12.2.3b2; to read as follows:]

* * * 2. Line 2: ''STD FLTS CR/5D SCHEME'' followed by HD/HD+ if the pallet contains High Density/High Density plus flats.

[Revise the text in 12.2.3c2; to read as follows:]

* * * 2. Line 2: ''STD FLTS''; followed by ''CARRIER ROUTES'' or ''CR–RTS'' followed by HD/HD+ if the pallet contains High Density/High Density plus flats.

[Revise the text in 12.2.3d2; to read as follows:]

* * * 2. Line 2: ''STD FLTS CR/5D'' followed by HD/HD+ if the pallet contains High Density/High Density plus flats.

* * * * *

13.0 Merging Bundles of Flats on Pallets Using the City State Product and a 5% Threshold

* * * * *

13.2 USPS Marketing Mail

* * * * *

13.2.4 Pallet Preparation and Labeling

* * * Mailers must label pallets according to the Line 1 and Line 2 information listed below and under 8.6

[Revise the text in 13.2.4a2; to read as follows:]

* * * 2. Line 2: ''STD FLTS CR–RTS SCHEME'' followed by ''HD/HD+'' if the pallet contains High Density/High Density plus flats.

[Revise the text in 13.2.4b2; to read as follows:]

* * * 2. Line 2: ''STD FLTS CR/5D SCHEME'' followed by ''HD/HD+'' if the pallet contains High Density/High Density plus flats.

[Revise the text in 13.2.4c2; to read as follows:]

* * * 2. Line 2: ''STD FLTS,'' followed by HD/HD+ if the pallet contains High Density/High Density plus flats and ''CARRIER ROUTES'' or ''CR–RTS''

[Revise the text in 13.2.4d2; to read as follows:]

* * * 2. Line 2: ''STD FLTS CR/5D'' followed by ''HD/HD+'' if the pallet contains High Density/High Density plus flats. * * *

* * * * *

Notice 123 (Price List)

[Revise prices as applicable.]

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Ruth B. Stevenson,

Chief Counsel, Ethics and Legal Compliance.

[FR Doc. 2021–16985 Filed 8–5–21; 11:15 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2021–0298; FRL–8709–02–R7]

Air Plan Approval; Nebraska; Revisions to Title 129 of the Nebraska Administrative Code; General Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) for the State of Nebraska. This final action will amend the SIP to revise title 129 of the Nebraska Administrative Code by removing a portion of the SIP that addresses general conformity. General Conformity ensures that the actions taken by federal agencies do not interfere with a state's plan to attain and maintain national standards for air quality. Since states are no longer required to include general conformity requirements in SIPs, the revisions remove unnecessary language and do not substantively change any existing statutory or regulatory requirement. The revisions do not impact the stringency of the SIP or air quality nor do they impact the State's ability to attain or maintain the National Ambient Air Quality Standards.

DATES: This final rule is effective on September 8, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2021–0298. 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, *i.e.,* 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 information.

FOR FURTHER INFORMATION CONTACT: Allie Donohue, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7986; email address: *donohue.allie@epa.gov*

SUPPLEMENTARY INFORMATION:
Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA.

Table of Contents

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is the EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is amending Nebraska's SIP to include revisions to title 129 of the Nebraska Administrative Code. The EPA is approving revisions to the Nebraska SIP submitted by the State of Nebraska on July 16, 2020. Specifically, the EPA is amending the Nebraska SIP by removing a portion of the SIP as follows: Title 129, Chapter 40. General Conformity. EPA is approving these revisions as they remove unnecessary language and do not substantively change any existing statutory or regulatory requirement. The EPA solicited comments on the proposed revision to Nebraska's SIP, and received no comments.

II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice of this SIP revision from September 28, 2019 to November 6, 2019 and held a public hearing on November 7, 2019. In a letter to the state dated November 7, 2019, the EPA stated that the agency ''has no comment on the proposed repeal of this regulation.'' The SIP revision meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations.

III. What action is the EPA taking?

The EPA is taking final action to amend the Nebraska SIP by approving the state's request to remove Title 129 Chapter 40. General Conformity. The removal of this portion of the SIP will remove unnecessary language and does not substantively change any existing statutory or regulatory requirement. The EPA has determined that these changes will not impact the stringency of the SIP or adversely impact air quality.

IV. Incorporation by Reference

In this document, the EPA is amending regulatory text that includes incorporation by reference. As described in the amendments to 40 CFR part 52 set forth below, the EPA is removing provisions of the EPA-Approved Nebraska Regulations from the Nebraska State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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 the 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 October 8, 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.

Dated: July 30, 2021.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

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 CC [Amended]

§ 52.1420 [Amended]

■ 2. In § 52.1420, the table in paragraph (c) is amended by removing the entry for ''129–40'' under the heading ''Title 129-Nebraska Air Quality Regulations''.

[FR Doc. 2021–16767 Filed 8–6–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180117042–8884–02]

RTID 0648–XB214

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS is transferring 30 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the Reserve category to the Harpoon category. With this transfer, the adjusted Harpoon category quota for the 2021 fishing season is 76 mt. The 2021 Harpoon category fishery is open until November 15, 2021, or until the Harpoon category quota is reached, whichever comes first. The action is based on consideration of the regulatory determination criteria regarding inseason adjustments, and applies to Atlantic Tunas Harpoon category (commercial) permitted vessels.

DATES: Effective August 4, 2021, through November 15, 2021.

FOR FURTHER INFORMATION CONTACT: Larry Redd, Jr., *larry.redd@noaa.gov,* 301–427–8503, Nicholas Velseboer, *nicholas.velsboer@noaa.gov,* 978–675–2168, or Lauren Latchford, *lauren.latchford@noaa.gov,* 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic highly migratory species (HMS) fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

The current baseline quotas for the Harpoon and Reserve categories are 46 mt and 29.5 mt, respectively. To date for 2021, NMFS has published one action that has adjusted the available 2021 Reserve category quota, which currently is 168 mt (86 FR 8717, February 9, 2021). The 2021 Harpoon category fishery opened June 1, and is open through November 15, 2021, or until the Harpoon category quota is reached, whichever comes first.

Transfer of 30 mt From the Reserve Category to the Harpoon Category

Under § 635.27(a)(9), NMFS has the authority to transfer quota among fishing categories or subcategories after considering the determination criteria provided under § 635.27(a)(8). NMFS has considered all of the relevant determination criteria and their applicability to the Harpoon category fishery. These criteria include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)), biological samples collected from BFT landed by Harpoon category fishermen and provided by BFT dealers continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the Harpoon category would support the collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the Harpoon category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii) and (ix)). As of August 3, 2021, the Harpoon category has landed 39.7 mt. Commercial-size BFT are currently readily available to vessels fishing under the Harpoon category quota. Without a quota transfer at this time, Harpoon category participants would have to stop BFT fishing activities with very short notice, while commercial-sized BFT remain available in the areas Harpoon category permitted vessels operate. Transferring 30 mt of BFT quota from the Reserve category would result in a total of 76 mt being available for the Harpoon category for the 2021 Harpoon category fishing season.

Regarding the projected ability of the vessels fishing under the Harpoon category to harvest the additional amount of BFT before the end of the fishing year (§ 635.27(a)(8)(iii)), NMFS considered Harpoon category landings over the last several years. Landings are highly variable and depend on access to commercial-sized BFT and fishing conditions, among other factors. NMFS anticipates that the Harpoon category could harvest the transferred 30 mt prior to the end of the Harpoon category season, subject to weather conditions and BFT availability. NMFS may transfer unused Harpoon category quota to other quota categories, as appropriate. NMFS also anticipates that some underharvest of the 2020 adjusted U.S. BFT quota will be carried forward to 2021 and placed in the Reserve category, in accordance with the regulations. Thus, this quota transfer would allow fishermen to take advantage of the availability of fish on the fishing grounds, consider the expected increases in available 2021 quota, and provide a reasonable opportunity to harvest the available U.S. BFT quota.

NMFS also considered the estimated amounts by which quotas for other gear categories of the fishery might be exceeded (§ 635.27(a)(8)(iv)) and the ability to account for all 2020 landings and dead discards. In the last several years, total U.S. BFT landings have been below the available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. NMFS will need to account for 2021 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do that.

NMFS also considered the effects of the adjustment on the BFT stock and the effects of the transfer on accomplishing the objectives of the FMP (§ 635.27(a)(8)(v) and (vi)). This transfer would be consistent with established quotas and subquotas, which are implemented consistent with ICCAT recommendations, (established in Recommendation 17–06 and maintained in Recommendation 20–06), ATCA, and the objectives of the 2006 Consolidated HMS FMP and amendments. In

establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status, and effects on the stock. This quota transfer is in line with the established management measures and stock status determinations. Another principal consideration is the objective of providing opportunities to harvest the available Harpoon category quota without exceeding the annual quota, based on the objectives of the 2006 Consolidated HMS FMP and amendments, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest available BFT quota allocations (related to § 635.27(a)(8)(x)).

Given these considerations, NMFS is transferring 30 mt of the available 168 mt of Reserve category quota to the Harpoon category. Therefore, NMFS adjusts the Harpoon category quota to 76 mt for the 2021 Harpoon category fishing season (*i.e.,* through November 15, 2021, or until the Harpoon category quota is reached, whichever comes first), and adjusts the Reserve category quota to 138 mt.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustments, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, Harpoon category vessel owners are required to report their own catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov* or by using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 635.27(a)(9) (inseason adjustments), which was issued pursuant to section 304(c), and is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to implement the quota transfer for the remainder of 2021 is also contrary to the public interest as such a delay would likely result in closure of the Harpoon fishery when the baseline quota is met and the need to re-open the fishery, with attendant administrative costs and costs to the fishery. The delay would preclude the fishery from harvesting BFT that are available on the fishing grounds and that might otherwise become unavailable during a delay. This action does not raise conservation and management concerns. Transferring quota from the Reserve category to the Harpoon category does not affect the overall U.S. BFT quota, and available data show the adjustment would have a minimal risk of exceeding the ICCAT-allocated quota. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria. For the same reasons discussed above, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: August 3, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–16888 Filed 8–4–21; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 210730–0155]

RIN 0648–BK37

Atlantic Highly Migratory Species; General Category Restricted-Fishing Days

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

ACTION: Final rule.

SUMMARY: This final rule sets Atlantic bluefin tuna (BFT) General category restricted-fishing days (RFDs) for the 2021 fishing year; clarifies the regulations regarding applicability of RFDs to Highly Migratory Species (HMS) Charter/Headboat permitted vessels; and corrects references to the Atlantic Tunas General category permit in a section of the Atlantic HMS regulations. This final rule establishes RFDs for specific days during the months of September through November 2021. On an RFD, Atlantic Tunas General category permitted vessels may not fish for (including catch-and-release or tag-and-release fishing), possess, retain, land, or sell BFT. On RFDs, persons aboard HMS Charter/Headboat permitted vessels with a commercial sale endorsement are prohibited from fishing commercially for BFT. Persons aboard all HMS Charter/Headboat permitted vessels can fish recreationally for BFT under the applicable Angling category restrictions and retention limits.

DATES: This final rule is effective on August 9, 2021.

ADDRESSES: Copies of this rule and supporting documents, including the Final Regulatory Flexibility Analysis (FRFA) for this action, are available from the HMS Management Division website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species* or by contacting Larry Redd at *larry.redd@noaa.gov* or 301–427–8503.

FOR FURTHER INFORMATION CONTACT: Larry Redd, Jr., *larry.redd@noaa.gov,* 301–427–8503, or Sarah McLaughlin, *sarah.mclaughlin@noaa.gov,* 978–281–9260.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (ATCA;

16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota, recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States, among the various domestic fishing categories per the allocations established in the 2006 Consolidated HMS FMP and its amendments. Among other restrictions and retention limits, section 635.23 specifies the retention limit provisions for Atlantic Tunas General category permitted vessels and HMS Charter/Headboat permitted vessels, including those applicable to persons aboard such permitted vessels on RFDs and on days other than RFDs.

Background

Specific information regarding RFDs, requests for their resumed use, the current U.S. quota and General category subquotas, and the need to clarify the regulations regarding the applicability of RFDs to HMS Charter/Headboat permitted vessels, was provided in the preamble to the proposed rule (86 FR 25992, May 12, 2021) and is not repeated here.

As described in the proposed rule, NMFS undertook this rulemaking to address and avoid repetition of certain issues that affected the General category BFT fishery in 2019 and 2020 and earlier. These issues include the shortened time to fish under the General category subquotas that occurs when the quota is filled quickly, increasing numbers of BFT that are landed but not sold to dealers because of market gluts, and the resulting decreased price of BFT.

The comment period for the proposed rule closed on June 11, 2021. NMFS received 67 written comments, including comments from commercial and recreational fishermen, Atlantic tuna dealers, and the general public, as well as oral comments at a public webinar and at the HMS Advisory Panel meeting and public comment sessions at that meeting. The comments received, and responses to those comments, are summarized below in the Response to Comments section.

After considering public comments on the proposed rule in light of the management goals of this action, NMFS decided to implement the RFD schedule as proposed (except for changing the start date of the first RFD to account for the date of publication of this final rule). Compared to the fishery in 2019 and 2020, implementing RFDs should slow the rate of landings and extend fishing opportunities for General category permit holders through a greater portion of the subquota periods while also addressing the issues mentioned above. As such, this final rule establishes RFDs for the 2021 BFT fishing year for the General category and makes minor revisions in the HMS regulations at 50 CFR part 635. As described below, except for changing the start date of the first RFD to account for the date of publication of this final rule, no changes were made from the proposed rule. Implementing this RFD schedule, with the ability to waive scheduled RFDs, would slow the rate of landings to provide available quota throughout a longer duration of the General category subquota periods while providing reasonable fishing opportunities, including some fishing tournament opportunities, for all General category participants.

Specifically, NMFS sets RFDs for the 2021 fishing year on the following days: All Tuesdays, Fridays, and Saturdays from September 3 through November 30, 2021. On an RFD, Atlantic Tunas General category permitted vessels are prohibited from fishing for (including catch-and-release and tag-and-release fishing), possessing, retaining, landing, or selling BFT. On these designated RFDs, persons aboard HMS Charter/Headboat permitted vessels with a commercial sale endorsement also are prohibited from fishing commercially for BFT. Persons aboard all HMS Charter/Headboat permitted vessels can fish recreationally for BFT under the applicable Angling category restrictions and retention limits.

NMFS may waive previously scheduled RFDs under certain circumstances. Consistent with § 635.23(a)(4), NMFS may waive an RFD by adjusting the daily BFT retention limit from zero up to five on specified RFDs, after considering the inseason adjustment determination criteria at § 635.27(a)(8). This would include, among other things, review of dealer reports, daily landing trends, and the availability of BFT on fishing grounds. NMFS will announce any such waiver by filing a retention limit adjustment with the Office of the Federal Register for publication. Such adjustments will be effective no less than 3 calendar days after the date of filing for public inspection with the Office of the Federal Register. NMFS also may waive previously designated RFDs effective upon closure of the General category fishery so that persons aboard vessels permitted in the General category may conduct tag-and-release fishing for BFT as allowable under § 635.26(a). However, should NMFS waive previously designated RFDs while the General category fishery is open, persons aboard vessels permitted in the General category may conduct catch and release or tag-and-release fishing for BFT as allowable under § 635.26(a). NMFS will not modify RFDs set by this final rule during the fishing year in other ways (such as changing an RFD from one date to another or adding RFDs) other than waiving designated RFDs based on the circumstances described above.

This final rule also clarifies existing regulatory text at § 635.23(c) about the applicability of RFDs to HMS Charter/Headboat permitted vessels, and makes a minor change to correct two permit title references in § 635.23 of the regulations.

Response to Comments

All written comments can be found at *www.regulations.gov* by searching for NOAA–NMFS–2021–0040. Below, NMFS summarizes and responds to all comments made specifically on the proposed rule during the comment period.

Comment 1: NMFS received comments from General category fishermen, charter/headboat fishermen, and tournament operators both in support of and in opposition to General category RFDs for the 2021 fishing year. Most commenters in support of resuming the use of RFDs noted that RFDs should prevent market gluts and should lengthen the General category season within the subquota time-periods and the season overall. These commenters felt that lengthening the season into the fall/winter months when BFT are of better quality would result in higher prices for fishermen. Other commenters expressed concern that the proposed rule seemed to be economic in nature and would inappropriately manipulate the market. Additionally, several commenters opposed to RFDs expressed concern that this action is premature due to the unique impacts of COVID–19 in 2020, noting that global markets and economies are stabilizing and similar impacts should not be expected in 2021. Furthermore, some commenters expressed concern that RFDs would not result in extending the fishery, but instead would lead to a derby fishery resulting in flooded markets, lower BFT prices, and safety-at-sea concerns associated with fishing in bad weather conditions.

Response: RFDs can slow the rate of General category landings and extend fishing opportunities through a greater portion of the General category time-period subquotas. This final rule is not driven by purely economic-related objectives. The primary objective of the final rule is to slow the harvest rate of BFT in order to extend the period of time that the fishery may remain open to provide fishing opportunities longer in the season. The proposed rule did discuss past market conditions and recognized that this action should also help prevent large numbers of BFT from entering the market at the same time, and would potentially alleviate some negative economic impacts experienced by General category and Charter/Headboat permitted fishermen who could not find buyers for their BFT. This was not the primary objective of the rule, however. The primary objective of this action is to slow the rate of General category landings to extend fishing opportunities through a greater portion of the subquota periods. NMFS notes that BFT prices generally increase over the summer and fall period. NMFS acknowledges the unique impacts of COVID–19 in 2020; however, NMFS has observed the issues that contribute to the need for this action for several years, and those issues were exacerbated in both 2019 and 2020. Specifically, over the past several years, landings have been highest from mid-August through November, contributing to derby-like conditions, contributing to market gluts, shortening the time it takes to fill relevant subquotas, and resulting in inseason closures earlier than desired. If NMFS does not take action this year, it is likely these trends would continue. Overall, NMFS believes that by spreading out fishing effort over a longer period of time, safety-at-sea issues should decrease, as the conditions that encourage derby-like behavior would be diminished. NMFS recognizes that the weather is unpredictable, particularly in the second half of October and early November, and that poor weather may limit participation without the need for additional RFDs during this part of the season. Should BFT landings and catch rates merit waiving RFDs, NMFS could adjust the daily retention limit on waived days with a minimum 3-day notification to fishermen, by filing such an adjustment in the **Federal Register**, under 50 CFR 635.23(a)(4).

Comment 2: NMFS received comments both supporting the proposed Tuesday, Friday, and Saturday schedule of RFDs, and opposing the proposed schedule. Some commenters suggested modifications to the proposed schedule, including implementing RFDs earlier in June and/or avoiding weekends. One commenter objected to the proposed RFD schedule while also suggesting to start RFDs in September. Some commenters noted that Fridays and Saturdays are the days on which the demand to buy and sell BFT is greatest.

Response: NMFS' proposed schedule of RFDs was based on a review of average daily catch rate data for recent years and a review of past years' RFD schedules and how they worked to extend the use of the General category quota. The Tuesday, Friday, and Saturday RFD schedule allows for two-consecutive-day periods twice each week (Sunday–Monday; Wednesday–Thursday) for General category and Charter/Headboat permitted vessels with a commercial sale endorsement to fish for and sell BFT. NMFS believes that two-consecutive-day periods twice each week would allow BFT products to move through the market while also allowing some commercial fishing activity to occur each weekend (*i.e.,* Sundays). Given that the proposed rule published in May, and the comment period ended on June 11, 2021, NMFS could not implement RFDs starting June 1, 2021. However, NMFS is establishing RFDs starting in September, when catch and landing rates substantially increase, resulting in General category subquotas being met and closures of applicable General category time-periods.

NMFS recognizes that many General category fishery participants would like to maintain the opportunity to fish and sell on Fridays and weekends. However, NMFS selected Tuesdays, Fridays, and Saturdays based on input from Atlantic tunas dealers, General category participants, and members of the Atlantic HMS Advisory Panel. NMFS believes that this weekly schedule of RFDs should increase the likelihood of pacing General category landings to extend fishing opportunities through a greater portion of the subquota periods (similar to some past RFD schedules that applied in previous fishing years). It would also allow for two-consecutive-day periods twice each week (Sunday–Monday; Wednesday–Thursday) for BFT product to move through the market and also allow for some commercial fishing activity each weekend (*i.e.,* Sunday).

Comment 3: NMFS received several comments from General category and Charter/Headboat captains expressing support for this action, noting that RFDs allow Charter/Headboat captains the opportunity to sell fish on non-RFD days and to continue to charter on RFD days (*i.e.,* under the Angling category regulations). These captains noted that recreational trips potentially will have higher catch rates as vessels can fish without having to compete with commercial fishing vessels.

Response: As described in the proposed rule, resuming RFDs will allow persons aboard Charter/Headboat permitted vessels with a commercial sale endorsement the opportunity to fish commercially for BFT on non-RFDs and to charter on an RFD under the Angling category restrictions and limits. NMFS recognizes that the use of RFDs may allow for an increase in recreational catches of BFT on RFDs, but the purpose of this action is to extend the General category BFT fishery for the 2021 fishing year. Although recreational landings may increase on RFDs, Charter/Headboat permitted vessels must abide by established retention limits; thus, NMFS anticipates that recreational landings would remain within the current annual Angling category quota.

Comment 4: NMFS received comments, from both those in support of and opposed to RFDs, regarding the potential negative impacts of RFDs on BFT fishing tournaments. These commenters noted the economic importance of fishing tournaments on local economies and suggested that NMFS exempt participants in registered fishing tournaments from the RFD restrictions or increase the retention limit (*i.e.,* waive RFDs) on tournament days.

Response: NMFS acknowledges that RFDs that occur on a tournament date may affect BFT fishing at those tournaments as General category participants are prohibited from fishing for BFT on RFDs. However, on an RFD, General category participants may still participate in non-BFT fishing during the tournament, and may land sharks, swordfish, billfish, bigeye, albacore, yellowfin, and/or skipjack tunas recreationally as otherwise permitted. Additionally, on an RFD, Charter/Headboat permitted vessels may participate recreationally in HMS fishing tournaments, including for BFT, under the applicable Angling category restrictions and retention limits. Under the current regulations, tournament operators are required to register their tournament with NMFS at least four weeks prior to the start of the tournament. As such, NMFS is aware of several fishing tournaments that will likely include BFT that often occur in August through November. Should a tournament change its dates of operation, NMFS encourages tournament operators to contact NMFS to update the dates for which their

tournament is registered. NMFS does not plan to waive RFDs specifically to accommodate tournaments, as doing so could eliminate the benefits of RFDs by allowing General category and Charter/Headboat permitted vessels with a commercial sale endorsement the opportunity to land and sell commercial size BFT on those scheduled RFD dates. Furthermore, as explained above, General category and Charter/Headboat fishermen could still participate in tournaments during RFDs, albeit with the additional RFD restrictions and retention limits. NMFS will closely monitor BFT landings and catch rates and, should NMFS determine that waiving RFDs is warranted, NMFS could waive an RFD by adjusting the daily retention limits with a minimum 3-day notification to fishermen, by filing such an adjustment in the **Federal Register**, under 50 CFR 635.23(a)(4).

Comment 5: NMFS received several comments suggesting that NMFS should waive RFDs during HMS registered fishing tournaments because tournaments are a source of valuable scientific data and information for BFT.

Response: NMFS understands the importance of fishing tournaments for the collection of scientific data on catch, effort, and participants, and the collection of biological samples. The scheduled RFDs will still allow the opportunity for valuable scientific data collection as recreational fishing tournaments can still proceed throughout the year. General category and Charter/Headboat fishermen could still participate in tournaments during RFDs, consistent with the applicable retention limits and RFD restrictions. Scientists who collect biological samples during fishing tournaments could still do so, even on an RFD, by collecting samples from those fish landed recreationally (under the Angling category) or as authorized under exempted fishing permits. NMFS will closely monitor BFT landings and catch rates and, should NMFS determine that waiving RFDs is warranted, NMFS could adjust the daily retention limits with a minimum 3-day notification to fishermen in the **Federal Register**, under 50 CFR 635.23(a)(4). Without RFDs, subquota time-periods in the later part of the year often close early, even if BFT are available, which in turn limits valuable data collection among General category participants. NMFS believes that extending the fishing year via RFDs and other inseason actions will benefit scientific data collection by allowing for collection of data during time-periods when the General category fishery is otherwise closed.

Comment 6: NMFS received comments of concern that increasing the General category retention limit from the default of one fish to three fish to begin the June through August time-period subquota (86 FR 27814, May 24, 2021) was counterproductive to the goal of setting RFDs. Several commenters requested the use of mechanisms other than RFDs to extend the fishery, such as maintaining the default retention limit throughout the season, limiting entry into the fishery, considering different closure dates at the end of subquota periods, and increasing the price for fishing permits. These commenters noted that increasing outreach and education before permit issuance and promoting tagging could benefit the fishery.

Response: This action focuses on implementing RFDs, as currently authorized in the regulations, to slow the rate of General category landings, prevent early closures, and extend fishing opportunities through a greater portion of the General category time-period subquotas for the 2021 fishing year. NMFS will continue to use retention limits, RFDs, and other available management tools to manage the BFT fisheries, within the available BFT quota and established subquotas. In recent years, because the rate of landings is typically slow in early June, NMFS has regularly set the daily retention limit for the beginning of the June through August period at three fish, following consideration of the relevant criteria provided under § 635.27(a)(8), including supporting scientific data collection. As appropriate, NMFS then typically reduces the limit to the one-fish default level based on catch rates associated with the various authorized gear types (*e.g.,* harpoon, rod and reel) to ensure fishing opportunities in all respective time-period subquotas and to ensure that the available quota is not exceeded.

As with other mechanisms mentioned above, RFDs are an available effort control mechanism that can be used to extend time-period subquotas and provide additional inseason management flexibility regarding quota use and distribution and season length. Unlike other mechanisms, in the current regulations, RFDs may only be used to assist with the management of the BFT General category fishery (*i.e.,* permit categories that fish against the General category quota). NMFS is not considering the use of limited entry for the General category fishery at this time, although NMFS has used limited entry in other BFT fisheries, such as the pelagic longline fishery. Throughout the season, NMFS monitors landings and catch rates and will close the fishery or modify retention limits as appropriate to ensure the quotas are not exceeded. NMFS establishes the price of the permits based on the costs to administer the issuance of the permits; the price of the permits is not used as a means to limit or reduce entry to the fishery. NMFS will continue to monitor and evaluate the effectiveness of all these management measures in the context of current conditions to determine whether other actions are necessary.

Comment 7: NMFS received comments noting issues with dealer practices, particularly regarding sale of poor quality BFT, and requesting that NMFS not resume use of RFDs. Several individuals noted that if the dealers would like better control over supply and demand related to state and international markets, those dealers should continue to limit their own purchases as was done in 2019 and 2020.

Response: NMFS does not control or regulate the activities of Federal Atlantic tunas dealers regarding the quality of fish sold on domestic or international markets. Instead, NMFS requires that dealers obtain a Federal dealer permit to purchase, trade, or barter any HMS and abide by the regulations under both § 635.4 and § 635.5. As described in the proposed rule, NMFS received communications from dealers and fishermen regarding the self-imposed no (or limited) purchase days in 2019 and 2020. While these actions by dealers may have prevented an oversupply of BFT on the market and may have lengthened the time-period for some subquotas, because these actions were not pre-scheduled or consistently implemented across the fishery, some General category and Charter/Headboat permitted fishermen experienced negative impacts, and opportunities may not have been equitably distributed among all permitted vessels. Thus, NMFS is implementing a schedule of RFDs to apply consistently across the fishery to ensure that the General category fishery is extended for a greater portion of the subquota time-periods. This may have positive impacts for all General category and Charter/Headboat (commercial) BFT fishery participants by allowing for more equitable distribution of opportunities.

Comment 8: NMFS received several comments that the proposed action would disadvantage General category fishermen because Harpoon category participants can fish for and sell BFT on RFDs. One commenter suggested that RFDs should apply across all categories.

Response: NMFS disagrees that this action disadvantages General category fishermen. As noted above, BFT catch rates have increased over recent years in the General category, shortening the time to fill subquotas, resulting in untimely subquota closures and unstable markets. NMFS believes that this rulemaking will benefit General category participants by spreading out fishing effort over time, which would extend fishing opportunities through a greater proportion of the subquota time-periods. Other categories (*e.g.,* Harpoon, Purse Seine, Longline, and Trap) are not experiencing these issues because of the unique characteristics (including gear, timing, and participation) of those fisheries. As such, at this time, NMFS does not intend to implement RFDs for any other category.

Comment 9: NMFS received a comment supporting RFDs but expressing concern regarding the impact of RFDs on General category fishermen targeting non-BFT.

Response: General category fishermen are still allowed to fish for, retain, land, and sell non-BFT species on RFDs under the applicable General category permit restrictions and retention limits. The RFD prohibition only applies to General category fishermen when fishing for (including catch-and-release or tag-and-release fishing), possessing, retaining, landing, or selling BFT.

Comment 10: NMFS received several comments requesting that RFDs be implemented as a pilot program for 2021 and that NMFS re-evaluate RFDs for future years.

Response: Due to high landings rates in recent years and the fact that the fishery has continued to close earlier than desired, and based on the expectation that landings rates in 2021 will be similar to landings rates in recent years without additional measures, NMFS is implementing RFDs for 2021 through this final rule. While NMFS is not implementing this change as a pilot program, NMFS will continue to monitor landings rates to determine whether RFDs are necessary in future fishing years, and will take appropriate action when warranted.

Comment 11: NMFS received several comments from part-time commercial fishermen noting that this action would have negative impacts on those fishermen that work other jobs full-time during the week and supplement their income with weekend fishing trips.

Response: NMFS acknowledges that this action may affect part-time commercial fishermen who fish on the weekend. Note that NMFS manages the BFT fishery to allow equitable fishing opportunities for all participants. Therefore, as described in the proposed rule, and above in the response to Comment 2, NMFS developed the 2021 RFD schedule to allow for some commercial fishing activity each weekend by maintaining Sunday as an open fishing day.

Comment 12: NMFS received several comments noting that the BFT stock has rebounded and is healthy, and that, therefore, this action is unwarranted. Additionally, some commenters noted that NMFS is overly restrictive to BFT fishermen in New England.

Response: NMFS disagrees that this action is unwarranted. The purpose of this action, consistent with the objectives of the 2006 Consolidated HMS FMP and its amendments and other applicable laws, is to set a schedule of RFDs for the 2021 fishing year as an effort control for the General category quota, and to extend General category fishing opportunities through a greater portion of the General category time-period subquotas than have been available in recent years. NMFS does not manage the General category fishery by region. Instead, these regulations are applicable to all General category permit holders and Charter/Headboat permitted vessels that fish commercially for BFT.

Regarding the status of BFT, the western Atlantic BFT stock is assessed by ICCAT. Currently the stock status remains unknown, and, for 2021, ICCAT continues to manage the stock under an interim conservation and management plan. In 2018, NMFS implemented a final rule that established the U.S. BFT quota and subquotas consistent with ICCAT Recommendation 17–06 (83 FR 51391, October 11, 2018). In 2020, following a stock assessment update, ICCAT adopted Recommendation 20–06, which maintained the total allowable catch of 2,350 metric tons (mt) and the associated U.S. quota. As such, as described in § 635.27(a), the current baseline U.S. quota remains 1,247.86 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). This action helps manage the BFT fisheries within that available quota and the category subquotas as established in existing regulations.

Comment 13: One commenter suggested that NMFS launch an outreach campaign to the general public regarding the importance of seafood consumption to improve domestic market conditions.

Response: This comment is outside the scope of this rulemaking, which pertains only to RFDs. Additionally, NMFS already has an outreach campaign, titled ''Eat Seafood, America!,'' designed to provide information about sustainable seafood and the importance of seafood consumption. More information can be found at *https://www.fisheries.noaa.gov/topic/sustainable-seafood#eat-seafood,-america!.*

Changes From the Proposed Rule

Except for changing the 2021 RFD schedule start date from July 20, 2021, to September 3, 2021 to accommodate the time needed to fully consider comments and prepare this final rule, this final rule contains no changes from the proposed rule.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, ATCA, and other applicable laws.

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

Pursuant to 5 U.S.C. 553(d)(3), the NMFS Assistant Administrator has determined that there is good cause to waive the 30-day delay in the date of effectiveness for this final action. Because the fishing year is already underway, delaying the effectiveness of these regulations could undermine the purpose of this action to implement a RFD schedule that would help manage the fishery within the existing General category subquotas and extending the duration of the fishery throughout the subquota time-periods. Waiting 30 days to make the rule effective increases the likelihood of the General category subquotas being met and exceeded, resulting in inseason closures earlier than desired.

Implementing RFDs as soon as possible provides NMFS additional inseason management flexibility. Although the General category has a relatively large quota for the 2021 fishing year, the General and HMS Charter/Headboat permit category have the ability to harvest a large amount of General category quota in a short period of time, specifically from late July through November. Establishing RFDs during this time span is essential to extend fishing opportunities within each subquota time-period while also preventing market gluts, which, in recent years, have resulted in an increase in the number of BFT that are landed and not sold and have resulted in lower prices for the BFT that are sold. Additionally, establishing RFDs earlier in the fishing year provides better

business planning opportunities for Atlantic Tunas General category permittees and HMS Charter/Headboat owners/operators. As such, NMFS believes that a 30-day delay in setting RFDs would be contrary to the public interest.

For the reasons described above, the Assistant Administrator finds good cause to make this rule effective immediately upon publication in the **Federal Register**.

A Final Regulatory Flexibility Analysis (FRFA) was prepared for this rule. The FRFA incorporates the initial regulatory flexibility analysis (IRFA), a summary of the significant issues raised by the public comments in response to the IRFA, our responses to those comments and a summary of the analyses completed to support the action. The full FRFA is available from NMFS (see **ADDRESSES**). A summary is provided below.

Section 604(a)(1) of the Regulatory Flexibility Act (RFA) requires agencies to state the need for and objective of, the final action. The objective of this final rulemaking is to set a schedule of RFDs for the 2021 fishing year that should slow the rate of General category landings to extend fishing opportunities through a greater portion of the subquota periods (similar to past RFD schedules that set RFD schedules for the fishing year). Additionally, this final rule clarifies the regulations regarding applicability of RFDs to vessels permitted in the HMS Charter-Headboat category.

Section 604(a)(2) requires that a FRFA include a summary of significant issues raised by public comment in response to the IRFA and a summary of the agency's assessment of such issues, and a statement of any changes made in the rule as a result of such comments. As described above, during the public comment period, NMFS received comments both in support of and opposed to resuming RFDs. No comments specifically referenced the IRFA, although some comments raised a variety of economic concerns including whether RFDs would affect the market (see comments 1 and 7), whether RFDs would affect some parts of the fishery more than others (see comments 8 and 11), and whether RFDs would negatively affect tournaments (see comments 4 and 5). NMFS' responses to those comments are summarized above. After careful consideration of all the comments received, except for changing the start date of the first RFD to account for the date of publication of this final rule, no other changes were made to the proposed rule.

Section 604(a)(3) of the RFA requires NMFS to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule and provide a detailed statement of any change made to the proposed rule as a result of the comments. NMFS did not receive any comments from the Chief Counsel for Advocacy of the SBA on the proposed rule.

Section 604(a)(4) of the RFA requires agencies to provide an estimate of the number of small entities to which the rule would apply. NMFS established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes (50 CFR 200.2). The Small Business Administration (SBA) has established size standards for all other major industry sectors in the United States, including the scenic and sightseeing transportation (water) sector (NAICS code 487210), which includes for-hire (charter/party boat) fishing entities. The SBA has defined a small entity under the scenic and sightseeing transportation (water) sector as one with average annual receipts (revenue) of less than $8.0 million. Therefore, NMFS considers all HMS permit holders, both commercial and for-hire, to be small entities because they had average annual receipts of less than their respective sector's standard of $11 million and $8 million. The 2019 total ex-vessel annual revenue for the BFT fishery was $9.8 million. Since a small business is defined as having annual receipts not in excess of $11.0 million, each individual BFT fishing entity would fall within the small business definition. Thus, all of the entities affected by this rule are considered to be small entities for the purposes of the RFA. The numbers of relevant annual Atlantic Tunas or Atlantic HMS permits as of October 2020 are as follows: 2,645 General category permit holders and 3,839 HMS Charter/Headboat permit holders, of which 1,681 hold HMS Charter/Headboat permits with a commercial sale endorsement.

Section 604(a)(5) of the RFA requires agencies to describe any new reporting, record-keeping, and other compliance requirements. This final rule does not contain any new collection of information, reporting, or record-keeping requirements. This final rule would set a schedule of RFDs for 2021 as an effort control for the General category quota and would clarify existing regulatory text about the applicability of RFDs to HMS Charter/Headboat permitted vessels.

Section 604(a)(6) of the RFA requires agencies in the FRFA to describe any steps taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes.

This final rule does not change the U.S. Atlantic BFT quotas or implement any new management measures not previously considered under the 2006 Consolidated HMS FMP and its amendments. This final rule will instead resume the use of RFDs, set a schedule of RFDs for 2021, clarify existing regulatory text about the applicability of RFDs to HMS Charter/Headboat permitted vessels, and make a minor change to correct two permit title references in a section of the regulations. Under the regulations, when a General category time-period subquota is reached or projected to be reached, NMFS closes the General category fishery. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure notice for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified. In recent years, these closures, if needed, have generally occurred toward the end of a particular subquota time-period. According to communications with dealers and fishermen, several of the high-volume HMS Atlantic tunas dealers in 2019 and 2020 were limiting their purchases of BFT and buying no or very few BFT (such as harpooned fish only) on certain days during the beginning portion of the June through August subquota time-period in order to extend the available quota until later in the subperiod given market considerations. However, while these actions may have prevented large numbers of BFT from entering the market at the same time and may have lengthened the time before any particular subquota was closed, because these actions were not pre-scheduled or consistently implemented across the fishery, some General category and Charter/Headboat permitted fishermen especially those who could not find buyers for their BFT—experienced negative impacts. As a result, a number of BFT that normally would have been sold were not, and opportunities may not have been equitably distributed among all permitted vessels. Table 1 shows the number and total metric tons (mt) of BFT that were landed but not sold by fishermen fishing under the General category quota for 2017 through 2020. The number and weight of unsold BFT has been increasing since 2017 and

increased substantially (from 20 to 173 BFT and 3.8 to 31.4 mt) between 2019 and 2020.

TABLE 1—THE NUMBER (COUNT) AND WEIGHT (mt) OF BFT THAT WERE LANDED BUT UNSOLD BY GENERAL CATEGORY PARTICIPANTS BY YEAR

Year	Count	Weight (mt)
2017	0	0
2018	14	2.6
2019	20	3.8
2020	173	31.4
Total	207	37.8

In addition to reviewing the data regarding the amount of unsold BFT, NMFS also reviewed the average ex-vessel price. Table 2 shows the average ex-vessel price per pound of BFT during each General category subquota time-period for the years 2017 through 2020. On an annual basis, the ex-vessel price tends to be lower for the June through August subquota time-period, with an average (2017 through 2020) price of $6.04, and increases over the summer and fall period ($6.30 for September period and $6.49 for the October through November period). NMFS understands that several factors influenced dealers' decisions to not purchase BFT in 2019 (*e.g.,* fish conditions, daily retention limits, and market conditions) and that in 2020, the worsening of global market conditions was an additional factor impacting the number of BFT unsold. These conditions generally occurred in June through August 2019, and were repeated in June through August 2020, with conditions and prices improving by the fall. However, in 2020, the average price per pound was lower for the June through December subquota time-periods than in any of the three previous years.

TABLE 2—AVERAGE EX-VESSEL PRICE PER POUND ($) OF BFT BY GENERAL CATEGORY SUBQUOTA TIME-PERIOD

[2017–2020]

Year	Subquota time-period				
	January through March	June through August	September	October through November	December
2017	$7.37	$6.72	$7.08	$7.56	$9.83
2018	7.43	6.92	6.55	7.58	9.56
2019	6.06	5.61	6.36	5.53	12.25
2020	6.13	4.91	5.21	5.30	5.76
2017 through 2020 average	6.75	6.04	6.30	6.49	9.35

To help address these issues, NMFS is establishing a schedule of RFDs for the 2021 fishing year that will regulate specific days on which fishing and sales will not occur. Specifically, the schedule allows for two-consecutive-day periods twice each week for BFT products to move through the market while also allowing some commercial fishing activity to occur each weekend (*i.e.,* Sundays), thus providing opportunities for participants who may only fish on the weekend. Because this schedule of RFDs will apply to all participants equally, NMFS anticipates that this schedule will extend fishing opportunities through a greater proportion of the subquota time-periods in which they apply by spreading fishing effort out over time. Furthermore, to the extent that the ex-vessel revenue for a BFT sold by a General or HMS Charter/Headboat permitted vessel (with a commercial endorsement) may be higher when a lower volume of domestically-caught BFT is on the market at one time, the use of RFDs may result in some increase in BFT price, and the revenue generated by the General category subquotas could increase. Thus, although NMFS anticipates that the same overall amount of the General category quota would be landed and the same amount of BFT would be landed per vessel, there may be some positive impacts to the General category and Charter/Headboat (commercial) BFT fishery. Using RFDs may more equitably distribute fishing opportunities for longer durations within the subquota time-periods. However, the RFD schedule may have a negative impact to some General category fishermen who might only be able to fish on weekends, as Saturdays would be RFDs through November 30, 2021. To mitigate the loss of fishing days, NMFS is allowing fishing opportunities to occur on Sundays.

Thus, if NMFS does not implement a schedule of RFDs, as in this final rule, it is possible that the trends of increasing numbers of unsold BFT (Table 1) and decreasing ex-vessel prices (Table 2) would continue. If these trends continue, many participants could continue to experience negative economic impacts.

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

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rule. As part of this rulemaking process, NMFS has prepared a booklet summarizing fishery information and regulations for Atlantic BFT General category RFDs for the 2021 fishing year. That booklet notice serves as the small entity compliance guide. Copies of the compliance guide are available from NMFS (see **ADDRESSES**).

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: July 30, 2021.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.2, revise the definition of ''Restricted-fishing day (RFD)'' to read as follows:

§ 635.2 Definitions.

* * * * *

Restricted-fishing day (RFD) is a day, beginning at 0000 hours and ending at 2400 hours local time, during which a person aboard a vessel issued:

(1) An Atlantic Tunas General category permit may not fish for, possess, retain, land, or sell a BFT; and

(2) A Charter/Headboat permit with a commercial endorsement may not fish commercially for BFT under the General category rules, but may fish for, possess, retain, or land BFT under the Angling category restrictions and retention limits.

* * * * *

■ 3. In § 635.23, revise paragraphs (a)(1) and (3) and (c)(1) through (3) and add paragraph (c)(4) to read as follows:

§ 635.23 Retention limits for bluefin tuna.

* * * * *

(a) * * * (1) No person aboard a vessel that has an Atlantic Tunas General category permit may possess, retain, land, or sell a BFT in the school, large school, or small medium size class.

* * * * *

(3) Regardless of the length of a trip, no more than a single day's retention limit of large medium or giant BFT may be possessed or retained aboard a vessel that has an Atlantic Tunas General category permit. On days other than RFDs, when the General category is open, no person aboard such vessel may continue to fish, and the vessel must immediately proceed to port, once the applicable limit for large medium or giant BFT is retained.

* * * * *

(c) * * *

(1) When fishing in the Gulf of Mexico, the restrictions and retention limits applicable to the Angling category specified in paragraph (b)(1) of this section apply.

(2) When fishing other than in the Gulf of Mexico when the fishery for the General category is closed or on an RFD, the restrictions and retention limits applicable to the Angling category specified in paragraphs (b)(1) through (b)(3) of this section apply.

(3) When fishing other than in the Gulf of Mexico when the General category fishery is open and not on an RFD, a person aboard a vessel that has been issued an HMS Charter/Headboat permit with a commercial sale endorsement may fish under either the General category restrictions and retention limits as specified in paragraphs (a)(1) through (3) of this section or the Angling category restrictions and retention limits as specified in paragraphs (b)(1) through (3) of this section. The size category of the first BFT retained will determine whether the General category or Angling category restrictions and retention limits apply to the vessel that day.

(4) When fishing other than in the Gulf of Mexico when the General category fishery is open and not on an RFD, a person aboard a vessel that has been issued an HMS Charter/Headboat permit without a commercial sale endorsement permit may only fish for, possess, retain, or land BFT under the Angling category restrictions and retention limits as specified in paragraphs (b)(1) through (3) of this section.

* * * * *

[FR Doc. 2021–16685 Filed 8–6–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 150
Monday, August 9, 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 ENERGY

10 CFR Part 430

[EERE–2021–BT–STD–0003]

RIN 1904–AF13

Energy Conservation Program for Appliance Standards: Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Extension of public comment period.

SUMMARY: On July 7, 2021, the U.S. Department of Energy (''DOE'') published a notice of proposed rulemaking (''NOPR'') pertaining to procedures, interpretations, and policies for consideration in new or revised energy conservation standards and test procedures for consumer products and commercial/industrial equipment. The notice provided an opportunity for submitting written comments, data, and information by August 23, 2021. On July 29, 2021, DOE received a request from the Association of Home Appliance Manufacturers, the Air Conditioning, Heating, and Refrigeration Institute, and the National Electrical Manufacturers Association (''Joint Commenters''), to extend the public comment period to September 13, 2021. DOE has reviewed this request and is granting an extension of the public comment period to allow public comments to be submitted until September 13, 2021.

DATES: The comment period for the NOPR published on July 7, 2021 (86 FR 35668) is extended. DOE will accept comments, data, and information regarding this NOPR on or before September 13, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2021–BT–STD–0003 by any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email:* To *processrule2021STD0003@ee.doe.gov.* Include docket number EERE–2021–BT–STD–0003 in the subject line of the message.

No telefacsimilies (''faxes'') will be accepted.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing COVID–19 pandemic. DOE is currently suspending receipt of public comments via postal mail and hand delivery/courier. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the COVID–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at: *www.regulations.gov/docket/EERE-2021-BT-STD-0003.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1692. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9496. Email: *Peter.Cochran@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: On April 12, 2021, DOE proposed major revisions to the Department's ''Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Certain Commercial/Industrial Equipment'' (''Process Rule'') in a notice of proposed rulemaking that accepted comments on those proposed revisions through May 27, 2021 (86 FR 18901). In a subsequent NOPR that published on July 7, 2021, DOE proposed additional revisions to the Process Rule and requested comment on the proposals and any potential alternatives (86 FR 35668). These additional proposed revisions are consistent with current DOE practice and would remove unnecessary obstacles to DOE's ability to meet its statutory obligations under the Energy Policy and Conservation Act (''EPCA''). On July 29, 2021, interested parties in the matter, the Joint Commenters, requested an extension of the public comment period for the NOPR to September 13, 2021.[1] The Joint Commenters asked for this additional time due to their assertion that the proposed rule is complex and multi-faceted which requires more time to effectively review it and formulate their comments. The Joint Commenters also stated that they would need more time after the public webinar to formulate and submit their comments.

DOE has reviewed the request and is extending the comment period to September 13, 2021 to allow additional

[1] The joint commenters submitted the request to DOE via email and is available in the docket at *https://www.regulations.gov/document/EERE-2021-BT-STD-0003-0047.*

time for interested parties to submit comments.

Signing Authority

This document of the Department of Energy was signed on August 2, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 3, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–16828 Filed 8–6–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2020–BT–STD–0018]

RIN 1904–AE54

Energy Conservation Program: Energy Conservation Standards for Certain Commercial and Industrial Equipment; Early Assessment Review; Commercial and Industrial Pumps

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (''DOE'') is undertaking an early assessment review for amended energy conservation standards for commercial and industrial pumps (''pumps'') to determine whether to amend applicable energy conservation standards for this equipment. Specifically, through this request for information (''RFI''), DOE seeks data and information to evaluate whether amended energy conservation standards would result in a significant savings of energy; be technologically feasible; and be economically justified. DOE welcomes written comments from the public on any subject within the scope of this document (including those topics not specifically raised in this RFI), as well as the submission of data and other relevant information concerning this early assessment review.

DATES: Written comments and information are requested and will be accepted on or before September 8, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2021–BT–STD–0018, by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email:* to *Pumps2021STD0018@ee.doe.gov.* Include docket number EERE–2021–BT–STD–0018 in the subject line of the message.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid–19 pandemic. DOE is currently suspending receipt of public comments via postal mail and hand delivery/courier. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the Covid–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *https://www.regulations.gov.* All documents in the docket are listed in the *https://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at: *http://www.regulations.gov/docket/EERE-2021-BT-STD-0018.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *https://www.regulations.gov.*

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For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Introduction

DOE has established an early assessment review process to conduct a more focused analysis to evaluate, based on statutory criteria, whether a new or amended energy conservation standard is warranted. Based on the information received in response to the RFI and DOE's own analysis, DOE will determine whether to proceed with a rulemaking for a new or amended energy conservation standard. If DOE makes an initial determination that a new or amended energy conservation standard would satisfy the applicable statutory criteria or DOE's analysis is inconclusive, DOE would undertake the preliminary stages of a rulemaking to issue a new or amended energy conservation standard. If DOE makes an

initial determination based upon available evidence that a new or amended energy conservation standard would not meet the applicable statutory criteria, DOE would engage in notice and comment rulemaking before issuing a final determination that new or amended energy conservation standards are not warranted.

A. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C[2] of EPCA, added by Public Law 95–619, Title IV, section 441(a) (42 U.S.C. 6311–6317, as codified), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency. This equipment includes pumps, the subject of this document. (42 U.S.C. 6311(1)(A))

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), energy conservation standards (42 U.S.C. 6313), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(a) and (b); 42 U.S.C. 6297) DOE may, however, grant waivers of federal preemption in limited instances for particular state laws or regulations, in accordance with the procedures and other provisions set forth under 42 U.S.C. 6316(a) (applying the preemption waiver provisions of 42 U.S.C. 6297).

DOE must follow specific statutory criteria for prescribing new or amended standards for covered equipment. EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') be designed to achieve the maximum improvement in energy or water efficiency that is technologically feasible and economically justified. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(A)). The Secretary may not prescribe an amended or new standard that will not result in significant conservation of energy, or is not technologically feasible or economically justified. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(3))

EPCA also requires that, not later than 6 years after the issuance of any Final Rule establishing or amending a standard, DOE evaluate the energy conservation standards for each type of covered equipment, including those at issue here, and publish either a notice of determination that the standards do not need to be amended, or a notice of proposed rulemaking (''NOPR'') that includes new proposed energy conservation standards (proceeding to a Final Rule, as appropriate). (42 U.S.C. 6316(a); 42 U.S.C. 6295(m)(1))

B. Rulemaking History

DOE published a framework document for pumps on January 25, 2013. 78 FR 7304. This document described the procedural and analytical approaches DOE anticipated using to evaluate potential new energy conservation standards for pumps. DOE solicited comment on this document and invited stakeholders to a public meeting to discuss the document.

A commercial and industrial pumps working group (''CIP working group'') was established in 2013 under the Appliance Standards and Rulemaking Advisory Committee (''ASRAC'') in accordance with the Federal Advisory Committee Act and the Negotiated Rulemaking Act. (5 U.S.C. App.; 5 U.S.C. 561–570). See also 78 FR 44036. The purpose of the CIP working group was to discuss and, if possible, reach consensus on proposed standards for pump energy efficiency. On June 19, 2014, the CIP working group reached consensus on proposed energy conservation standards for specific rotodynamic, clean water pumps[3] used in a variety of commercial, industrial, agricultural, and municipal applications. The CIP working group assembled their recommendations into a Term Sheet (See Docket EERE–2013–BT–NOC–0039–0092).[4]

The Term Sheet contained recommendations on the definitions relevant to all pumps, the scope for commercial and industrial pumps, energy conservation standards for pumps within scope, and the test metric for commercial and industrial pumps. Consequently, DOE initiated both an energy conservation standards rulemaking and a test procedure rulemaking to implement these recommendations.

On January 26, 2016, DOE published a final rule adopting energy conservation standards for commercial and industrial pumps manufactured on or after January 27, 2020. 81 FR 4368 (''January 2016 ECS Final Rule''). The energy conservation standards established in the January 2016 ECS Final Rule were consistent with those recommended by the CIP working group and approved by ASRAC. 81 FR 4368, 4375. The current energy conservation standards for pumps are codified at 10 CFR 431.465. Additionally, DOE established a test procedure for determining pump energy efficiency published in a Final Rule on January 25, 2016. 81 FR 4086 (''January 2016 TP Final Rule'').[5] The current test procedures for pumps are codified at 10 CFR 431.464 and in Appendix A to Subpart Y of 10 CFR part 431 (''Appendix A'').

II. Request for Information

DOE is publishing this RFI to collect data and information during the early assessment review process to inform its decision, consistent with its obligations under EPCA, as to whether the Department should proceed with an energy conservation standards rulemaking. Below DOE has identified certain topics for which information and data are requested to assist in the evaluation of the potential for amended energy conservation standards. DOE also welcomes comments on other issues relevant to its early assessment that may not specifically be identified in this document.

A. Scope and Equipment Classes

This RFI covers equipment meeting the pump definition codified in 10 CFR 431.462. ''Pump'' means equipment designed to move liquids (which may include entrained gases, free solids, and totally dissolved solids) by physical or mechanical action and includes a bare pump[6] and, if included by the

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

[3] Clean water pumps are designed for pumping water with a maximum non-absorbent free solid content of 0.016 pounds per cubic foot, with a maximum dissolved solid content of 3.1 pounds per cubic foot, provided that the total gas content of the water does not exceed the saturation volume, and disregarding any additives necessary to maintain the water above 14 °F.

[4] CIP working group Term Sheet, *https://www.regulations.gov/document/EERE-2013-BT-NOC-0039-0092.*

[5] On March 23, 2016, DOE published a correction to the January 2016 ECS Final Rule to correct the placement of the product-specific enforcement provisions related to pumps under 10 CFR 429.134 at paragraph (i). 81 FR 15426.

[6] A ''bare pump'' is exclusive of mechanical equipment, driver, and controls. See 10 CFR 431.462.

manufacturer at the time of sale, mechanical equipment,[7] driver,[8] and controls.[9] 10 CFR 431.462.

As part of the January 2016 ECS Final Rule, DOE established energy conservation standards for five categories of clean water pumps: End suction close-coupled (''ESCC''); end suction frame mounted/own bearings (''ESFM''); in-line (''IL''); radially split, multi-stage, vertical, in-line diffuser casing (''RSV''); and submersible turbine (''ST'') pumps. 10 CFR 431.464(a)(1)(i). Each of these categories is limited to pumps that have a shaft input power greater than or equal to 1 horsepower (''hp'') and less than or equal to 200 hp at the best efficiency point (''BEP'') [10] and full impeller diameter. DOE defines each of these categories in 10 CFR 431.462. DOE provides additional specifications regarding the applicability of the test procedure, and therefore the energy conservation standards, at 10 CFR 431.464(a)(ii).[11]

Pumps are further delineated into equipment classes based on nominal speed of rotation and operating mode. 10 CFR 431.465. All pump equipment classes are summarized in Table II.1.

TABLE II.1—EQUIPMENT CLASSES FOR PUMPS

Basic pump equipment category	Nominal driver speed (rpm)	Constant or variable load (CL or VL)	Equipment class
ESCC	1,800	CL	ESCC.1800.CL
	3,600	CL	ESCC.3600.CL
	1,800	VL	ESCC.1800.VL
	3,600	VL	ESCC.3600.VL
ESFM	1,800	CL	ESFM.1800.CL
	3,600	CL	ESFM.3600.CL
	1,800	VL	ESFM.1800.VL
	3,600	VL	ESFM.3600.VL
IL	1,800	CL	IL.1800.CL
	3,600	CL	IL.3600.CL
	1,800	VL	IL.1800.VL
	3,600	VL	IL.3600.VL
RSV	1,800	CL	RSV.1800.CL
	3,600	CL	RSV.3600.CL
	1,800	VL	RSV.1800.VL
	3,600	VL	RSV.3600.VL
ST	1,800	CL	ST.1800.CL
	3,600	CL	ST.3600.CL
	1,800	VL	ST.1800.VL
	3,600	VL	ST.3600.VL

In a test procedure RFI published on April 16, 2021, DOE requested comment on whether it should expand or remove some of the limitations in 10 CFR 431.464(a)(ii) for pumps. 86 FR 20075.

In developing its recommendations, and in consideration of time constraints, the CIP working group further limited its scope to clean water pumps. (Term Sheet, recommendation #8). The CIP working group also recommended that pump energy efficiency standards not apply to (1) fire pumps, (2) self-priming pumps, (3) prime-assist pumps, (4) magnet driven pumps, (5) pumps designed to be used in nuclear facilities, and (6) pumps meeting design and construction requirements in various military specifications. *Id.* Consistent with the CIP working group recommendations, DOE established energy conservation standards for clean water pumps (10 CFR 431.465(b)(2)) and excluded from the scope of the energy conservation standards the pumps listed above (10 CFR 431.465(c)). Additionally, consistent with the recommendation from the CIP working group (See Term Sheet, recommendation #6), DOE excluded from coverage under the standards positive displacement pumps, axial/mixed flow pumps, double suction pumps, multistage axially split pumps, multistage radial-split horizontal pumps, multistage radial split vertical immersible pumps, and vertical turbine (non-submersible) pumps. 81 FR 4368, 4376.

Issue 1: DOE seeks comment on whether to consider energy conservation standards for pumps other than clean water pumps. Additionally, DOE seeks comment on whether energy conservation standards should be considered for positive displacement, axial/mixed flow, double suction, multistage axially split, multistage radial-split horizontal, multistage radial split vertical immersible, or non-submersible vertical turbine pumps, fire pumps, self-priming pumps, prime-assist pumps, magnet driven pumps, pumps used in nuclear facilities, or pumps specified for certain military uses. Specifically, DOE is interested in information and data on the industries in which these pumps are typically used, shipment data for these products (or the relative shipments for these products compared to clean water pumps currently with the scope of DOE's efficiency standards), and

[7] ''Mechanical equipment'' is any component of a pump that transfers energy from the driver to the bare pump. See 10 CFR 431.462.

[8] A ''driver'' provides mechanical input to drive a bare pump directly or through the use of mechanical equipment. Electric motors, internal combustion engines, and gas/steam turbines are examples of drivers. See 10 CFR 431.462.

[9] A ''control'' is used to operate a driver. See 10 CFR 431.462.

[10] Best efficiency point (''BEP'') is the pump hydraulic power operating point consisting of both flow and head conditions of a pump that results in the maximum efficiency. See 10 CFR 431.462.

[11] The test procedure applies to the established categories of pumps that have the following characteristics: (a) Flow rate of 25 gallons per minute (gpm) or greater at BEP and full impeller diameter; (b) Maximum head of 459 feet at BEP and full impeller diameter and the number of stages required for testing (see section 1.2.2 of appendix A of this subpart); (c) Design temperature range from 14 to 248 °F; (d) Designed to operate with either: (1) A 2- or 4-pole induction motor; or (2) A non-induction motor with a speed of rotation operating range that includes speeds of rotation between 2,880 and 4,320 revolutions per minute (rpm) and/or 1,440 and 2,160 rpm, and in either case, the driver and impeller must rotate at the same speed; (e) For ST pumps, a 6-inch or smaller bowl diameter; and (f) For ESCC and ESFM pumps, a specific speed less than or equal to 5,000 when calculated using U.S. customary units. 10 CFR 431.464(a)(ii).

additional safety or performance standards that these pump types must meet.

B. Significant Savings of Energy

The January 2016 ECS Final Rule estimated that the established energy conservation standard for pumps would result in 0.10 quadrillion British thermal units (''quads'') of site energy savings in site energy use over a 30-year period. 81 FR 4368, 4371. Additionally, in the January 2016 ECS Final Rule, DOE estimated that an energy conservation standard established at an energy efficiency level equivalent to that achieved using the maximum available technology (''max-tech'') would have resulted in 0.38 additional quads of site energy savings. 81 FR 4368, 4415.

As a preliminary step in evaluating potential energy savings, DOE updated its energy savings estimates from the January 2016 ECS Final Rule. DOE's current estimate indicates that an amended energy conservation standard established at the same max-tech as the January 2016 ECS Final Rule would result in 0.25 quads of site energy savings (0.69 quads of full-fuel cycle energy savings) which is a reduction from 0.38 quads. The primary driver for the reduced estimate is a revised estimate of the base case efficiency distribution. In preparation for this RFI, DOE reviewed its Compliance Certification database [12] and found that the efficiency distribution by basic model in the marketplace in 2020 exceeded that assumed in the January 2016 ECS Final Rule for the adopted standard level (*i.e.,* there are fewer models at baseline,[13] indicating that manufacturers redesigned pump models to surpass, rather than just meet, the current Federal standard).[14]

While DOE's request for information is not limited to the following issues, DOE is particularly interested in comment, information, and data on the following topics to inform whether potential amended energy conservation standards would result in a significant savings of energy.

1. Base Case Efficiency Distribution

DOE uses base case efficiency distributions to calculate life cycle cost (''LCC'') savings resulting from each considered energy efficiency level. In the analysis supporting the January 2016 ECS Final Rule, DOE developed the base case efficiency distributions based on the shipments data provided by manufacturers [15] and used base case efficiency distribution specific to equipment class, shaft input power and flow.[16]

Issue 2: DOE seeks data and information on the distribution of pump efficiencies. To the extent available, DOE requests the data, in terms of pump energy index (''PEI''); by pump shipments at the equipment class level; and disaggregated by shaft input power and flow, for bare pumps only. DOE seeks comment on how the shipments efficiency distribution might differ across ranges of flow and shaft input power for each equipment class.

2. Energy Use

Consumer inputs to the energy use analysis are based on operational demands that are independent of the pump efficiency, while equipment inputs to the analysis are based on the efficiency of the pump. Consumer inputs include consumer duty point that is defined by the flow and head, annual load profile, and annual operating hours. With limited data available with respect to the duty point in the January 2016 ECS Final Rule analysis, DOE developed a distribution of duty points (*i.e.,* operating shaft input power and flow) based on shipments data provided by manufacturers. DOE developed four representative load profiles, characterized by different weights at 50 percent, 75 percent, 100 percent, and 110 percent of the flow at the duty point. The load profiles were developed to represent a range of pump loading conditions within an annual cycle. For the January 2016 ECS Final Rule, DOE estimated statistical distributions and average values of annual operating hours by application based on inputs from a subject matter expert and feedback from the CIP working group. In addition, in the January 2016 ECS Final Rule, DOE sized the pumps to operate within 75 percent to 110 percent of their BEP flow. 81 FR 4368, 4390.

Issue 3: DOE requests data and information on whether, and if so, how, the field energy use of pumps has changed since the January 2016 ECS Final Rule. Specifically, DOE is interested in any information and data related to whether there have been changes in duty points (*i.e.,* flow, head, and shaft input power required for a given application), annual hours of operation, and load profiles since the January 2016 ECS Final Rule.

Issue 4: DOE requests comment on whether the characterization of pump sizing practices in the January 2016 ECS Final Rule remains appropriate. If not, DOE requests data and information on how pump sizing practices have changed since the January 2016 ECS Final Rule.

3. National Energy Savings

In the January 2016 ECS Final Rule shipments analysis, DOE developed shipment projections for pumps and, in turn, calculated equipment stock from 2020 through 2049, starting with the 2012 shipment estimates from the Hydraulics Institute (''HI'') (Docket EERE–2013–BT–NOC–0039–0068). To project shipments of pumps, DOE relied primarily on Annual Energy Outlook 2014 forecasts. DOE used the shipments projection and the equipment stock to determine the National Energy Savings (''NES'').

Issue 5: DOE requests 2020 (or the most recent year available) annual sales data (*i.e.,* number of shipments) for pumps by equipment class, as shown in 10 CFR 431.465(b)(4). If disaggregated fractions of annual sales are not available at the equipment class level, DOE requests more aggregated fractions of annual sales at the category level (*i.e.,* ESCC, ESFM, IL, RSV, ST). If available, DOE requests annual sales data by equipment class for the previous five years (2015–2019).

C. Technological Feasibility

During the January 2016 ECS Final Rule, DOE considered a number of technology options that manufacturers could use to reduce energy consumption in pumps. 81 FR 4368, 4383. DOE seeks comment on any changes to these technology options that could affect whether DOE could propose a ''no-new-standards'' determination, such as an insignificant increase in the range of efficiencies and performance characteristics of these technologies.

[12] U.S. Department of Energy's Compliance Certification Database, *https://www.regulations.doe.gov/certification-data/CCMS-4-Pumps_-_General_Pumps.html#q=Product_Group_s%3A%22Pumps%20-%20General%20Pumps%22,* Accessed February 24, 2020.

[13] The baseline efficiency level was set to represent the lowest efficiency hydraulic designs on the market. 81 FR 4368, 4382.

[14] While DOE does not have updated information on efficiency distribution by shipment as it did in the January 2016 ECS Final Rule, DOE compared the efficiency distributions by model and shipment gathered for the January 2016 ECS Final Rule and determined that model distribution is a reasonable proxy for shipment distribution.

[15] DOE's shipment estimates for the January 2016 ECS Final Rule (and carried through to the updated energy savings estimate presented in this section) relied on annual shipments data for 2012 provided by industry. 81 FR 4368, 4391. See discussion in the January 2016 ECS Final Rule Technical Support Document (''TSD''), Section 8.3.3 of Chapter 8, available at *https://www.regulations.gov/document/EERE-2011-BT-STD-0031-0056.*

[16] In the January 2016 ECS Final Rule, DOE used performance data for bare pumps to represent the performance of all pump equipment classes. 81 FR 4368, 4382. In addition, DOE considered improved hydraulic design to be the only technology option suitable for further consideration in a standards rulemaking. 81 FR 4368, 4383–4384.

While DOE's request for information is not limited to the following issues, DOE is particularly interested in comment, information, and data on the following.

1. Technology Options

A complete list of technology options evaluated for pumps in preparation for the January 2016 ECS Final Rule is presented in Table II.2. 81 FR 4368, 4383.

TABLE II.2—PUMPS TECHNOLOGY OPTIONS CONSIDERED FOR THE JANUARY 2016 ECS FINAL RULE

Technology Options
Improved Hydraulic Design
Improved surface finish on wetted components
Reduced running clearances
Reduced mechanical friction in seals
Reduction of other volumetric losses
Addition of variable speed drive ("VSD")
Improvement of VSD efficiency
Reduced VSD standby and off mode power usage

In the January 2016 ECS Final Rule, DOE determined that most of the technology options listed in Table II.2 had limited potential to improve pump efficiency. 81 FR 4368, 4383. Specifically, DOE received manufacturer feedback that certain technologies (a) did not significantly improve efficiency; (b) were not applicable to the equipment for which standards were being considered; (c) did not significantly improve efficiency across the entire scope of each equipment class; or (d) benefits degraded quickly over time. *Id.*

Table II.3 summarizes the pump technology options that DOE screened from its analysis in the January 2016 ECS Final Rule, and the applicable screening criteria.

TABLE II.3—PUMPS TECHNOLOGY OPTIONS SCREENED FROM THE JANUARY 2016 ECS FINAL RULE

Screened technology option	EPCA criteria				
	Technological feasibility	Practicability to manufacture, install, and service	Adverse impact on product utility or availability	Adverse impacts on health and safety	Other reasons for not considering the technology
Improved surface finish on wetted components—smoothing operations		X			X*
Improved surface finish on wetted components—coating or plating			X		X*
Improved surface finish on wetted components—casting					X††
Reduced running clearances	X				X†, X††
Reduced mechanical friction in seals					X†, X*
Reduction of other volumetric losses			X		
Addition of variable speed drive					X*
Improvement of VSD efficiency					X*
Reduced VSD standby and off mode power usage					X*

* DOE screened out these technology options because they were not applicable to the equipment for which standards were being considered or did not significantly improve efficiency across the entire scope of each equipment class.
† DOE screened out these technology options because they did not significantly improve efficiency.
†† DOE screened out these technology options because efficiency improvements from these technologies degrade quickly.

Ultimately, hydraulic redesign was the only design option incorporated into the January 2016 ECS Final Rule engineering analysis. 81 FR 4368, 4385. Hydraulic redesign is a broad term used to describe the system design of a bare pump's wetted components. Although hydraulic redesign focuses on the specific hydraulic characteristics of the impeller and the volute/casing, it also includes design choices related to clearances, seals, and other volumetric losses.[17]

Issue 6: DOE seeks comment on if there are additional technology options that were not considered during the January 2016 ECS Final Rule that may have a significant potential for improving pump energy use beyond hydraulic redesign. Additionally, DOE requests feedback on whether, and if so, how, technologically feasible design options might vary by equipment class. DOE also seeks comment on how any of the listed technologies in Table II.3 may have changed since the January 2016 ECS Final Rule. Specifically, DOE is interested in data that support whether DOE should continue to screen-out the technologies listed in Table II.3 from its engineering analysis.

2. Representative Units

In the January 2016 ECS Final Rule, DOE identified representative configurations that were based on typical product offerings for each of the five equipment classes. 81 FR 4368, 4385. For the ESCC, ESFM, and IL equipment classes, the representative configuration was a pump fitted with a cast bronze impeller, a cast-iron volute and a mechanical seal. *Id.* For RSV and ST equipment classes, the representative configuration was a

[17] See Section 3.6.1 Chapter 3 of the TSD for the January 2016 ECS Final Rule. Docket EERE–2011–BT–STD–0031–0056.

pump fitted with sheet metal-based fabricated stainless-steel impeller(s), and sheet metal-based fabricated stainless-steel casing and internal static components. *Id.* DOE is aware that many manufacturers redesigned their pump models in order to meet the standards set forth in the January 2016 ECS Final Rule (see discussion in Section II.B).

Issue 7: DOE seeks comment on whether the representative configurations used in the January 2016 ECS Final Rule analysis for ESCC, ESFM, and IL pump impeller, volute and mechanical seal, and for RSV and ST impeller and bowl/casing continue to provide an accurate representation of the current market.

3. Efficiency Levels

DOE uses a standardized, minimally compliant bare pump, inclusive of a minimally compliant motor, as a reference pump. The efficiency of the minimally compliant pump is defined as a function of certain physical properties of the bare pump, such as flow at BEP and specific speed.[18] Section II.B.1.1.1 of Appendix A. The terms in the efficiency model (*i.e.,* BEP flow rate at full impeller diameter and nominal speed of rotation, specific speed) can be measured or calculated using the physical properties of the pump, except for the ''C-value''. The ''C-value'' is a constant based on the speed of rotation and equipment category of the pump model. 81 FR 4368, 4377–4378.

This pump hydraulic efficiency model is an adaptation of the European Union's (''EU'') model equation,[19] modified to use United States customary units and 60 Hz electrical input power. 81 FR 4368, 4377. DOE defined pump efficiency levels using efficiency percentile ranges. *Id.* As an example, at the 25th percentile, 25 percent of pump models are less efficient than the defined efficiency model.[20]

The C-values specified in 10 CFR 431.465 correspond to the lower 25th percentile of efficiency for the ESCC, ESFM and IL equipment classes. 81 FR 4368, 4370. For the ST equipment classes, C-values for pumps at 3600 rpm correspond to the lower 25th percentile of efficiency, while C-values for pumps at 1800 rpm represent the baseline efficiency evaluated for the January 2016 ECS Final Rule. *Id.* Due to a lack of available data for ST pumps at 1800 rpm, DOE used data from the ST 3600 rpm analysis to set the C-value standard for ST pumps at 1800 rpm. 81 FR 4368, 4382. Ultimately, the standard for ST pumps at 1800 rpm was set to the baseline efficiency C-value established for ST pumps at 3600 rpm. *Id.* Because of a lack of available data for all RSV pumps, DOE harmonized the C-values for the RSV equipment classes with the EU 40th percentile value. 81 FR 4368, 4370.

Issue 8: DOE requests data for all pump equipment classes that would enable DOE to conduct an efficiency level analysis similar to that conducted for the January 2016 ECS Final Rule. To the extent available, DOE requests data grouped by equipment class and shaft power, and that includes pump energy rating (''PER''), pump hydraulic efficiency at BEP, specific speed at 60 Hz, and the BEP flow rate at full impeller diameter and nominal speed of rotation. If these data are not available, DOE requests test data that would allow for the calculation of these values according to Appendix A (*e.g.,* pump hydraulic efficiency at BEP can be calculated from bare pump PER at constant load, bare pump hydraulic output power and part load motor losses at 75 percent, 100 percent, and 110 percent of BEP flow[21]).

In its analysis supporting the January 2016 ECS Final Rule, DOE assigned the max-tech efficiency level as the maximum available efficiency already offered in the marketplace. DOE established a max-tech level at the 70th efficiency percentile for all equipment classes. 81 FR 4368, 4386. At this max-tech level there were existing pumps available in the market that met this level for all shaft powers between 1 and 200 hp. 81 FR 4368, 4386. However, the opportunity for efficiency improvement is not equal across the entire range of shaft powers, specifically, DOE's analysis supporting the January 2016 ECS Final Rule indicated that application of the design options listed in Table II.2 resulted in greater efficiency improvement for smaller pumps compared to larger pumps.[22]

Issue 9: DOE requests information on whether conducting a max-tech analysis based on size (for example, developing small and large shaft power designations) or specific speed would be more representative of the pumps market and provide an opportunity for additional energy savings.

D. Economic Justification

In determining whether a proposed energy conservation standard is economically justified, DOE analyzes, among other things, the potential economic impact on consumers, manufacturers, and the Nation. DOE seeks comment on whether there are economic barriers to the adoption of more-stringent energy conservation standards. DOE also seeks comment and data on any aspects of its economic justification analysis from the January 2016 ECS Final Rule that may indicate whether a more-stringent energy conservation standard would be economically justified or cost effective.

While DOE's request for information is not limited to the following issues, DOE is particularly interested in comment, information, and data on the following.

1. Distribution Channels

In generating end-user price inputs for the LCC analysis and the National Impacts Analysis (''NIA''), DOE identified distribution channels (*i.e.,* how the equipment are distributed from the manufacturer to the consumer), and estimated relative sales volumes through each channel. Table II.5 presents the distribution channels identified by the CIP working group with their corresponding share of total pump sales that were used in the January 2016 ECS Final Rule analysis. 81 FR 4368, 4389.

TABLE II.5—DISTRIBUTION CHANNELS MARKET SHARES FOR PUMPS

Distribution channel	Percentage of total pump sales (%)
Manufacturer to distributor to contractor to end-user	70
Manufacturer to distributor to end-users	17
Manufacturer to original equipment manufacturer to end-users	8
Manufacturer to end-users ...	2
Manufacturer to contractor to end-users	1
Other	2

Issue 10: DOE seeks input on whether the distribution channels described, and the percentage of shipments in each channel, as shown in Table II.5, reflect the current market.

[18] Section II of Appendix A prescribes how to compare a tested pump to the standard minimally compliant bare pump for each equipment class.

[19] Council of the European Union. 2012. Commission Regulation (EU) No 547/2012 of 25 June 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water pumps. Official Journal of the European Union. L 165, 26 June 2012, pp. 28–36.

[20] See Section 5.8.1 of Chapter 5 of the TSD for the January 2016 ECS Final Rule. Docket EERE–2011–BT–STD–0031–0056 p. 5–13.

[21] As described in sections II.E and II.B of Appendix A.

[22] See Section 3 of Chapter 3.6 of the TSD for the January 2016 ECS Final Rule. Docket EERE–2011–BT–STD–0031–0056 p. 5–13.

2. Life-Cycle Cost and Payback Period Analysis

In the January 2016 ECS Final Rule analysis, DOE conducted a LCC and payback period (''PBP'') analysis to estimate the economic impacts of potential new standards on individual consumers of pump equipment. The analysis included, among others, the inputs further elaborated below.

a. Installation, Repair and Maintenance Costs

In generating end-user price inputs for the LCC analysis and NIA in the January 2016 ECS Final Rule, DOE assumed that installation, maintenance, and repair costs remain identical across efficiency levels. With the market efficiency moving beyond what was projected in the January 2016 ECS Final Rule, there may be additional or different data available to represent the relationship between installation, repair, and maintenance costs and efficiency.

Issue 11: DOE requests feedback and data on whether installation costs at higher efficiency levels differ in comparison to baseline installation costs. To the extent that these costs differ, DOE seeks supporting data and the reasons for those differences.

Issue 12: DOE requests feedback and data on whether repair and maintenance costs at higher efficiency levels differ in comparison to repair and maintenance costs at baseline levels, respectively, both in terms of value and frequency of occurrence during the equipment lifetime. To the extent that these costs differ, DOE seeks supporting data and the reasons for those differences.

b. Equipment Lifetimes

The lifetime energy use of a pump is calculated as the annual energy use multiplied by the equipment economic lifetime. DOE considers economic lifetime, also called service lifetime, as the total number of years that the equipment is in service (from initial equipment installation until its final retirement), and the mechanical lifetime, as the total number of operating hours from initial equipment installation until its final retirement. In the January 2016 ECS Final Rule, DOE estimated the pump equipment lifetimes to range between 4 and 40 years, with an average lifetime of 15 years across all equipment classes, based on estimates from market experts and input from the CIP working group. The analysis conducted for the January 2016 ECS Final Rule used Weibull lifetime distribution per equipment class, and included variability by pump rotation speed, and lifetime extensions through repairs.[23]

Issue 13: DOE requests comment and data on whether any market and technology changes since the January 2016 ECS Final Rule would affect its equipment lifetime estimates for pumps for which DOE currently has standards, and if so, how. DOE additionally requests equipment lifetime data for any pump types discussed through Section II.A that are not currently subject to energy conservation standards.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date under the **DATES** heading, comments and information on matters addressed in this notification and on other matters relevant to DOE's early assessment of whether more-stringent energy conservation standards are warranted for pumps.

Submitting comments via https://www.regulations.gov. The *https://www.regulations.gov* web page requires you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)) to *https://www.regulations.gov.* Comments submitted through *https://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will not be protected under CBI. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *https://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that is generated through *https://www.regulations.gov* after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to *https://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. Faxes will not be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide only unsecured documents in English, and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information

[23] See Section 8.3.2.5 of Chapter 8 of the TSD for the January 2016 ECS Final Rule. Docket EERE–2011–BT–STD–0031–0056 p. 5–13.

believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on August 2, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 4, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–16936 Filed 8–6–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0621; Project Identifier MCAI–2020–01517–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2018–25–16, which applies to certain Airbus Defense and Space S.A. Model CN–235, CN–235–200, and CN–235–300 airplanes. AD 2018–25–16 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2018–25–16, the FAA has determined that additional new or more restrictive airworthiness limitations, including inspections for discrepancies (cracking) of certain structural elements, are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, and repetitive inspections for discrepancies (cracking) of certain structural elements and corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 23, 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 EASA material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0621.

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–2021–0621; 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: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@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–2021–0621; Project Identifier MCAI–2020–01517–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

summarizing each substantive verbal contact received about this 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 Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2018–25–16, Amendment 39–19527 (83 FR 64441, December 17, 2018) (AD 2018–25–16), for certain Airbus Defense and Space S.A. Model CN–235, CN–235–200, and CN–235–300 airplanes. AD 2018–25–16 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2018–25–16 to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

Actions Since AD 2018–25–16 Was Issued

Since the FAA issued AD 2018–25–16, the FAA has determined that new or more restrictive airworthiness limitations, including inspections for discrepancies (cracking) of certain structural elements, are necessary.

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0251, dated November 11, 2020 (EASA AD 2020–0251) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes. EASA AD 2020–0251 states that it requires repetitive inspections of certain structural elements, which are currently specified in an alert operators transmission (AOT). EASA AD 2020–0251 further states that those inspections will be added to the airworthiness limitations document when that document is next revised. Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after March 20, 2018, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this AD therefore does not include those airplanes in the requirement to revise the existing maintenance or inspection program.

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

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0251 describes new or more restrictive airworthiness limitations for airplane systems, structural inspections, safe life structural items, and safe life system items. EASA AD 2020–0251 also describes repetitive inspections for discrepancies (cracking) of certain structural elements and corrective action (repair). 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 FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA has evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Proposed AD Requirements

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, and repetitive inspections for discrepancies (cracking) of certain structural elements and corrective actions, which are specified in EASA AD 2020–0251 described previously, as proposed for incorporation by reference. Any differences with EASA AD 2020–0251 are identified as exceptions in the regulatory text of this AD.

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

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA 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 2020–0251 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0251 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 2020–0251 that is required for compliance with EASA AD 2020–0251 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0621 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

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

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

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

Costs of Compliance

The FAA estimates that this proposed AD affects 8 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
New proposed inspections	60 work-hours × $85 per hour = $5,100	$0	$5,100	$40,800

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

Authority for This Rulemaking

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

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

Regulatory Findings

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:

■ a. Removing Airworthiness Directive (AD) 2018–25–16, Amendment 39–19527 (83 FR 64441, December 17, 2018); and

■ b. Adding the following new AD:

Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Docket No. FAA–2021–0621; Project Identifier MCAI–2020–01517–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 23, 2021.

(b) Affected ADs

This AD replaces AD 2018–25–16, Amendment 39–19527 (83 FR 64441, December 17, 2018) (AD 2018–25–16).

(c) Applicability

This AD applies to all Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before March 20, 2018.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks; and 53, Fuselage.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations, including inspections for discrepancies (cracking) of certain structural elements, are necessary. The FAA is issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0251, dated November 11, 2020 (EASA AD 2020–0251).

(h) Exceptions to EASA AD 2020–0251

(1) Where EASA AD 2020–0251 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraph (4) of EASA AD 2020–0251 do not apply to this AD.

(3) Where paragraph (5) of EASA AD 2020–0251 specifies actions if discrepancies are found while accomplishing any task ''required by paragraph (1), (2), (3) or (4) of this [EASA] AD,'' this AD requires actions if discrepancies are found while accomplishing any task ''required by paragraph (1), (2), or (3) of EASA AD 2020–0251.''

(4) Where paragraph (5) of EASA AD 2020–0251 specifies actions ''in case of finding discrepancies,'' for this AD, discrepancies include fatigue cracking.

(5) Paragraph (6) of EASA AD 2020–0251 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires, for airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before March 20, 2018, revising the existing maintenance or inspection program, as applicable, to incorporate the ''limitations, tasks and associated thresholds and intervals'' specified in paragraph (6) of EASA AD 2020–0251 within 90 days after the effective date of this AD.

(6) For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before March 20, 2018, the initial compliance time for doing the tasks specified in paragraph (6) of EASA AD 2020–0251 is at the applicable ''thresholds'' as incorporated by the requirements of paragraph (6) of EASA AD 2020–0251, or within 90 days after the effective date of this AD, whichever occurs later.

(7) The provisions specified in paragraphs (7) and (8) of EASA AD 2020–0251 do not apply to this AD.

(8) The ''Remarks'' section of EASA AD 2020–0251 does not apply to this AD.

(i) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0251.

(j) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0251 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(l) Related Information

(1) For EASA AD 2020–0251, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu*. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0621.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov*.

Issued on July 30, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–16686 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0617; Project Identifier MCAI–2021–00385–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 23, 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

EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0617.

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–2021–0617; 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 Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0617; Project Identifier MCAI–2021–00385–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0093, dated March 30, 2021 (EASA AD 2021–0093) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A300–600 series airplanes.

EASA AD 2021–0093 specifies that it requires tasks (limitations) already required by EASA AD 2019–0090 (which corresponds to FAA AD 2019–21–01, Amendment 39–19767 (84 FR 56935, October 24, 2019) (AD 2019–21–01)) and EASA AD 2020–0111R2 (which corresponds to FAA AD 2020–23–11, Amendment 39–21327 (85 FR 75838, November 27, 2020) (AD 2020–23–11)) and invalidates prior instructions for those tasks. This proposed AD would, for AD 2019–21–01 and AD 2020–23–11, terminate the limitation for the tasks identified in the service information referred to in EASA AD 2021–0093 only.

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

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0093 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

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 FAA's 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 has evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Proposed AD Requirements

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, which are specified in EASA AD 2021–0093 described previously, as incorporated by reference. Any differences with EASA AD 2021–0093 are identified as exceptions in the regulatory text of this AD.

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

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA

ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0093 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0093 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0093 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0093. Service information required by EASA AD 2021–0093 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0617 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

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

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

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

Costs of Compliance

The FAA estimates that this proposed AD affects 118 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2021–0617; Project Identifier MCAI–2021–00385–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 23, 2021.

(b) Affected ADs

This AD affects AD 2019–21–01, Amendment 39–19767 (84 FR 56935, October 24, 2019) (AD 2019–21–01) and AD 2020–23–11, Amendment 39–21327 (85 FR 75838, November 27, 2020) (AD 2020–23–11).

(c) Applicability

This AD applies all Airbus SAS Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements, which could result in reduced structural integrity of the fuselage.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0093, dated March 30, 2021 (EASA AD 2021–0093).

(h) Exceptions to EASA AD 2021–0093

(1) Where EASA AD 2021–0093 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraphs (1) and (2) of EASA AD 2021–0093 do not apply to this AD.

(3) Paragraph (3) of EASA AD 2021–0093 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable within 90 days after the effective date of this AD.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2021–0093 is at the applicable ''thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2021–0093, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraphs (4) of EASA AD 2021–0093 do not apply to this AD.

(6) The ''Remarks'' section of EASA AD 2021–0093 does not apply to this AD.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2021–0093.

(j) Terminating Action for Certain Requirements of AD 2019–21–01 and AD 2020–23–11

(1) Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2019–21–01, for the tasks identified in the service information referred to in EASA AD 2021–0093 only.

(2) Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2020–23–11, for the tasks identified in the service information referred to in EASA AD 2021–0093 only.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(l) Related Information

(1) For information about EASA AD 2021–0093, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0617.

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

Issued on July 29, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–16559 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0571; Project Identifier AD–2021–00101–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This proposed AD was prompted by reports of damage to the thrust reverser (TR) translating sleeve secondary sliders due to contact between the slider and the slider track liner. This damage was only found on TR sleeves installed on certain engines. This proposed AD would require determining the serial number of the TR and performing applicable on-condition actions; or replacing the TR with a serviceable TR. 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 September 23, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0571.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0571; 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: Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3553; email: *takahisa.kobayashi@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–2021–0571; Project Identifier AD–2021–00101–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3553; email: *takahisa.kobayashi@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received reports of damage to the TR translating sleeve secondary sliders. Gouging damage to the slider end and grooving damage along the length of the slider occurred due to contact between the slider and the slider track liner. This damage was found only on TR sleeves installed on Rolls-Royce engines with mission improvement configuration thrust reversers. This damage, if not addressed, could result in failure of the TR translating sleeve secondary slider and possible detachment of the outer cowl, which could strike the fuselage causing damage to the airplane, and could result in reduced control or performance of 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 Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021. This service information specifies procedures for determining the serial number of the TR, and applicable on-condition actions; or replacing the TR with a serviceable TR. On-condition actions include reworking affected TR slider track liners; determining the serial number of the TR translating sleeves; checking to determine if certain TR translating sleeves have been installed on certain TRs; performing a detailed inspection of the secondary sliders of affected TR translating sleeves for cracking, grooving, gouging damage, and any existing repair; performing a dye penetrant inspection on any cracking, grooving or gouging damage, and any existing repair for cracking; and repairing any discrepancy found.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0571.

Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the ''Accomplishment Instructions.'' The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.,* only the RC actions).

Differences Between This Proposed AD and the Service Information

The effectivity of Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021, includes all Model 787–8, 787–9, and 787–10 airplanes equipped with Rolls-Royce engines. This proposed AD would only require accomplishing the actions specified in Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021, on airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of this AD. Airplanes certificated after the effective date of this AD will not be delivered with affected TRs or TR translating sleeves. However, because the affected TRs and TR translating sleeves are rotable parts, the FAA has determined that these parts could later be installed on airplanes delivered with acceptable parts, thereby subjecting those airplanes to the unsafe condition. This proposed AD would therefore include a parts installation prohibition applicable to all Model 787–8, 787–9, and 787–10 airplanes equipped with Rolls-Royce engines. Furthermore, the FAA has determined that a parts installation prohibition needs to be specified for airplanes on

which the corrective actions required by this proposed AD have been accomplished. In general, such a prohibition is not necessary since an airplane that is credited for compliance with an AD requirement must be maintained at the AD-compliant configuration. However, the corrective actions required by this AD are accomplished on the TRs and TR translating sleeves, and those parts can be moved from one airplane to another as part of regular maintenance activities. To prevent inadvertent maintenance where an AD-compliant airplane is re-configured to a non-compliant configuration by installing a TR or TR translating sleeve on which the corrective actions have not been accomplished, this proposed AD would explicitly specify a parts installation prohibition for those airplanes that have complied with an AD requirement.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 14 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Serial number inspection	6 work-hours × $85 per hour = $510	$0	$510	Up to $7,140.
Replacement (per T/R half)	12 work-hours × $85 per hour $1,020	0	1,020	Up to $14,280.

The FAA estimates the following costs to do any necessary on-condition repairs, dye-penetrant inspections, TR sleeve serial number checks, or checks to determine if certain TR sleeves have been installed on certain TRs, that would be required. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Action	Labor cost	Parts cost	Cost per product
Repair	Up to 100 work-hours × $85 per hour = Up to $8,500	$0	Up to $8,500.
Dye-penetrant inspection	Up to 4 work-hours × $85 per hour = Up to $340	0	Up to $340.
TR sleeve serial number check	1 work-hour × $85 per hour = $85	0	$85.
Check to determine if TR translating sleeve has been installed on certain TRs.	1 work-hour × $85 per hour = $85	0	$85.

The FAA has received no definitive data on which to base the cost estimates for the on-condition rework and detailed inspections specified in this proposed AD.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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:

The Boeing Company: Docket No. FAA–2021–0571; Project Identifier AD–2021–00101–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 23, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, powered by Rolls-Royce Trent 1000 engines.

(d) Subject

Air Transport Association (ATA) of America Code 78, Thrust Reverser.

(e) Unsafe Condition

This AD was prompted by reports of damage to the thrust reverser (TR) translating sleeve secondary sliders due to contact between the slider and the slider track liner. This damage was only found on TR sleeves installed on certain engines. The FAA is issuing this AD to address this damage, which could result in failure of the TR translating sleeve secondary slider and possible detachment of the outer cowl, which could strike the fuselage, causing damage to the airplane, and could result in reduced control or performance of the airplane.

(f) Compliance

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

(g) Required Actions

For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of this AD: Except as specified by paragraph (h) of this AD; at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021, do all applicable actions for Group 1, Configuration 1 airplanes as identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB780043–00, Issue 001, dated January 15, 2021, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021, uses the phrase ''the issue 001 date of Requirements Bulletin B787–81205–SB780043–00 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021, specifies contacting Boeing for repair instructions or for instructions to address certain conditions: This AD requires doing the repair or doing the instructions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Parts Installation Limitations

(1) As of the applicable compliance time specified in paragraph (i)(1)(i) or (ii) of this AD, no person may install on any airplane a TR with serial number between 00110001 and 00312001 inclusive, on which all applicable inspections and corrective actions required by paragraph (g) of this AD have not been accomplished.

(i) For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of this AD: After accomplishing the actions required by paragraph (g) of this AD.

(ii) For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after the effective date of this AD: As of the effective date of this AD.

(2) As of the applicable compliance time specified in paragraph (i)(2)(i) or (ii) of this AD, no person may install on any airplane a TR translating sleeve with serial number 00125001 and subsequent, on which all applicable inspections and corrective actions required by paragraph (g) of this AD have not been accomplished.

(i) For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of this AD: After accomplishing the actions required by paragraph (g) of this AD.

(ii) For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after the effective date of this AD: As of the effective date of this AD.

(3) As of the effective date of this AD, no person may install a TR translating sleeve that was originally installed on any airplane with an original airworthiness certificate or original export certificate of airworthiness issued after the effective date of this AD; or a TR translating sleeve with serial number 00125001 and subsequent, on which all applicable inspections and corrective actions specified in Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021, have been accomplished; on any airplane with a TR with a serial number between 00110001 and 00312001 inclusive, unless all applicable inspections and corrective actions specified in Boeing Alert Requirements Bulletin B787–81205–SB780043–00 RB, Issue 001, dated January 15, 2021, have been accomplished on that TR, except as specified in paragraph (h)(2) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(k) Related Information

(1) For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3553; email: *takahisa.kobayashi@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on July 13, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–16680 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0213; Project Identifier 2018–CE–036–AD]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Pacific Aerospace Limited Model 750XL airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as insufficient separation of ground terminations for individual power sources and static grounds. This proposed AD would require inspecting and separating, if applicable, the battery

and generator common ground connections on the airframe. 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 September 23, 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 the Civil Aviation Authority of New Zealand, Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011; phone: +64 4 560 9400; fax: +64 4 569 2024; email: *info@caa.govt.nz.* You may review this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0213; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@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–2021–0213; Project Identifier 2018–CE–036–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM 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 AD. Submissions containing CBI should be sent to Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The Civil Aviation Authority (CAA), which is the aviation authority for New Zealand, has issued DCA/750XL/30, dated July 5, 2018 (referred to after this as ''the MCAI''), to address an unsafe condition on Pacific Aerospace Limited Model 750XL airplanes. The MCAI states:

> The ground connections for the individual power sources (BATT & GEN [battery and generator]) have been connected at a common ground point on the aircraft. DCA/750XL/30 is issued to mandate the instructions in Pacific Aerospace Mandatory Service Bulletin (MSB) PACSB/XL/104 issue 1, dated 2 May 2018, or later approved revision to separate the common ground connection on the airframe for the individual power sources (BATT & GEN).

The CAA advises the root cause is a deviation from the approved engineering data. This condition, if not corrected, could lead to the loss of primary and secondary power sources from corrosion of the ground connection or failure of the fastening hardware, which could result in the simultaneous loss of multiple systems. According to the CAA, this condition was observed on the production line and has been corrected for new airplanes in production. The MCAI requires inspecting the battery ground connections and separating the ground connections as necessary. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0213.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Pacific Aerospace Mandatory Service Bulletin PACSB/XL/104, Issue 1, dated May 2, 2018 (PACSB/XL/104I1). The service information specifies procedures for inspecting the battery ground connections and separating the ground connections as necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

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

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 23 airplanes of U.S. registry. The FAA also estimates that it would take about 1 work-hour per airplane to comply with the grounding connection inspection of

this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the cost of the proposed inspection on U.S. operators to be $1,955, or $85 per airplane.

In addition, the FAA estimates that any necessary action to separate the connections would take about 3 work-hours and require parts costing $25, for a cost of $280 per airplane. The FAA has no way of determining the number of products that may need these actions.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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:

Pacific Aerospace Limited: Docket No. FAA–2021–0213; Project Identifier 2018–CE–036–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 23, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pacific Aerospace Limited Model 750XL airplanes, serial numbers up to and including 222, certificated in any category, with the battery installed within the engine bay at the firewall.

(d) Subject

Joint Aircraft System Component (JASC) Code 2400, Electric Power System.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as insufficient separation of ground terminations for individual power sources and static grounds. The FAA is issuing this AD to detect and correct ground terminations with insufficient separation, which could lead to loss of primary and secondary power sources if the ground connection fails and consequent simultaneous loss of multiple airplane systems.

(f) Compliance

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

(g) Inspection and Corrective Action

(1) Within 12 months after the effective date of this AD, inspect the battery installation in the engine bay to determine if the ground leads connect to a single ground stud as shown in the Accomplishment Instructions, figure 2, of Pacific Aerospace Mandatory Service Bulletin PACSB/XL/104, Issue 1, dated May 2, 2018 (PACSB/XL/104I1).

(2) If the ground leads connect to a single ground stud, before further flight, separate the battery ground lead connections by following the Accomplishment Instructions, steps 4 through 36, of PACSB/XL/104I1.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) Refer to Civil Aviation Authority (CAA) of New Zealand AD DCA/750XL/30, dated July 5, 2018, for related information. You may examine the CAA AD at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0213.

(2) For more information about this AD contact Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

(3) For service information related to this AD, contact the Civil Aviation Authority of New Zealand, Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011; phone: +64 4 560 9400; fax: +64 4 569 2024; email: *info@caa.govt.nz.* You may review this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on July 29, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–16659 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0620; Project Identifier 2019–SW–074–AD]

RIN 2120–AA64

Airworthiness Directives; Hélicoptères Guimbal 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 Hélicoptères Guimbal (HG) Model Cabri G2 helicopters with certain part-numbered aluminum cooling fans (cooling fan) installed. This proposed AD was prompted by reports of two occurrences of in-flight shutdowns due to a crack and subsequent failure of the cooling fan. This proposed AD would require removing certain part-numbered cooling fans from service, or modifying certain part-numbered cooling fans before exceeding a certain total hours time-in-service (TIS), and installing newly designed cooling fans. This proposed AD would also prohibit installing any affected cooling fan on any helicopter. 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 September 23, 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 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Hélicoptères Guimbal, Basile Ginel, 1070, rue du Lieutenant Parayre, Aérodrome d'Aix-en-Provence, 13290 Les Milles, France; telephone 33–04–42–39–10–88; email *basile.ginel@guimbal.com*; web *https://www.guimbal.com*. You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0620; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov*.

SUPPLEMENTARY INFORMATION:

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–2021–0620; Project Identifier 2019–SW–074–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2014–0038, dated February 14, 2014 (EASA AD 2014–0038), to correct an unsafe condition for Hélicoptères Guimbal Model Cabri G2 helicopters. EASA advises of a report of an in-flight engine shutdown caused by a failure of the cooling fan. EASA further advises the failure of the cooling fan was caused by a crack in the fan external ring. After EASA AD 2014–0038 was issued, a second occurrence was reported of an in-flight engine shutdown caused by failure of the cooling fan, which was determined to be caused by a crack on the cooling fan front flange.

Accordingly, EASA issued EASA AD 2014–0196, dated September 2, 2014 (EASA AD 2014–0196), which retained the modification requirements of EASA AD 2014–0038 and required repetitive inspections of the engine cooling fan front flange and corrective actions depending on the findings. After EASA issued EASA AD 2014–0196, further analysis determined the crack was caused by the engine start/stop (ESS) cycles. Therefore, EASA superseded EASA AD 2014–0196 with EASA AD 2016–0033, dated February 24, 2016 (EASA AD 2016–0033), which retained the inspection and modification requirements of EASA AD 2014–0196 and depending on the findings, required replacement of the affected part pending approval of the newly designed part.

After EASA issued EASA AD 2016–0033, HG developed a newly designed engine cooling fan part number (P/N) G52–04–101, which consists of composite materials having improved structural strength. Accordingly, EASA superseded EASA AD 2016–0033 with EASA AD 2017–0039, dated February

24, 2017 (EASA AD 2017–0039), which retained the requirements of EASA AD 2016–0033 and required replacing the affected cooling fans with the newly designed cooling fan which terminates the repetitive inspections from EASA AD 2016–0033.

Since EASA issued EASA AD 2017–0039, HG issued a revision to its service bulletin requiring a life limit requirement for the replacement of the affected cooling fans. Accordingly, EASA superseded EASA AD 2017–0039 with EASA AD 2019–0187, dated July 31, 2019, and corrected August 2, 2019 (EASA AD 2019–0187). EASA AD 2019–0187 retains some of the requirements in EASA AD 2017–0039 and requires a new compliance time and life limit for the replacement of the affected part. EASA AD 2019–0187 also removes the modification and inspection requirements which are covered by EASA AD 2019–0025, dated February 4, 2019.

The unsafe condition described in the EASA ADs, if not addressed, could result in failure of the cooling fan and subsequent engine in-flight shut-down and reduced control of the helicopter.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type designs.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Guimbal Service Bulletin SB 16–021, Revision E, dated August 27, 2019. This service information specifies instructions for retrofitting the cooling fan with the new front flange, aft ring, and 24-hole pulley. This service information also specifies that upon completion of all the required actions, the cooling fan assembly P/N G52–00–000, P/N G52–00–001 and P/N G52–04–100 become P/N G52–04–101.

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 Guimbal Service Bulletin SB 16–021, Revision D, dated May 20, 2019, which is not incorporated by reference, and which specifies procedures for accessing the cooling fan and removing it from service; modifying, applying adhesive and torqueing the rear flange; installing the improved cooling fan, and additional actions.

Proposed AD Requirements in This NPRM

This proposed AD would require removing from service any affected part-numbered cooling fan. An alternative, for certain part-numbered cooling fans, modifying the cooling fan before it exceeds a certain total hours TIS.

Differences Between This Proposed AD and EASA AD 2019–0187

EASA AD 2019–0187 allows certain cooling fans with certain total hours TIS to be retrofitted before exceeding their life limit, whereas this proposed AD would require removing these cooling fans from service or as an alternate to removing them from service, modifying the cooling fan before exceeding the total hours TIS. EASA AD 2019–0187 allows a compliance time in months TIS to replace certain part-numbered cooling fans, whereas this proposed AD would only allow hours TIS.

EASA AD 2019–0187 retains the compliance time of March 10, 2017, which is the effective date of EASA AD 2017–0039. This proposed AD would require compliance within the effective date of this AD. The FAA has determined that these compliance times are adequate to address the identified unsafe condition.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 32 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Removing the affected cooling fan from service and installing the newly designed cooling fan would take about 16 work-hours and parts would cost about $4,600 for an estimated cost of $5,960 per replacement and $190,720 for the U.S. fleet.

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) 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:

Hélicoptères Guimbal: Docket No. FAA–2021–0620; Project Identifier 2019–SW–074–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 23, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Hélicoptères Guimbal (HG) Model Cabri G2 helicopters, certificated in any category, the following aluminum cooling fan (cooling fan) part number (P/N) installed:

(1) P/N G52–00–000,

(2) P/N G52–00–001 or P/N G52–04–100, if it is or has previously been mounted on a 12-hole engine pulley P/N G52–10–100 or P/N G52–10–101.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of in-flight engine shutdowns due to a crack and subsequent failure of the cooling fan. The FAA is issuing this AD to prevent failure of the cooling fan. This condition, if not addressed, could result in an in-flight engine shut-down and loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) For Model Cabri G2 helicopters with cooling fan P/N G52–00–000 installed, within 150 hours time-in-service (TIS) after the effective date of this AD:

(i) Remove the cooling fan from service by following the Required Actions, Cooling Fan Removal, paragraphs (a) through (g), of Guimbal Service Bulletin SB 16–021, Revision E, dated August 27, 2019 (SB 16–021 Rev E), except you are not required to discard any parts.

(ii) Install the improved cooling fan P/N G52–04–101 by following the Required Actions, Cooling Fan Installation, paragraphs (a) through (j), of SB 16–021 Rev E.

(2) For Model Cabri G2 helicopters with a cooling fan P/N G52–00–001 or P/N G52–04–100 that is mounted or was previously mounted on a 12-hole engine pulley P/N G52–10–100 or P/N G52–10–101, and with 1,500 or more total hours TIS, since first installation on a helicopter, within 150 hours TIS after the effective date of this AD:

(i) Remove the cooling fan from service by following the Required Actions, Cooling Fan Removal, paragraphs (a) through (g), of SB 16–021 Rev E, except you are not required to discard any parts, or remove the cooling fan by following the Required Actions, Cooling Fan Removal, paragraphs (a) through (g), of SB 16–021 Rev E and modify the cooling fan by following the Required Actions, Cooling Fan Retrofit, paragraphs (a) through (h) of SB 16–021 Rev E.

(ii) Install the improved cooling fan P/N G52–04–101 by following the Required Actions, Cooling Fan Installation, paragraphs (a) through (j), of SB 16–021 Rev E.

(3) For Model Cabri G2 helicopters with a cooling fan P/N G52–00–001 or P/N G52–04–100 that is mounted or was previously mounted on a 12-hole engine pulley P/N G52–10–100 or P/N G52–10–101 and with 500 total hours TIS but with less than 1,500 total hours TIS, since first installation on a helicopter, within 500 hours TIS after the effective date of this AD, perform the actions required by paragraphs (g)(2)(i) and (ii) of this AD.

(4) For Model Cabri G2 helicopters with a cooling fan P/N G52–00–001 or P/N G52–04–100 that is mounted or was previously mounted on a 12-hole engine pulley P/N G52–10–100 or P/N G52–10–101 and with less than 500 total hours TIS since first installation on a helicopter, within 1,000 hours TIS after the effective date of this AD, perform the actions required by paragraphs (g)(2)(i) and (ii) of this AD.

(5) As of the effective date of this AD, do not install any cooling fan listed in paragraph (c) of this AD on any helicopter.

(h) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Guimbal Service Bulletin SB 16–021, Revision D, dated May 20, 2019.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

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

(2) For service information identified in this AD, contact Hélicoptères Guimbal, Basile Ginel, 1070, rue du Lieutenant Parayre, Aérodrome d'Aix-en-Provence, 13290 Les Milles, France; telephone 33–04–42–39–10–88; email *basile.ginel@guimbal.com*; web *https://www.guimbal.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 information on the availability of this material at the FAA, call (817) 222–5110.

(3) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD 2019–0187, dated July 31, 2019 and corrected August 2, 2019. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2021–0620.

Issued on July 30, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–16684 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0616; Project Identifier MCAI–2021–00256–T]

RIN 2120–AA64

Airworthiness Directives; Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Saab AB, Support and Services Model SAAB 340B airplanes. This proposed AD was prompted by a report that the circuit breaker for the emergency cabin lighting tripped without fault in the system. This proposed AD would require replacing a certain circuit breaker with a part having a higher rating, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 23, 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 EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;*

internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0616.

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–2021–0616; 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: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@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–2021–0616; Project Identifier MCAI–2021–00256–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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 Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0058, dated March 1, 2021 (EASA AD 2021–0058) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Saab AB, Support and Services Model SAAB 340B airplanes.

This proposed AD was prompted by a report that the 2LN circuit breaker for the emergency cabin lighting on a SAAB 340B airplane tripped without fault in the system. Investigation results found that the circuit breaker 2LN has too low a rating (5A) for maximum charging conditions. The FAA is proposing this AD to address the low rating of the 2LN circuit breaker during maximum charging conditions. This condition, if not corrected, could lead to an insufficiently charged emergency battery, with consequent loss of cabin emergency lighting, possibly resulting in injury to occupants during an evacuation. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0058 describes procedures for replacing the 2LN circuit breaker having a rating of 5A with a new breaker having a current rating of 7.5A.

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 FAA's 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 2021–0058 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use certain civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2021–0058 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0058 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0058 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0058. Service information specified in EASA AD 2021–0058 that is required for compliance with it will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0616 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 27 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$50	$135	$3,645

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:

Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics): Docket No. FAA–2021–0616; Project Identifier MCAI–2021–00256–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 23, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics) Model SAAB 340B airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021–0058, dated March 1, 2021 (EASA AD 2021–0058).

(d) Subject

Air Transport Association (ATA) of America Code 33, Lights.

(e) Reason

This AD was prompted by a report that the circuit breaker for the emergency cabin lighting tripped without fault in the system. The FAA is issuing this AD to address the low rating of the 2LN circuit breaker during maximum charging conditions. This condition, if not corrected, could lead to an insufficiently charged emergency battery, with consequent loss of cabin emergency lighting, possibly resulting in injury to occupants during an evacuation.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0058.

(h) Exceptions to EASA AD 2021–0058

(1) Where EASA AD 2021–0058 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2021–0058 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) For information about EASA AD 2021–0058 contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0616.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section,

International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.*

Issued on July 29, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–16558 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0543; Project Identifier AD–2021–00353–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–200 and –200C series airplanes. This proposed AD was prompted by reports of nuisance stick shaker activation while the airplane was accelerating to cruise speed at the top of a climb. Investigation revealed the cause of the activation was the angle of attack (AOA) (also known as angle of airflow) sensor vanes had frozen and malfunctioned due to insufficient heat in certain AOA sensors to prevent ice buildup. This proposed AD would require inspecting the AOA sensors for certain part numbers or vane shapes, and replacing any affected AOA sensor with a new or serviceable sensor. 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 September 23, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0543.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0543; 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: Jeffrey W. Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5351; fax: 562–627–5210; email: *jeffrey.w.palmer@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–2021–0543; Project Identifier AD–2021–00353–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Jeffrey W. Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5351; fax: 562–627–5210; email: *jeffrey.w.palmer@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received reports of nuisance stick shaker activation while the airplane was accelerating to cruise speed at the top of a climb. Investigation revealed the cause of the activation was the AOA sensor vanes had frozen and malfunctioned due to insufficient heat in certain AOA sensors to prevent ice buildup. This condition could be caused by heavy moisture conditions on the ground, leading to water entering the AOA vane pivot and freezing prior to or during flight. It was determined that the potential for AOA vane pivot freezing exists on certain AOA sensors having part numbers used on Model 737–200 airplanes. This condition, if not addressed, could result in the AOA sensor vanes being immobilized, which could result in unreliable or inaccurate AOA sensor data being transmitted to airplane systems, and consequent loss of control of 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 Boeing Alert Service Bulletin 737–27A1324, dated

March 2, 2021. This service information specifies procedures for doing a general visual inspection of the left and right side AOA sensor vane shape, or inspecting the left and right AOA sensors to determine the part number, and replacing any affected AOA sensor with a new or serviceable sensor.

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 accomplishing the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1324, dated March 2, 2021, already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0543.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 11 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	1 work-hour × $85 per hour = $85	$0	$85	$935

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	3 work-hours × $85 per hour = $255	$54,000	$54,255

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:

The Boeing Company: Docket No. FAA–2021–0543; Project Identifier AD–2021–00353–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 23, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–200 and –200C series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–27A1324, dated March 2, 2021.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Control System.

(e) Unsafe Condition

This AD was prompted by reports of nuisance stick shaker activation while the airplane was accelerating to cruise speed at the top of a climb. Investigation revealed the cause of the activation was the angle of attack (AOA) (also known as angle of airflow) sensor vanes had frozen and malfunctioned due to insufficient heat in certain AOA sensors to prevent ice buildup. The FAA is issuing this AD to prevent the AOA sensor vanes from being immobilized, which could result in unreliable or inaccurate AOA sensor data being transmitted to airplane systems, and consequent loss of control of the airplane.

(f) Compliance

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

(g) Required Actions for Group 2 Airplanes

For airplanes identified as Group 2 in Boeing Alert Service Bulletin 737–27A1324, dated March 2, 2021: Within 120 days after the effective date of this AD, inspect the AOA sensor, using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(h) Required Actions for Group 1 Airplanes

Except as specified in paragraph (i) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–27A1324, dated March 2, 2021, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1324, dated March 2, 2021.

(i) Exception to Service Information Specifications

Where Boeing Alert Service Bulletin 737–27A1324, dated March 2, 2021, uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

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

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

(1) For more information about this AD, contact Jeffrey W. Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5351; fax: 562–627–5210; email: *jeffrey.w.palmer@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on June 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–16679 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0557; Airspace Docket No. 21–AWP–2]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Rogers Field, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface of the earth at Rogers Field, Chester, CA. This action would accommodate a new area navigation (RNAV) procedure and ensure the safety and management of instrument flight rule (IFR) operations within the National Airspace System.

DATES: Comments must be received on or before September 23, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0557; Airspace Docket No. 21–AWP–2, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–2245.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace extending upward from 700 feet above the surface of the earth to support IFR operations at Rogers Field, Chester, CA.

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. Persons 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–2021–0557; Airspace Docket No. 21–AWP–2''. 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 Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

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 establishing Class E airspace extending upward from 700 feet above the surface of the earth at Rogers Field, Chester, CA.

The Class E airspace would be established extending upward from 700 feet above ground level (AGL) within a 4-mile radius of the airport. In addition, airspace extending upward from 700 feet AGL would be established within an area 2 miles each side of the approach course to runway 34, extending 3.3 miles south from the 4-mile radius parallel to the extended center line of runway 16, then proceeding southeast 7 miles on a course of 131°. This would form a dog leg that provides controlled airspace for aircraft as they descend below 1500 feet AGL on approach to runway 34. The airspace extending upward from 700 feet AGL would also include an area 2 miles each side of the 330° bearing from the airport extending from the 4-mile radius northwest 1.5 miles. This area would provide controlled airspace for the departure and missed approach procedures.

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 designations 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 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 CA E5 Chester, CA [NEW]

Rogers Field Airport, CA
(Lat. 40°16′57″ N, long. 121°14′28″ W)

That airspace extending upward from 700 feet within a 4-mile radius of the airport and that area bounded by a line beginning at the point the 202° bearing intersects the 4-mile radius to Lat. 40°08′35.96″ N, long. 121°15′41.59″ W; to Lat. 40°3′58.22″ N, long. 121°08′45.53″ W; to Lat. 40°07′0.09″ N, long. 121°05′18.56″ W; to Lat. 40°10′9.68″ N, long. 121°9′57.89″ W to Lat. 40°11′32.19″ N, long. 121°10′51.97″ W; to the point the 144° bearing intersects the 4-mile radius thence clockwise along the 4-mile radius to the point of beginning, and that airspace 2 miles each side of the 330° bearing extending from the 4-mile radius to 5.5 miles northwest of the airport.

Issued in Seattle, Washington, on August 2, 2021.

Byron Chew,

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

[FR Doc. 2021–16851 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 51

[Public Notice: 11457]

RIN 1400–AE68

Passports: Proposed Rule Allowing Passport Applicants Eligible To Apply By Mail for Renewal of Passports the Additional Option To Apply On-Line

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: Pursuant to Department regulations, the renewal of a U.S. passport must meet certain requirements to qualify for submission of an application by mail. The Department proposes to amend this rule by allowing qualified applicants the option of submitting renewal applications by mail or online via the Department's official website. This amendment will provide more flexibility for the renewal applicant, improve the customer experience, and eliminate the added burden, time, and cost to the customer by providing the on-line option as an alternative to the mail in process.

DATES: The Department of State will accept comments until October 8, 2021.

ADDRESSES: Interested parties may submit comments to the Department by any of the following methods:

- *Visit the Regulations.govwebsite at: http://www.regulations.gov* and search for the docket number DOS–2021–0016.
- *Email: PassportOfficeofAdjudicationGeneral@state.gov.* You must include RIN 1400–AE68 in the subject line of your message.
- *Mail paper submissions:* Office of Adjudication, Passport Services, U.S. Department of State, 44132 Mercure Circle, P.O. Box 1243, Sterling, VA 20166–1243, ATTN: OPR.
- All comments should include the commenter's name, the organization the commenter represents, if applicable, and the commenter's address. If the Department is unable to read your comment for any reason, and cannot contact you for clarification, the Department may not be able to consider your comment. After the conclusion of the comment period, the Department will publish a Final rule (in which it will address relevant comments) as expeditiously as possible.

FOR FURTHER INFORMATION CONTACT: Karen Pizza, Office of Adjudication, Passport Services, (202) 485–8800, or email *PassportOfficeofAdjudicationGeneral@state.gov.*

SUPPLEMENTARY INFORMATION: Currently when applying for a renewal of a U.S. passport, applicants must meet certain criteria to use the mail-in application form. These mail-in applications are processed through the Lockbox where fees, applicant data, and photo images are captured. The Lockbox transmits this data and the physical applications to a passport agency or center for further processing.

The Department proposes to amend 22 CFR 51.21(b), (b)(2), (b)(3); and 51.8(a), (b), (c), (d) to allow eligible applicants the option to apply on-line via MyTravelGov, which can be found on the Department's official website. Online Passport Renewal (OPR) refers to the electronic capability for processing renewal applications in a paperless environment. Applicants must meet all eligibility requirements for using OPR or will be referred to the paper application process. Applicants using OPR will enter their application information and upload their photos directly into the OPR system, and submit their payment through *pay.gov*. This process will improve efficiency and accessibility by offering online verification of renewal eligibility, electronic photo upload, and electronic payment. Applications received through OPR will automatically enter review queues at a passport agency or center, thus eliminating the physical application and processing at the Lockbox. The new OPR system will improve the customer experience, reduce operational and maintenance costs, and focus on data quality, protection, and traceability. The first release of the OPR system will apply to persons in the United States, with the intent for future releases applying to persons abroad.

Regulatory Findings

Administrative Procedure Act

The Department is publishing this rule as a proposed rule and is providing 60 days for public comments.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule gives greater flexibility to applicants residing in the United States, who are applying to renew their U.S. passport.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

Executive Order 12866

This rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. The Department does not anticipate that demand for passport services will change as a result of this rule change.

Executive Orders 12372 and 13132—Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

Executive Order 13175—Consultation With Tribal Governments

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of E.O. 13175 do not apply to this proposed rule.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 51

Passports.

Accordingly, for the reasons set forth in the preamble, 22 CFR part 51 is proposed to be amended as follows:

PART 51—PASSPORTS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 8 U.S.C. 1504; 18 U.S.C. 1621; 22 U.S.C. 211a, 212, 212b, 213, 213n (Pub. L. 106–113 Div. B, Sec. 1000(a)(7) [Div. A, Title II, Sec. 236], 113 Stat. 1536, 1501A–430); 214, 214a, 217a, 218, 2651a, 2671(d)(3), 2705, 2714, 2714a, 2721, & 3926; 26 U.S.C. 6039E; 31 U.S.C. 9701; 42 U.S.C. 652(k) [Div. B, Title V of Pub. L. 103–317, 108 Stat. 1760]; E.O. 11295, Aug. 6, 1966, FR 10603, 3 CFR, 1966–1970 Comp., p. 570; Pub. L. 114–119, 130 Stat. 15; Sec. 1 of Pub. L. 109–210, 120 Stat. 319; Sec. 2 of Pub. L. 109–167, 119 Stat. 3578; Sec. 5 of Pub. L. 109–472, 120 Stat. 3554; Pub. L. 108–447, Div. B, Title IV, Dec. 8, 2004, 118 Stat. 2809; Pub. L. 108–458, 118 Stat. 3638, 3823 (Dec. 17, 2004).

■ 2. Section 51.8 is revised to read as follows:

§ 51.8 Submission of currently valid passport.

(a) When applying for a new passport in person or by mail, an applicant must submit for cancellation any currently valid passport of the same type.

(b) When applying for a new passport on-line, an applicant must have the currently valid passport of the same type available for cancellation via the on-line process.

(c) If an applicant is unable to produce a passport under paragraph (a) or (b) of this section, he or she must submit a signed statement in the form prescribed by the Department setting forth the circumstances regarding the disposition of the passport.

(d) The Department may deny or limit a passport if the applicant has failed to provide a sufficient and credible explanation for lost, stolen, altered or mutilated passport(s) previously issued to the applicant, after being given a reasonable opportunity to do so.

■ 3. Section 51.21 is amended by revising paragraph (b) subject heading and paragraph (b)(2), and adding paragraph (b)(3) to read as follows:

§ 51.21 Execution of passport application.

* * * * *

(b) *Application by mail or on-line—persons in the United States.*

* * * * *

(2) A person in the United States who previously has been issued a passport valid for 10 years in their own name may apply for a new passport by filling out, signing, and submitting an on-line application via the Department's official website if:

(i) The applicant's most recently issued passport of the same type was issued when the applicant was 16 years of age or older, and has one year or less of validity remaining;

(ii) The application is submitted not more than 15 years following the issue date of the most recently issued passport of the same type;

(iii) The first release of the OPR system will require that the application be submitted in the same name, sex marker, date of birth, and place of birth as the most recently issued passport of the same type with the intent that future releases will permit changes; and

(iv) The most recently issued passport of the same type is available for verification via the on-line process.

(3) The applicant must also provide photographs as prescribed by the Department and pay the applicable fees prescribed in the Schedule of Fees for Consular Services (22 CFR 22.1).

* * * * *

Rachel Arndt,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2021–16928 Filed 8–6–21; 8:45 am]

BILLING CODE 4710–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2021–0474; FRL–8755–01–R7]

Air Plan Approval; Missouri; Control of Emissions From Batch Process Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a State Implementation Plan (SIP) revision submitted by Missouri on January 19, 2021. Missouri requests that the EPA approve into Missouri's SIP revisions to its rule related to control of emissions from batch process operations. These revisions update references to the appropriate state rule for New Source Performance Regulations. These revisions are administrative in nature and do not reduce the stringency of the SIP or have an adverse impact to air quality. The EPA's proposed approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before September 8, 2021.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2021–0474 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Robert F. Webber, Environmental Protection Agency, Region 7 Office, Air Permitting and Standards Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7251; email address: *webber.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

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II. What is being addressed in this document?
III. Have the requirements for approval of a SIP revision been met?
IV. What action is the EPA proposing to take?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2021–0474, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit

https://www.epa.gov/dockets/commenting-epa-dockets.

II. What is being addressed in this document?

The EPA is proposing to approve revisions to the Missouri SIP received on January 19, 2021. The revisions are to Title 10, Division 10 of the Code of State Regulations (CSR), 10 CSR 10–5.540 ''Control of Emissions From Batch Process Operations'' which limits the volatile organic compound (VOC) emissions from batch process operations by incorporating reasonably available control technology (RACT) requirements in the St. Louis 1997 ozone nonattainment area as required by the Clean Air Act Amendments (CAAA) of 1990. These revisions remove references to state rule 10 CSR 10–6.030, ''Sampling Methods for Air Pollution Sources,'' and replaces them with references to 10 CSR 10–6.070, ''New Source Performance Regulations,'' where the new source performance standards in 40 CFR part 60 are appropriately incorporated by reference. These revisions are described in detail in the technical support document (TSD) included in the docket for this action.

Missouri received no comments during the state public comment period on the proposed rule revisions. The EPA is proposing to approve the revisions to this rule because it will not have a negative impact on air quality.

III. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from December 16, 2019 to February 6, 2020 and received no comments on this rulemaking. As explained above and in the TSD included in the docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. What action is the EPA proposing to take?

The EPA is proposing to approve Missouri's request to revise 10 CSR 10–5.540. The EPA is soliciting comment on the substantive and administrative revisions detailed in this proposal and the TSD. The EPA is not soliciting comment on existing rule text that has been previously approved by the EPA into the SIP. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Missouri Regulation described in the proposed amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Volatile organic compounds.

Dated: July 30, 2021.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

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 AA-Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–5.540'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.540	Control of Emissions From Batch Process Operations.	7/30/2020	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	
*	*	*	*	*

* * * * *

[FR Doc. 2021–16739 Filed 8–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2021–0368; FRL–8716–01–R9]

Air Plan Approval; Nevada; Revisions to Clark County Ozone Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the State of Nevada's state implementation plan (SIP) for Clark County. The revision consists of an update to certain elements of the maintenance plan for the Clark County air quality planning area for the 1997 8-hour ozone national ambient air quality standards (NAAQS or ''standards''), including certain emissions inventories and motor vehicle emissions budgets. The EPA is proposing to approve the SIP revision because the Clark County ozone maintenance plan, as revised, continues to provide for maintenance of the 1997 ozone NAAQS and will not interfere with attainment or reasonable further progress of the other NAAQS, and the motor vehicle emissions budgets meet the applicable transportation conformity requirements.

DATES: Comments must be received on or before September 8, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2021–0368, at *https://www.regulations.gov*. For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Karina O'Connor, Air Planning Office (AIR–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; By phone: (775) 434–8176 or by email at *oconnor.karina@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' or ''our'' refer to the EPA.

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A. Emission Inventories
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C. CAA Section 110(l) Evaluation
VI. Proposed Action and Request for Public Comment
VII. Statutory and Executive Order Reviews

I. What action is the EPA proposing?

Under section 110(k) of the Clean Air Act (''Act'' or CAA), the EPA is required to take action by approving, disapproving, or conditionally approving, in whole or in part, SIPs and SIP revisions submitted by the states. In today's action, the EPA is proposing to approve a SIP revision titled ''Revision to Motor Vehicle Emissions Budgets for the 1997 Ozone NAAQS, Clark County, Nevada'' (August 2020) (herein, referred to as the ''2020 Ozone Maintenance Plan Revision''), submitted by the Nevada Division of Environmental Protection (NDEP) on September 30, 2020.[1] The 2020 Ozone Maintenance Plan Revision updates certain elements of the maintenance plan for Clark County for the 1997 ozone NAAQS, including certain emissions inventories and the motor vehicle emissions budgets (''budgets'' or MVEBs). The 2020 Ozone Maintenance Plan Revision was prepared in response to the EPA's conditional approval of the ''Revision to Motor Vehicle Emissions Budgets in Ozone Redesignation Request and Maintenance Plan: Clark County,

[1] NDEP submitted the 2020 Ozone Maintenance Plan Revision electronically on September 30, 2020, as an attachment to a transmittal letter dated September 25, 2020.

Nevada'' (October 2018) (herein, referred to as the ''2018 Ozone Maintenance Plan Revision'').[2] The 2020 Ozone Maintenance Plan Revision revises certain budgets from the 2018 Ozone Maintenance Plan Revision to prevent interference with reasonable further progress or attainment of the 2008 and 2015 ozone NAAQS. If the EPA takes final action to approve the 2020 Ozone Maintenance Plan Revision, the revised budgets will replace Clark County's existing budgets for the plan horizon year (2022) for the 1997 ozone NAAQS. At that time, the previously-approved budgets would no longer be applicable for transportation conformity purposes, and the revised budgets would need to be used beginning on the publication date of the EPA's final approval in the **Federal Register**.[3]

II. Background

A. NAAQS, SIPs, Designations, and Clark County

Under section 109 of the CAA, the EPA promulgates NAAQS for pervasive air pollutants, such as ozone. The NAAQS are concentration levels that, the attainment and maintenance of which, the EPA has determined to be requisite to protect public health and welfare. Under CAA section 107(d), the EPA must designate all areas of the country as attainment, nonattainment or unclassifiable for new or revised NAAQS. Section 110 of the CAA requires states to develop and submit SIPs to implement, maintain, and enforce the NAAQS. Once a nonattainment area has attained the NAAQS, the state may request redesignation of the area from nonattainment to attainment, and the EPA grants such requests if the criteria in CAA section 107(d)(3)(E) are met, including the approval of a maintenance plan (under CAA section 175A) that demonstrates how the area will maintain the NAAQS for at least 10 years after the redesignation. Such former nonattainment areas that have been redesignated to attainment are referred to as ''maintenance areas.''

In 1997, the EPA replaced the 1-hour ozone [4] NAAQS at a level of 0.12 parts per million (ppm) with an 8-hour ozone NAAQS at a level of 0.08 ppm (herein, the ''1997 ozone NAAQS'').[5] In 2004, the EPA designated a portion of Clark County as a ''Subpart 1'' nonattainment area for the 1997 ozone NAAQS.[6] In 2011, the EPA determined that the Clark County 8-hour ozone nonattainment area had attained the 1997 8-hour ozone NAAQS, based on complete, quality-assured, and certified ambient air monitoring data that showed the area monitored attainment of the 1997 ozone NAAQS for the 2007–2009 monitoring period.[7]

In light of ambient monitoring data showing that the Clark County ozone nonattainment area had attained the 1997 ozone NAAQS, NDEP submitted a request to redesignate the Clark County ozone area from nonattainment to attainment and submitted the ''Ozone Redesignation Request and Maintenance Plan, Clark County, Nevada (March 2011)'' (herein, the ''2011 Ozone Maintenance Plan'') to the EPA for approval as a revision to the Clark County portion of the Nevada SIP. Prepared by the Clark County Department of Air Quality and Environmental Management (currently named ''Department of Environment and Sustainability'' (DES)),[8] the 2011 Ozone Maintenance Plan includes the required elements for maintenance plans, including an attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, contingency plan, and budgets.[9] The 2011 Ozone Maintenance Plan demonstrates maintenance of the 1997 ozone NAAQS through year 2022 by reference to emissions inventories developed for years 2015 and 2022 that show emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO_X) in those years would not exceed the level of the corresponding emissions of the 2008 attainment inventory. The 2011 Ozone Maintenance Plan established budgets for NO_X and VOC for years 2008, 2015, and 2022. The budgets were derived from the on-road motor vehicle emissions estimates prepared using the EPA's then-current on-road vehicle emissions model, MOBILE6.2, and the most recent vehicle mix and activity data available from the Regional Transportation Commission of Southern Nevada. In 2013, the EPA approved the 2011 Ozone Maintenance Plan and redesignated the Clark County ozone nonattainment area to attainment for the 1997 ozone NAAQS.[10]

Through adoption of the 2011 Ozone Maintenance Plan, Clark County DES committed to maintaining an ambient air quality monitoring network to verify the continued attainment of the 1997 ozone NAAQS in the Clark County ozone maintenance area.[11] At the present time, 10 monitoring sites continuously monitor ambient concentrations of ozone within the maintenance area. Since 2008, *i.e.,* the year used for the attainment inventory in the 2011 Ozone Maintenance Plan, ambient ozone concentrations in Clark County have decreased. As shown in Table 1, 8-hour ozone design values have decreased from 0.082 ppm in 2008 to 0.073 ppm in 2019.[12] In more recent years, the design value has remained relatively steady, varying little from year to year. Table 1 shows that Clark County has maintained the 1997 ozone NAAQS through the first seven years (2013 through 2019) of the first maintenance period.

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[2] 84 FR 44699 (August 27, 2019).

[3] 40 CFR 93.118(f)(2)(v).

[4] Ground-level ozone pollution is formed from the reaction of volatile organic compounds (VOC) and oxides of nitrogen (NO_X) in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on-and off-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paints.

[5] 62 FR 38856 (July 18, 1997) and 40 CFR 50.10.

[6] 69 FR 23858 (April 30, 2004) and 69 FR 55956 (September 17, 2004). The Clark County ozone nonattainment area for the 1997 ozone NAAQS includes a significant portion of the unincorporated portions of central and southern Clark County, as well as the cities of Las Vegas, Henderson, North Las Vegas, and Boulder City. The ''Subpart 1'' classification meant that the area was subject solely to the general nonattainment area requirements under subpart 1 of part D (of title I) of the CAA rather than to the requirements under both subparts 1 and the ozone-specific requirements under subpart 2. Several years later, in response to litigation over the designations for the 1997 ozone NAAQS, the EPA revised the classification of the Clark County ozone nonattainment area from ''Subpart 1'' to ''Subpart 2/Marginal.'' 77 FR 28424 (May 14, 2012).

[7] 76 FR 17343 (March 29, 2011).

[8] In the State of Nevada, NDEP is the Governor's designee for adoption and submittal of SIPs and SIP revisions to the EPA. In Clark County, the Clark County DES is responsible under state law for regulation of most types of stationary sources within the county and for development of local air quality plans. Once adopted by the Clark County Board of County Commissioners, such county plans are forwarded to NDEP for adoption and submittal to the EPA as revisions to the Nevada SIP.

[9] Under the EPA's transportation conformity rule, at 40 CFR 93.101, budgets are defined as the portions of the total allowable emissions that are allocated to on-road vehicle use that, together with emissions from other sources in the area, will provide for RFP, attainment or maintenance. The budgets serve as a ceiling on emissions from an area's planned transportation system.

[10] 78 FR 1149 (January 8, 2013).

[11] 2011 Ozone Maintenance Plan, 6–11.

[12] Under EPA regulations at 40 CFR 50.10 and appendix I, the 1997 ozone NAAQS is attained at a site when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.08 ppm. This 3-year average is referred to as the design value. When the design value is less than or equal to 0.084 ppm (based on the rounding convention in 40 CFR part 50, appendix I) at each monitoring site within the area, then the area is meeting the 1997 ozone NAAQS. The highest design value among the various ozone monitoring sites represents the design value for the area.

TABLE 1—EIGHT-HOUR OZONE DESIGN VALUES FOR THE CLARK COUNTY OZONE MAINTENANCE AREA, 2008–2020

Year	Design value (ppm)
2008	0.082
2009	0.078
2010	0.076
2011	0.075
2012	0.076
2013	0.077
2014	0.078
2015	0.075
2016	0.075
2017	0.074
2018	0.076
2019	0.073
2020	0.074

Source: The EPA's 2017 and 2020 Ozone Design Values Reports at *https://www.epa.gov/air-trends/air-quality-design-values#report*. Note that design values reported for a given year reflect data from that year and the two previous years, *e.g.,* the design value for 2008 reflects data from 2006–2008.

B. 2008 and 2015 Ozone NAAQS

In 2008, the EPA lowered the ozone NAAQS to a level of 0.075 ppm, 8-hour average (herein, the ''2008 ozone NAAQS''),[13] and in 2012, the EPA designated all of the hydrographic areas within the State of Nevada as ''Unclassifiable/Attainment'' for the 2008 ozone NAAQS.[14] Because all the hydrographic areas located entirely, or partially, within Clark County were designated as unclassifiable/attainment for the 2008 ozone NAAQS, no reasonable further progress (RFP) or attainment SIP revision was required for any portion of the county.

In 2015, the EPA further lowered the ozone NAAQS to 0.070 ppm, 8-hour average (herein the ''2015 ozone NAAQS'').[15] In 2018, the EPA designated the Las Vegas Valley portion of Clark County as a ''Marginal'' nonattainment area for the 2015 ozone NAAQS, effective August 3, 2018.[16] The nonattainment area designation for Las Vegas Valley for the 2015 ozone NAAQS triggered the requirement for certain SIP revisions under CAA section 182(a) and the EPA's related SIP Requirements Rule promulgated at 40 CFR part 51, subpart CC.

[13] 73 FR 16436 (March 27, 2008) and 40 CFR 50.15.

[14] 77 FR 30088 (May 21, 2012). Hydrographic areas are those that are shown on the State of Nevada Division of Water Resources' map titled ''Water Resources and Inter-basin Flows'' (September 1971).

[15] 80 FR 65292 (October 26, 2015) and 40 CFR 50.19.

[16] 83 FR 25776 (June 4, 2018).

C. Transportation Conformity and the 2018 Ozone Maintenance Plan Revision

The EPA's transportation conformity rule at 40 CFR part 93, subpart A establishes the criteria and procedures that metropolitan planning organizations (MPOs) and the U.S. Department of Transportation (DOT) must use to determine whether transportation activities conform to the SIP. Transportation conformity applies to areas that are designated nonattainment and those former nonattainment areas that have been redesignated to attainment and have a CAA section 175A maintenance plan (''maintenance areas''), but does not apply to areas designated as attainment or unclassifiable.[17] In Clark County, the area's MPO, the Regional Transportation Commission of Southern Nevada (RTC), and DOT are the relevant transportation agencies that must determine the conformity of transportation plans and transportation improvement plans (TIPs) within Clark County.

Under our transportation conformity rule, the latest approved or adequate emissions budgets for a previous ozone NAAQS (*i.e.,* the 2008 or the 1997 ozone NAAQS) must be used in conformity determinations for the 2015 ozone NAAQS until emission budgets are established and found adequate or are approved for the 2015 ozone NAAQS. Because the latest approved or adequate emissions budgets for a previous ozone NAAQS for Clark County are the approved budgets for the 1997 8-hour ozone NAAQS, the RTC and DOT must use these budgets for conformity determinations for the 2015 ozone NAAQS [18] until they are replaced by updated budgets for the 2015 ozone NAAQS.

In 2018, NDEP submitted the 2018 Ozone Maintenance Plan Revision as a revision to the Clark County portion of the Nevada SIP. The 2018 Ozone Maintenance Plan Revision includes revisions to the attainment inventory, the maintenance demonstration, and budgets in the 2011 Ozone Maintenance Plan to reflect updated emissions models, vehicle mix and speed data, and transportation activity projections. The 2018 Ozone Maintenance Plan Revision revised the budgets for NO_X and VOC for years 2008, 2015, and 2022. The revised budgets were derived from the on-road motor vehicle emissions estimates prepared using the most recent version of the EPA's on-road vehicle emissions model available at the time (MOVES2014a) and updated planning variables (*e.g.,* vehicle miles traveled projections and population forecasts) from the RTC. The 2018 Ozone Maintenance Plan Revision was developed so that the RTC and DOT would have updated budgets available to use for transportation conformity determinations with respect to the 2015 ozone NAAQS until budgets developed specifically for the 2015 ozone NAAQS are adopted and found to be adequate or approved. In 2019, the EPA conditionally approved the 2018 Ozone Maintenance Plan Revision as a revision of the Clark County portion of the Nevada SIP.[19]

In so doing, we found that the 2011 Ozone Maintenance Plan, as revised by the updated attainment inventory and maintenance demonstration in the 2018 Ozone Maintenance Plan Revision, continues to provide for maintenance of the 1997 ozone NAAQS, and upon fulfillment of the commitments made by NDEP and Clark County DES to reduce the safety margin allocations for the budgets, will not interfere with RFP or attainment of the other NAAQS in Clark County. In conditionally approving the 2018 Ozone Maintenance Plan Revision, the EPA also found adequate and conditionally approved the updated NO_X and VOC budgets for 2008, 2015, and 2022 for the 1997 ozone NAAQS based on our conclusion that the updated budgets meet the applicable transportation conformity requirements. The approval was conditional because it is based on commitments by Clark County DES and NDEP to submit an additional SIP revision to reduce the safety margin allocations for the budgets in the 2018 Ozone Maintenance Plan Revision within one year of this final conditional approval.

In September 2020, NDEP submitted the 2020 Ozone Maintenance Plan Revision to the EPA in fulfillment of the commitments made by Clark County DES and NDEP in connection with the EPA's conditional approval of the 2018 Ozone Maintenance Plan Revision. The 2020 Ozone Maintenance Plan Revision is the subject to today's proposed action.

III. What did the State submit?

On August 18, 2020, the Clark County Board of County Commissioners adopted the 2020 Ozone Maintenance Plan Revision and forwarded the plan to NDEP for adoption and submittal to the

[17] CAA section 176(c)(5).

[18] The EPA's guidance ''Transportation Conformity Guidance for the South Coast II Court Decision'' (November 2018, EPA–20–B–18–050), explains that while conformity requirements continue to apply for the revoked 1997 ozone NAAQS, conformity can be demonstrated without a regional emissions analysis for the 1997 ozone standard.

[19] 84 FR 44699 (August 27, 2019).

EPA.[20] On September 30, 2020, NDEP submitted the 2020 Ozone Maintenance Plan Revision to the EPA as a revision to the Clark County portion of the Nevada SIP.[21] The 2020 Ozone Maintenance Plan Revision also includes a technical support document (appendix A of the plan revision) and documentation of the public review process (appendix B of the plan revision).

Through the 2020 Ozone Maintenance Plan Revision, Clark County DES is updating the emissions projections for the ozone maintenance plan horizon year of 2022 based on the latest available emissions models, vehicle mix and speed data, and transportation activity projections and is revising the budgets for 2022 to reflect the updated projections for that year and to include a reduced safety margin compared to the corresponding budgets from the 2018 Ozone Maintenance Plan Revision. The 2020 Ozone Maintenance Plan Revision also presents a new emissions inventory for year 2017 that provides the basis to evaluate the new budgets with respect to continued attainment of the 2008 ozone NAAQS and progress towards attainment of the 2015 ozone NAAQS in Las Vegas Valley.

IV. Procedural Requirements for Adoption and Submittal of SIP Revisions

Sections 110(a)(1) and (2) and 110(l) of the CAA require a state to provide reasonable public notice and opportunity for public hearing prior to the adoption and submittal of a SIP or SIP revision. To meet this requirement, every SIP submittal should include evidence that adequate public notice was given and an opportunity for a public hearing was provided consistent with the EPA's implementing regulations in 40 CFR 51.102.

The Clark County Board of County Commissioners and NDEP have satisfied applicable statutory and regulatory requirements for reasonable public notice and public hearing prior to adoption and submittal of the 2020 Ozone Maintenance Plan Revision. In the September 30, 2020 SIP submittal,[22] Clark County DES provided evidence of the required public notice and opportunity for public comment prior to the August 18, 2020 public hearing and adoption of the 2020 Ozone Maintenance Plan Revision. Therefore, we find that the submittal of the 2020 Ozone Maintenance Plan Revision meets the procedural requirements for public notice and hearing in CAA sections 110(a) and 110(l) and 40 CFR 51.102.

V. The EPA's Evaluation of the 2020 Ozone Maintenance Plan Revision

Clark County DES and NDEP submitted the 2020 Ozone Maintenance Plan Revision to fulfill commitments made in connection with the EPA's conditional approval of the 2018 Ozone Maintenance Plan Revision to reduce the safety margin allocations in the budgets to ensure that the Clark County ozone SIP will not interfere with RFP or attainment of the 2008 and 2015 ozone NAAQS consistent with CAA section 110(l). As described further below, we have reviewed the 2020 Ozone Maintenance Plan Revision for compliance with the relevant requirements for maintenance plans under CAA section 175A and for noninterference under CAA section 110(l), and we have evaluated the budgets in the 2020 Ozone Maintenance Plan Revision for compliance with the budget adequacy criteria in 40 CFR 93.118(e).

A. Emissions Inventories

The 2020 Ozone Maintenance Plan Revision includes inventories of emissions of ozone precursors (VOC and NO_X) for years 2017 and 2022. The 2017 inventory provides estimates of actual emissions that occurred in that year. Clark County DES selected 2017 as the base year for the 2020 Ozone Maintenance Plan Revision for the following reasons: It is the most recent year for which National Emissions Inventory[23] (NEI) emissions estimates were available at the time the plan was being developed; it is an attainment year for the 2008 ozone NAAQS; and it is the base year for SIP planning purposes for the 2015 ozone NAAQS. Clark County DES used the 2017 inventory to revise the 2022 emissions inventory from the 2018 Ozone Maintenance Plan Revision based on the latest methods and planning assumptions.

As a general matter, base year emissions inventories must be (1) consistent with the EPA's most recent guidance on emissions inventories available at the time, (2) comprehensive, including emissions from stationary point sources, area sources, nonroad mobile sources, and on-road mobile sources, and (3) based on actual ''ozone season data'' (*i.e.,* summertime) emissions.[24]

The 2017 year inventory in the 2020 Ozone Maintenance Plan Revision is comprehensive in that it includes estimates of summertime average weekday VOC and NO_X emissions from all of the relevant source categories, which the plan divides among point sources,[25] nonpoint sources,[26] commercial aviation, federal aviation (*i.e.,* Nellis Air Force Base), on-road mobile, nonroad mobile, and biogenic[27] sources.[28] For comparison, the 2018 Ozone Maintenance Plan Revision did not include a 2017 inventory, but emissions for 2017 can be interpolated from 2015 and 2022 emissions. Appendix A to the 2020 Ozone Maintenance Plan Revision contains source-specific descriptions of emission calculation procedures and sources of input data used for the update.

Table 2 below compares the 2017 inventory from the 2020 Ozone Maintenance Plan Revision with the corresponding interpolated inventory from the 2018 Ozone Maintenance Plan Revision. As shown in Table 2, the change in the 2017 inventory in the 2020 Ozone Maintenance Plan Revision is primarily due to the update to the on-road mobile source category and the nonroad source category as well as a change in the methodology for biogenic emissions.

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[20] Clark County Board of County Commissioners Meeting, Meeting Summary, October 16, 2018, 14 and 15.

[21] Letter dated September 25, 2020, from Greg Lovato, Administrator, NDEP to Elizabeth Adams, Director, Air Division, EPA Region IX, (submitted electronically on September 30, 2020 with enclosures).

[22] Appendix B provides evidence that reasonable notice of a public hearing was provided to the public and that a public hearing was conducted prior to adoption. Specifically, notice of the availability of, and opening of a 30-day comment period on the draft ozone maintenance plan revision was published on June 25, 2020, on the County's webpage. No comments were submitted.

[23] The NEI is a comprehensive and detailed estimate of air emissions of criteria pollutants, criteria precursors, and hazardous air pollutants from air emissions sources. The NEI is released every three years based primarily upon data provided by State, Local, and Tribal air agencies for sources in their jurisdictions and supplemented by data developed by the EPA.

[24] In Clark County, Nevada, the highest ambient ozone concentrations generally occur during the months of the year when the highest temperatures occur—typically from May through September. For SIP planning purposes, Clark County has selected weekdays in the month of July as the basis to estimate typical summertime weekday emissions.

[25] The 2020 Ozone Maintenance Plan Revision uses the term, ''point sources,'' to refer to those stationary source facilities that are required to report their emissions to Clark County DES or NDEP.

[26] The 2020 Ozone Maintenance Plan Revision uses the term, ''nonpoint sources,'' to refer to those stationary and area sources that fall below point source reporting levels and that are too numerous or small to identify individually.

[27] For the 2020 Ozone Maintenance Plan Revision, ''biogenic sources'' include the following: Agricultural crops; lawn grass; forests that produce isoprene, monoterpene, alpha-pinene, and other VOC emissions; and soils that generate trace amounts of NO_X.

[28] See Table 2–1 in the 2020 Ozone Maintenance Plan Revision.

TABLE 2—2017 CLARK COUNTY OZONE PRECURSOR EMISSION INVENTORY

[County-wide, average summer weekday, tons per day]

Source category	NO_X emissions		VOC emissions	
	2020 Ozone maintenance plan revision	2018 Ozone maintenance plan revision	2020 Ozone maintenance plan revision	2018 Ozone maintenance plan revision
Point source	12.40	11.79	2.95	2.51
Nonpoint source	7.651	5.68	62.56	59.94
Commercial aviation	11.47	13.38	1.73	2.75
Federal aviation	0.50	1.77	0.24	1.04
On-road mobile	46.96	53.65	29.47	28.49
Nonroad mobile	37.45	24.78	28.25	30.36
Biogenic	2.43	5.00	362.61	132.00
Total	118.86	116.06	487.81	257.09

Sources: 2018 Ozone Maintenance Plan Revision, interpolated values from Tables 2–1 and 2–2; 2020 Ozone Maintenance Plan Revision, Tables 2–1 and 2–2.

With respect to on-road mobile source emissions, Clark County DES updated the emissions estimates using MOVES2014b, RTC travel demand modeling, and highway performance monitoring system data from the Nevada Department of Transportation.[29] Clark County DES also selected the inventory mode, rather than the emission rate mode used in the 2018 Ozone Maintenance Plan Revision, with MOVES2014b emissions factors and projected emissions for 2022 from 2017 rather than 2015. Generally, on-road mobile source emissions estimates made using MOVES2014b are similar to MOVES2014a. With respect to nonroad emissions sources, the change in the 2017 emissions inventory is largely due to the use of the nonroad module of MOVES2014b that was released in August 2018. Clark County DES used default estimates from MOVES2014b for Clark County and the most significant changes were in the two largest sectors: construction and lawn/garden, which increased and decreased, respectively. Overall, nonroad emissions are higher for NO_X but lower for VOC using MOVES2014b compared to using the nonroad module of MOVES2014a.

Biogenic emissions for Clark County were developed using the EPA's Biogenic Emission Inventory System [30] (BEIS) version 3.61, which replaced the Emissions of Gasses and Aerosols from Nature (MEGAN) model used by Clark County DES for the 2011 Ozone Maintenance Plan [31] and the 2018 Ozone Maintenance Plan Revision. The BEIS model allows for interactions between air quality and meteorology. In 2017, the EPA updated the BEIS v3.61 to include the biogenic emissions landcover database version 5 (BELD5) and the newer version of the forest inventory and analysis version 8.0. This updated model improved the biogenic VOC emissions estimates. Clark County DES used the updated BEIS model, which is part of SMOKE 4.7 (Sparse Matrix Operator Kerner Emissions) model, to generate the biogenic emissions for Clark County.[32] The results show a slight decrease in NO_X and large increase in VOC biogenic emissions relative to the corresponding emissions estimates from the 2011 Ozone Maintenance Plan and 2018 Ozone Maintenance Plan Revision.

Based on our review of the emissions inventories (and related documentation) from the 2020 Ozone Maintenance Plan Revision, we find that the inventories for 2017 are comprehensive, that the methods and assumptions used by Clark County DES to develop the 2017 emission inventory are reasonable, and that the inventories reasonably estimate actual ozone season emissions in 2017. Moreover, we find that the 2017 emissions inventories in the plan reflect the latest planning assumptions and emissions models available at the time the 2020 Ozone Maintenance Plan Revision was developed.

To provide the basis for the comparison of future emissions with the updated 2017 emissions, Clark County DES updated the 2022 emissions inventories using the same approaches as described above for the 2017 emissions inventory. Clark County DES allocated the same amount of emissions reductions credits (ERCs), for use in connection with the new major stationary source permitting program, for 2022 as had been allocated for that year in the 2018 Ozone Maintenance Plan Revision. With respect to transportation conformity safety margins, as described further in section V.B of this document, the Clark County DES significantly reduced the safety margins that had been included in budgets for the 2018 Ozone Maintenance Plan Revision. Table 3 below compares the NO_X and VOC emissions inventories, respectively, for 2022 from the 2020 Ozone Maintenance Plan Revision with the corresponding values from the 2018 Ozone Maintenance Plan Revision.

TABLE 3—2022 CLARK COUNTY OZONE PRECURSOR EMISSION INVENTORY

[County-wide, average summer weekday, tons per day]

Source category	NO_X emissions		VOC emissions	
	2020 Ozone maintenance plan revision	2018 Ozone maintenance plan revision	2020 Ozone maintenance plan revision	2018 Ozone maintenance plan revision
Point source	12.09	12.26	3.12	2.72

[29] 2020 Ozone Maintenance Plan Revision, Appendix A, 4–12.

[30] *https://www.epa.gov/air-emissions-modeling/biogenic-emission-inventory-system-beis.*

[31] 2011 Ozone Maintenance Plan, 6–4.

[32] 2020 Ozone Maintenance Plan Revision, 14.

TABLE 3—2022 CLARK COUNTY OZONE PRECURSOR EMISSION INVENTORY—Continued

[County-wide, average summer weekday, tons per day]

Source category	NO_X emissions		VOC emissions	
	2020 Ozone maintenance plan revision	2018 Ozone maintenance plan revision	2020 Ozone maintenance plan revision	2018 Ozone maintenance plan revision
Nonpoint source	7.57	5.04	62.58	59.49
Commercial aviation	13.08	17.42	1.73	2.95
Federal aviation	1.97	2.26	0.82	0.95
On-road mobile	29.16	27.02	20.92	17.12
Nonroad mobile	24.93	17.50	26.71	28.52
Biogenic	2.43	5.00	362.61	132.00
Emission reduction credits	22.23	22.23	0.43	0.43
Transportation conformity safety margins	3.00	59.72	3.00	35.84
Total	116.46	168.45	484.92	280.02

Sources: 2018 Ozone Maintenance Plan Revision, Tables 2–1, 2–2 and 3–1; 2020 Ozone Maintenance Plan Revision, Tables 2–1, 2–2 and 3–1.

As shown in Table 3, emissions for 2022 in the 2020 Ozone Maintenance Plan Revision are similar to the corresponding emissions in the 2018 Ozone Maintenance Plan Revision except for biogenic emissions. Similar to the comparison of the emission inventories for the year 2017, differences are again primarily due to the updates to the on-road mobile source category, the nonroad source category, and the change in the methodology for biogenic emissions. The on-road mobile source emission estimates in the 2020 Ozone Maintenance Plan Revision reflect the most recent published data concerning vehicle registration data, vehicle miles traveled (VMT) temporal distribution, VMT mix profiles, vehicle speeds, and travel demand forecasts from RTC.[33]

Based on our review of the methods, assumptions, and data sources, as described in Appendix A to the 2020 Ozone Maintenance Plan Revision, we find that the Clark County DES estimates for 2017 and 2022 for the various source categories to be based on the best available emissions models and data sources, and thus to provide a reasonable basis upon which to evaluate whether the area will continue to maintain the 1997 ozone NAAQS through 2022 and whether the revised budgets for 2022 in the 2020 Ozone Maintenance Plan Revision would interfere with RFP or attainment of the 2008 and 2015 ozone NAAQS.

[33] Key references used by Clark County DES include Eastern Research Group's ''Clark County On-Road Vehicle Classification Study,'' final report, June 29, 2018, and the Coordinating Research Council's ''Improvement of Default Inputs for MOVES and SMOKE–MOVES, final report, February 2017.

B. Revised Motor Vehicle Emissions Budgets

Section 176(c) of the CAA requires federal actions in nonattainment and maintenance areas to conform to the SIP's goals of eliminating or reducing the severity and number of violations of the NAAQS and achieving timely attainment of the standards. Conformity to the SIP's goals means that such actions will not: (1) Cause or contribute to violations of a NAAQS, (2) worsen the severity of an existing violation, or (3) delay timely attainment of any NAAQS or any interim milestone.

Under the transportation conformity rule, MPOs in nonattainment and maintenance areas coordinate with state and local air quality and transportation agencies, the EPA, the Federal Highway Administration, and the Federal Transit Administration to demonstrate that an area's regional transportation plans and TIPs conform to the applicable SIP. This demonstration is typically done by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the budgets contained in all control strategy or maintenance SIPs. Budgets are generally established for specific years and specific pollutants or precursors. Ozone maintenance plans should identify budgets for on-road emissions of ozone precursors (NO_X and VOC) in the area for the last year of the maintenance period. Budgets may also be specified for additional years during the maintenance period.

For budgets to be approvable, they must meet the EPA's adequacy criteria (40 CFR 93.118(e)(4) and (5)) and comply with all pertinent SIP requirements. With respect to maintenance plans, to meet these requirements, the budgets must be consistent with the maintenance plan and reflect all the motor vehicle control measures contained in the maintenance demonstration.[34] The EPA's process for determining adequacy of a budget consists of three basic steps: (1) Providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the budget during a public comment period; and, (3) making a finding of adequacy or inadequacy.[35] We will complete the adequacy review of the budgets in the 2020 Ozone Maintenance Plan Revision concurrent with our final action on the 2020 Ozone Maintenance Plan Revision. The EPA is not required under its transportation conformity rule to find budgets adequate prior to proposing approval of them.[36]

The 2020 Ozone Maintenance Plan Revision includes revised budgets for VOC and NO_X for the last year of the initial maintenance period, *i.e.,* 2022.[37] The revised budgets from the 2020 Ozone Maintenance Plan Revision are shown in Table 4 below and compared with the corresponding budgets from the approved 2018 Ozone Maintenance

[34] 40 CFR 93.118(e)(4)(iii), (iv) and (v). For more information on the transportation conformity requirements and applicable policies on budgets, please visit our transportation conformity website at: *http://www.epa.gov/otaq/stateresources/transconf/index.htm.*

[35] 40 CFR 93.118(f)(2).

[36] Under the transportation conformity regulations, the EPA may review the adequacy of submitted motor vehicle emission budgets simultaneously with the EPA's approval or disapproval of the submitted implementation plan. 40 CFR 93.118(f)(2).

[37] The 2020 Ozone Maintenance Plan Revision does not revise the 2015 budgets from the 2018 Ozone Maintenance Plan Revision that also included large safety margins; however, we note that, given the passage of time, the 2015 budgets from the 2018 Ozone Maintenance Plan Revision will no longer be used for conformity determinations and thus the failure to reduce the safety margins of the 2015 budgets in the 2018 Ozone Maintenance Plan Revision is acceptable.

Plan Revision. As noted in section V.A of this document, Clark County DES developed the revised budgets using the latest emissions model (MOVES2014b) available at the time the 2020 Ozone Maintenance Plan Revision was being developed, and the most recent travel activity projections provided by the Nevada Department of Transportation and RTC. Therefore, we find that the revised budgets reflect the most recent planning forecasts and are based on the most recent emission factor data and approved calculation methods.

A state may choose to allocate all or a portion of the safety margin [38] under the EPA transportation conformity rule so long as such margins are explicitly quantified in the applicable plan and are shown to be consistent with attainment or maintenance of the NAAQS (whichever is relevant to the particular plan).[39] For the 2020 Ozone Maintenance Plan Revision, Clark County DES allocated a 3 tons per day (tpd) safety margin for NO_X and VOC in 2022 to the projected on-road emissions estimates for NO_X and VOC.

TABLE 4—CLARK COUNTY YEAR 2022 OZONE MOTOR VEHICLE EMISSION BUDGETS

[County-wide, average summer weekday, tpd]

Source category	2018 Ozone maintenance plan revision		2020 Ozone maintenance plan revision	
	NO_X	VOC	NO_X	VOC
On-Road Mobile	27.02	17.12	29.16	20.92
Transportation Conformity Safety Margins	59.72	35.84	3.00	3.00
Budgets	86.74	52.96	32.16	23.92

Sources: 2018 Ozone Maintenance Plan Revision, Table 3–1; 2020 Ozone Maintenance Plan Revision, Table 3–1.

As documented in a April 20, 2021 memorandum to the docket for this rulemaking, we find that the budgets in the 2020 Ozone Maintenance Plan Revision meet each adequacy criterion.[40] In short, we reviewed the budgets in the 2020 Ozone Maintenance Plan Revision and found that they are consistent with the revised maintenance demonstration from the 2018 Ozone Maintenance Plan Revision; are based on control measures that have already been adopted and implemented; and meet all other applicable statutory and regulatory requirements including the adequacy criteria in 40 CFR 93.1118(e)(4) and (5). Therefore, we are proposing to approve the 2022 budgets in the 2020 Ozone Maintenance Plan Revision. If we finalize our approval of the revised budgets in the 2020 Ozone Maintenance Plan Revision, as proposed, they will replace the corresponding budgets for the 1997 ozone NAAQS from the 2018 Ozone Maintenance Plan Revision that we previously found adequate and conditionally approved for use in transportation conformity determinations.

C. CAA Section 110(l) Evaluation

In relevant part, CAA section 110(l) provides that the EPA shall not approve a SIP revision that would interfere with any applicable requirement concerning attainment or RFP of any of the NAAQS or any other applicable requirement of the CAA. The 2018 Ozone Maintenance Plan Revision established budgets that are larger than those that were previously approved from the 2011 Ozone Maintenance Plan. Thus, approval of the 2018 Ozone Maintenance Plan Revision accommodated a higher level of VOC and NO_X emissions from on-road mobile source emissions than would otherwise be allowed under the previous budgets. In our approval of the 2018 Ozone Maintenance Plan Revision, we evaluated the higher level of VOC and NO_X emissions with respect to the potential for interference with RFP and attainment of the NAAQS for which VOC and NO_X are precursors, namely, the 2008 and 2015 ozone NAAQS.[41]

In our conditional approval of the 2018 Ozone Maintenance Plan Revision, we determined that if the 2018 Ozone Maintenance Plan Revision were revised to reduce the safety margin allocations to the budgets such that total estimated emissions in 2022 (with the allocations) would not exceed actual emissions in year 2017, then the updated budgets would not interfere with reasonable further progress or attainment of the 2008 and 2015 ozone NAAQS.

1. 2008 Ozone NAAQS

As noted in Section II.B of this document, in 2012, the EPA designated all the hydrographic areas within the State of Nevada as unclassifiable/attainment for the 0.075 ppm 2008 ozone NAAQS based on ambient ozone concentration data for years 2009–2011.[42] After the original designation, the 8-hour ozone design values within Clark County exceeded the 2008 ozone

[38] In this context, ''safety margin'' means the amount by which the total projected emissions from all sources of a given pollutant are less than the total emissions that would satisfy the applicable requirements for reasonable further progress, attainment or maintenance. With respect to the 2020 Ozone Maintenance Plan Revision, the safety margin is the difference between the projected emissions in 2022 of NO_X and VOC and the actual emissions of NO_X and VOC in the 2008 attainment year as updated in the 2018 Ozone Maintenance Plan Revision. The anthropogenic emissions (*i.e.,* excluding biogenic emissions) of NO_X and VOC in 2008 were approximately 178 tons per day (tpd) and 157 tpd, respectively. The 2020 Ozone Maintenance Plan Revision continues to provide for maintenance of the 1997 ozone NAAQS because the anthropogenic emissions of NO_X and VOC in 2022 (including the ERCs and transportation conformity safety margins) would be approximately 114 tpd and 122 tpd, respectively, which is substantially less than the emissions in the attainment year (2008) for the 1997 ozone NAAQS.

[39] See 40 CFR 93.124(a).

[40] Memorandum dated April 20, 2021, from Karina O'Connor, Air Planning Office, EPA Region IX, ''Adequacy Documentation for Plan Motor Vehicle Emission Budgets in August 2020 Clark County Revision to Ozone Maintenance Plan.'' This memorandum has been uploaded to the docket (EPA–R09–OAR–2021–0368) for this rulemaking.

[41] As a general matter, VOC and NO_X are also considered precursors for course particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$). In our conditional approval of the 2018 Ozone Maintenance Plan Revision, we concluded that the revised budgets, even with the substantial safety margins, would not interfere with attainment or maintenance of the PM_{10} or $PM_{2.5}$ NAAQS. 84 FR 33035, at 33043–33044 (July 11, 2019) (proposed rule), finalized at 84 FR 44699 (August 27, 2019). Clark County is designated as attainment for the PM_{10} NAAQS and unclassifiable/attainment for the $PM_{2.5}$ NAAQS. 40 CFR 81.329. In this document, we are proposing approval of budgets that have been revised to substantially reduce the safety margins, and thus, the potential for interference with attainment or maintenance of the PM_{10} or $PM_{2.5}$ NAAQS is even less than it was previously. As such, we find that approval of the 2020 Ozone Maintenance Plan Revision would not interfere with attainment or maintenance of the PM_{10} or $PM_{2.5}$ NAAQS in Clark County.

[42] Letter dated December 9, 2011, from Jared Blumenfeld, Regional Administrator, EPA Region IX, to Brian Sandoval, Governor, State of Nevada.

NAAQS for a few years but, since 2015, the design values have generally returned to attainment levels for the 2008 ozone NAAQS. As shown in Table 1, the design value in year 2017 was 0.074 ppm, which is consistent with attainment of the 0.075 ppm 2008 ozone NAAQS. Thus, emissions of VOC and NO_X in 2017 represent conditions under which Clark County meets the 2008 ozone NAAQS.

In recognition of the need to avoid interference with attainment of the 2008 ozone NAAQS and progress toward attainment of the 2015 ozone NAAQS, NDEP and Clark County DES committed to submit a SIP revision to reduce the safety margin allocations to the 2022 budgets such that total estimated emissions in 2022 (with the allocations) would not exceed actual emissions in year 2017, a year in which Clark County was attaining the 2008 ozone NAAQS.

As shown in Table 2 of this document, the 2020 Ozone Maintenance Plan Revision estimates year 2017 emissions in Clark County to be approximately 119 tpd of NO_X and 488 tpd of VOC. In 2022, as shown in Table 3 of this document, the 2020 Ozone Maintenance Plan Revision estimates year 2022 emissions in Clark County to be approximately 116 tpd of NO_X and 485 tpd of VOC, including the allocated ERCs for stationary sources and transportation conformity safety margins for on-road mobile sources. As such, ozone precursor emissions in year 2022 under the 2020 Ozone Maintenance Plan Revision would be less than those in 2017, a year in which Clark County was attaining the 2008 ozone NAAQS. As such, we find that the 2020 Ozone Maintenance Plan Revision would not interfere with attainment of the 2008 ozone NAAQS in Clark County.

2. 2015 Ozone NAAQS

In 2018, the EPA designated the Las Vegas Valley (*i.e.,* hydrographic area #212) as a Marginal nonattainment area for the 0.070 ppm 2015 ozone NAAQS based on ambient ozone concentration data for years 2015–2017.[43] The 2017 ozone design value is 0.074 ppm. To attain the 0.070 ppm 2015 ozone NAAQS by the applicable Marginal area attainment date, *i.e.,* by August 3, 2021, VOC and NO_X emissions must decrease relative to those in 2017. NDEP and Clark County DES committed to revise the 2018 Ozone Maintenance Plan Revision and the associated safety margins for the budgets so that, the total projected emissions (with the reduced safety margin allocations) in year 2022 would be less than the actual emissions estimated for year 2017, the base year for implementation of the 2015 ozone NAAQS.

With respect to the 2015 ozone NAAQS, we are finding that ozone precursor emissions in year 2022 under the 2020 Ozone Maintenance Plan Revision would be less than those in 2017, the base year for implementation of the 2015 ozone NAAQS. As such, we find that the 2020 Ozone Maintenance Plan Revision would not interfere with RFP towards attainment of the 2015 ozone NAAQS.

VI. Proposed Action and Request for Public Comment

For the reasons discussed herein, under CAA section 110(k)(3), the EPA is proposing to approve the 2020 Ozone Maintenance Plan Revision submitted by NDEP on September 30, 2020, as a revision for the Clark County portion of the Nevada SIP. We are proposing to approve the 2020 Ozone Maintenance Plan Revision because we find that the 2011 Ozone Maintenance Plan, as revised by the 2018 Ozone Maintenance Plan Revision, and as further revised by the 2020 Ozone Maintenance Plan Revision, continues to provide for maintenance of the 1997 ozone NAAQS and will not interfere with RFP or attainment of the other NAAQS in Clark County. The EPA is also proposing to approve the updated budgets for 2022 for the 1997 ozone NAAQS (shown in Table 4 of this document) based on our conclusion that the updated budgets meet the applicable transportation conformity and other CAA requirements.

If the EPA takes final action to approve the 2020 Ozone Maintenance Plan Revision as proposed, the revised budgets will replace the corresponding approved budgets from the 2018 Ozone Maintenance Plan Revision, and RTC and DOT must use the revised budgets for future transportation conformity determinations for the 2015 ozone NAAQS until motor vehicle emissions budgets for that ozone NAAQS are found adequate or are approved.[44]

The EPA is soliciting public comments on the issues discussed in this document. We will accept comments from the public on this proposal for the next 30 days. We will consider these comments before taking final action.

VII. Statutory and Executive Order Reviews

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

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

[43] EPA, ''Nevada, Las Vegas Nonattainment Area, Final Area Designations for the 2015 Ozone National Ambient Air Quality Standards, Technical Support Document (TSD).''

[44] In addition, if we finalize this action as proposed, we will be removing the conditional approval regulatory text found at 40 CFR 52.1475(a).

Tribe of Paiute Indians of the Las Vegas Indian Colony has areas of Indian country geographically located within the Clark County 1997 ozone maintenance area. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: July 19, 2021.

Deborah Jordan,

Acting Regional Administrator, EPA Region IX.

[FR Doc. 2021–16644 Filed 8–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 86 and 600

[EPA–HQ–OAR–2021–0208; FRL–8824–01–OAR]

RIN 2060–AV13

Public Hearing for Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of public hearing.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a virtual public hearing to be held August 25, 2021, on its proposal for the ''Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards,'' which was signed on July 29, 2021. An additional session will be held on August 26th if necessary, to accommodate the number of testifiers that sign-up to testify. EPA is proposing to revise the greenhouse gas (GHG) emissions standards for light-duty vehicles for 2023 and later model years to make the standards more stringent.

DATES: EPA will hold a virtual public hearing on August 25, 2021. An additional session will be held on August 26th if necessary to accommodate the number of testifiers that sign-up to testify. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

ADDRESSES: The virtual public hearing will be held on August 25, 2021. An additional session will be held on August 26th if necessary to accommodate the number of testifiers that sign-up to testify. The hearing will convene at 9:30 a.m. Eastern and will conclude when the last pre-registered speaker has testified but no later than 8:00 p.m. Eastern. All hearing attendees (including those who do not intend to provide testimony) should notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** by August 18, 2021, preferably by email to *ASD-Registration@epa.gov.* Additional information regarding the hearing appears below under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Tad Wysor, Office of Transportation and Air Quality, Assessment and Standards Division (ASD), Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4332; email address: *ASD-Registration@epa.gov.*

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) is proposing to revise the greenhouse gas (GHG) emissions standards for light-duty vehicles for 2023 and later model years to make the standards more stringent. On January 20, 2021, President Biden issued Executive Order 13990 ''Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis'' directing EPA to consider whether to propose suspending, revising, or rescinding the standards previously revised under the ''The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks,'' promulgated in April 2020. The SAFE rule significantly weakened the standards established in 2012 for this time period. Based on our updated assessment, EPA is proposing under the Clean Air Act to revise the GHG standards to be more stringent than the SAFE rule standards in each model year from 2023 through 2026. EPA is also proposing to include several flexibilities to ease the auto manufacturers' transition to the more stringent standards, including incentives for the production of vehicles with zero or near-zero emissions technology. In addition, EPA is proposing some technical amendments to clarify and streamline our regulations. The proposed revised standards would result in significant net benefits. The ''Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards'' proposal was signed on July 29th and will be published separately in the **Federal Register**. The pre-publication version is available at *https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-revise-existing-national-ghg-emissions.*

Participation in Virtual Public Hearing

Please note that EPA is deviating from its typical approach for public hearings. Because of current CDC recommendations, as well as state and local orders for social distancing to limit the spread of COVID–19, EPA is not holding in-person public meetings at this time.

EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the virtual hearing, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section, preferably by email to *ASD-Registration@epa.gov.* The last day to pre-register to speak at the hearing will be August 18, 2021.

Each commenter will have 3 minutes to provide oral testimony. EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. EPA recommends submitting the text of your oral comments as written comments to the rulemaking docket. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing logistics, including any change to the date of the hearing or a potential additional session on August 26, 2021, will be posted online at the light-duty vehicle GHG rule website *https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-revise-existing-national-ghg-emissions.* While EPA expects the hearing to go forward as set forth above, please monitor our website or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to determine if there are any updates. EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the services of a translator or special accommodations such as audio description, please pre-register for the hearing and describe your needs by August 18, 2021. EPA may not be able to arrange accommodations without advance notice.

How can I get copies of the proposed action and other related information?

EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2021–0208. EPA has also developed a website for this proposal, which is available at *https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-revise-existing-national-ghg-emissions.* Please refer to the notice of proposed rulemaking for detailed information on accessing information related to the proposal.

Dated: July 29, 2021.

William Charmley,

Director, Assessment and Standards Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2021–16598 Filed 8–6–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–130; RM–11897; DA 21–843; FR ID 40086]

Television Broadcasting Services Portland, Oregon

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by KPTV–KPDX Broadcasting Corporation (Petitioner), the licensee of KPTV (FOX), channel 12, Portland, Oregon. The Petitioner requests the substitution of channel 21 for channel 12 at in the DTV Table of Allotments.

DATES: Comments must be filed on or before September 8, 2021 and reply comments on or before September 23, 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 the Petitioner as follows: Christina Burrow, Esq., Cooley LLP, 1299 Pennsylvania Avenue NW, Suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647 or *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: In support of its channel substitution request, the Petitioner states that the Commission has recognized that VHF channels have certain characteristics that pose challenges for their use in providing digital television service, including propagation characteristics that allow undesired signals and noise to be receivable at relatively far distances and nearby electrical devices to cause interference. According to the Petitioner, it has received numerous complaints of poor or no reception from viewers, and explains the importance of a strong over-the-air signal in the Portland area during emergencies, when, it states, cable and satellite service may go out of operation. Finally, the Petitioner demonstrated that the channel 21 noise limited contour would fully encompass the existing channel 12 contour, and an analysis using the Commission's *TVStudy* software indicates that Petitioner's proposal would result in an increase in population served.

This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 21–130; RM–11897; DA 21–843, adopted July 15, 2021, and released July 16, 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 Section 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See Sections 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 SERVICES

■ 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 in paragraph (i), amend the *Post-Transition Table of DTV Allotments* under Oregon by revising the entry for Portland to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
OREGON	
* * * * *	
Portland	8, *10, 21, 40, 43, 45
* * * * *	

[FR Doc. 2021–16449 Filed 8–6–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2020–0146; FF09E22000 FXES11180900000 212]

Endangered and Threatened Wildlife and Plants; Review of Foreign Species That Are Candidates for Listing as Endangered or Threatened; Annual Description of Progress on Listing Actions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification of review.

SUMMARY: In this candidate notice of review (CNOR), we, the U.S. Fish and Wildlife Service (Service), present an updated list of foreign plant and animal species that we regard as candidates for or have proposed for addition to the Lists of Endangered and Threatened

Wildlife and Plants (Lists) under the Endangered Species Act of 1973, as amended. This document also includes our findings on resubmitted petitions and describes our progress in revising the Lists during the period October 1, 2018, through September 30, 2020. Combined with other decisions for individual species that were published separately from this CNOR in the past 2 years, the current number of foreign species that are candidates for listing is 19. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, and by allowing landowners, resource managers, range countries, and other stakeholders to take actions to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if we subsequently list a candidate species, the early notification provided here could result in more options for species management and recovery by prompting earlier candidate conservation measures to alleviate threats to the species.

DATES: We will accept information on any of the species in this document at any time.

ADDRESSES: This document is available on the internet at *http://www.regulations.gov* and *http://www.fws.gov/endangered/what-we-do/cnor.html.*

Species assessment forms with information and references on a particular candidate species' range, status, habitat needs, and listing priority assignment are available for review at the office listed below in **FOR FURTHER INFORMATION CONTACT**, or on our website (*https://ecos.fws.gov/ecp/report/candidate-species*). Please submit any new information, materials, comments, or questions of a general nature on this document or pertaining to a particular species to the address listed under **FOR FURTHER INFORMATION CONTACT**. Species-specific information and materials we receive will be available on the internet at *http://www.regulations.gov* under Docket No. FWS–HQ–ES–2020–0146.

FOR FURTHER INFORMATION CONTACT: Elizabeth Maclin, Chief, Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (telephone 703–358–2171). Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*), requires that we identify species of wildlife and plants that are endangered or threatened based solely on the best scientific and commercial data available. As defined in section 3 of the Act, an endangered species is any species that is in danger of extinction throughout all or a significant portion of its range, and a threatened species is any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Through the Federal rulemaking process, we add species that meet these definitions to the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (CFR) at § 17.11 (50 CFR 17.11) or the List of Endangered and Threatened Plants at 50 CFR 17.12. As part of this program, we maintain a list of species that we regard as candidates for listing. A candidate species is one for which we have on file sufficient information on biological vulnerability and threats to support a proposal for listing as endangered or threatened, but for which preparation and publication of a proposal is precluded by higher priority listing actions. We may identify a species as a candidate for listing after we have conducted an evaluation of its status—either on our own initiative, or in response to a petition we have received. If we have made a finding on a petition to list a species, and have found that listing is warranted, but precluded by other higher priority listing actions, we will add the species to our list of candidates.

We maintain this list of candidates for a variety of reasons: (1) To notify the public that these species are facing threats to their survival; (2) to provide advance knowledge of potential listings that could affect decisions of environmental planners and developers; (3) to provide information that may stimulate and guide conservation efforts that will remove or reduce threats to these species and possibly make listing unnecessary; (4) to request input from interested parties to help us identify those candidate species that may not require protection under the Act, as well as additional species that may require the Act's protections; and (5) to request necessary information for setting priorities for preparing listing proposals. We encourage collaborative conservation efforts for candidate species and offer technical and financial assistance to facilitate such efforts. For additional information regarding such assistance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, above.

Previous CNORs

We have been publishing CNORs since 1975. The most recent CNOR that included foreign species was published on October 10, 2019 (84 FR 54732), and covered the period October 1, 2016, through September 30, 2018. CNORs published since 1994 are available on our website at *http://www.fws.gov/endangered/what-we-do/cnor.html.* For copies of CNORs published prior to 1994, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, above.

On September 21, 1983, we published guidance for assigning a listing priority number (LPN) for each candidate species (48 FR 43098). Using this guidance, we assign each candidate an LPN of 1 to 12, depending on the magnitude of threats, immediacy of threats, and taxonomic status; the lower the LPN, the higher the listing priority (that is, a species with an LPN of 1 would have the highest listing priority). Section 4(h)(3) of the Act (16 U.S.C. 1533(h)(3)) requires the Secretary to establish guidelines for such a priority-ranking system. As explained below, in using this system, we first categorize based on the magnitude of the threat(s), then by the immediacy of the threat(s), and finally by taxonomic status.

Under this priority-ranking system, magnitude of threat can be either ''high'' or ''moderate to low.'' This criterion helps ensure that the species facing the greatest threats to their continued existence receive the highest listing priority. All candidate species face threats to their continued existence, so the magnitude of threats is in relative terms. For all candidate species, the threats are of sufficiently high magnitude to put them in danger of extinction or make them likely to become in danger of extinction in the foreseeable future. However, for species with higher magnitude threats, the threats have a greater likelihood of bringing about extinction or are expected to bring about extinction on a shorter timescale (once the threats are imminent) than for species with lower-magnitude threats. Because we do not routinely quantify how likely or how soon extinction would be expected to occur absent listing, we must evaluate factors that contribute to the likelihood and time scale for extinction. We therefore consider information such as: (1) The number of populations or extent of range of the species affected by the threat(s), or both; (2) the biological significance of the affected population(s), taking into consideration the life-history characteristics of the species and its current abundance and

distribution; (3) whether the threats affect the species in only a portion of its range, and, if so, the likelihood of persistence of the species in the unaffected portions; (4) the severity of the effects and the rapidity with which they have caused or are likely to cause mortality to individuals and accompanying declines in population levels; (5) whether the effects are likely to be permanent; and (6) the extent to which any ongoing conservation efforts reduce the severity of the threat(s).

As used in our priority-ranking system, immediacy of threat is categorized as either ''imminent'' or ''nonimminent,'' and is based on when the threats will begin. If a threat is currently occurring or likely to occur in the very near future, we classify the threat as imminent. Determining the immediacy of threats helps ensure that species facing actual, identifiable threats are given priority for listing proposals over species for which threats are only potential or species that are intrinsically vulnerable to certain types of threats but are not known to be presently facing such threats.

Our priority-ranking system has three categories for taxonomic status: Species that are the sole members of a genus; full species (in genera that have more than one species); and subspecies and distinct population segments of vertebrate species (DPS).

The result of the ranking system is that we assign each candidate an LPN of 1 to 12. For example, if the threats are of high magnitude, with immediacy classified as imminent, the listable entity is assigned an LPN of 1, 2, or 3 based on its taxonomic status (*i.e.,* a species that is the only member of its genus would be assigned to the LPN 1 category, a full species to LPN 2, and a subspecies or DPS would be assigned to LPN 3). In summary, the LPN ranking system provides a basis for making decisions about the relative priority for preparing a proposed rule to list a given species. No matter which LPN we assign to a species, each species included in this document as a candidate is one for which we have concluded that we have sufficient information to prepare a proposed rule for listing because it is in danger of extinction or likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

For more information on the process and standards used in assigning LPNs, a copy of the 1983 guidance is available on our website at: *https://www.fws.gov/endangered/esa-library/pdf/48fr43098-43105.pdf.* Information on the LPN assigned to a particular species is summarized in this CNOR, and the species assessment for each candidate contains the LPN chart and a more-detailed explanation—including citations to, and more-detailed analyses of, the best scientific and commercial data available—for our determination of the magnitude and immediacy of threat(s) and assignment of the LPN.

Summary of This CNOR

Since publication of the last CNOR that included foreign species on October 10, 2019 (84 FR 54732), we reviewed the available information on candidate species to ensure that a proposed listing is justified for each species, and reevaluated the relative LPN assigned to each species. We also evaluated the need to emergency list any of these species, particularly species with higher priorities (*i.e.,* species with LPNs of 1, 2, or 3). This review and reevaluation ensures that we focus conservation efforts on those species at greatest risk.

We are not identifying any new candidates or removing any candidates through this document. However, we are changing the listing priority number for one existing candidate.

In addition to reviewing candidate species since publication of the last CNOR that included foreign species, we have worked on findings in response to petitions to list species, on proposed rules to list species under the Act, and on final listing determinations. Some of these findings and determinations have been completed and published in the **Federal Register**, while work on others is still under way (see Preclusion and Expeditious Progress, below, for details).

Combined with other findings and determinations published separately from this CNOR, 19 foreign species are candidates awaiting preparation of a proposed listing rule or ''not-warranted'' finding. Table 4 identifies these 19 species.

Petition Findings

The Act provides two mechanisms for considering species for listing. One method allows the Secretary, on the Secretary's own initiative, to identify species for listing under the standards of section 4(a)(1). The second method provides a mechanism for the public to petition us to add a species to the Lists. As described further in the paragraphs that follow, the CNOR serves several purposes as part of the petition process: (1) In some instances (in particular, for petitions to list species that the Service has already identified as candidates on its own initiative), it serves as the initial petition finding; (2) for candidate species for which the Service has made a warranted-but-precluded petition finding, it serves as a ''resubmitted'' petition finding that the Act requires the Service to make each year; and (3) it documents the Service's compliance with the statutory requirement to monitor the status of species for which listing is warranted but precluded, and to ascertain if they need emergency listing.

First, the CNOR serves as an initial petition finding in some instances. Under section 4(b)(3)(A) of the Act, when we receive a petition to list a species, we must determine within 90 days, to the maximum extent practicable, whether the petition presents substantial information indicating that listing may be warranted (a ''90-day finding''). If we make a positive 90-day finding, we must promptly commence a status review of the species under section 4(b)(3)(A); we must then make, within 12 months of the receipt of the petition, one of the following three possible findings (a ''12-month finding''):

(1) The petitioned action is not warranted, in which case we must promptly publish the finding in the **Federal Register**;

(2) The petitioned action is warranted (in which case we are required to promptly publish a proposed regulation to implement the petitioned action; once we publish a proposed rule for a species, sections 4(b)(5) and 4(b)(6) of the Act govern further procedures, regardless of whether or not we issued the proposal in response to a petition); or

(3) The petitioned action is warranted, but (a) the immediate proposal of a regulation and final promulgation of a regulation implementing the petitioned action is precluded by pending proposals to determine whether any species is endangered or threatened, and (b) expeditious progress is being made to add qualified species to the Lists. We refer to this third option as a ''warranted-but-precluded finding,'' and after making such a finding, we must promptly publish it in the **Federal Register**.

We define ''candidate species'' to mean those species for which the Service has on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but for which issuance of the proposed rule is precluded (61 FR 64481; December 5, 1996). The standard for making a species a candidate through our own initiative is identical to the standard for making a warranted-but-precluded 12-month petition finding on a petition to list, and we add all petitioned species for which we have made a warranted-

but-precluded 12-month finding to the candidate list.

Therefore, all candidate species identified through our own initiative already have received the equivalent of substantial 90-day and warranted-but-precluded 12-month findings. Nevertheless, if we receive a petition to list a species that we have already identified as a candidate, we review the status of the newly petitioned candidate species and through this CNOR publish specific section 4(b)(3) findings (*i.e.,* substantial 90-day and warranted-but-precluded 12-month findings) in response to the petitions to list these candidate species. We publish these findings as part of the first CNOR following receipt of the petition. We have identified the candidate species for which we received petitions and made a continued warranted-but-precluded finding on a resubmitted petition by the code ''C*'' in the category column on the left side of Table 4, below.

Second, the CNOR serves as a ''resubmitted'' petition finding. Section 4(b)(3)(C)(i) of the Act requires that when we make a warranted-but-precluded finding on a petition, we treat the petition as one that is resubmitted on the date of the finding. Thus, we must make a 12-month petition finding for each such species at least once a year in compliance with section 4(b)(3)(B) of the Act, until we publish a proposal to list the species or make a final not-warranted finding. We make these annual resubmitted petition findings through the CNOR. To the extent these annual findings differ from the initial 12-month warranted-but-precluded finding or any of the resubmitted petition findings in previous CNORs, they supersede the earlier findings, although all previous findings are part of the administrative record for the new finding, and in the new finding, we may rely upon them or incorporate them by reference as appropriate, in addition to explaining why the finding has changed.

Third, through undertaking the analysis required to complete the CNOR, the Service determines if any candidate species needs emergency listing. Section 4(b)(3)(C)(iii) of the Act requires us to implement a system to monitor effectively the status of all species for which we have made a warranted-but-precluded 12-month finding, and to make prompt use of the emergency listing authority under section 4(b)(7) of the Act to prevent a significant risk to the well being of any such species. The CNOR plays a crucial role in the monitoring system that we have implemented for all candidate species by providing notice that we are actively seeking information regarding the status of those species. We review all new information on candidate species as it becomes available, prepare an annual species assessment form that reflects monitoring results and other new information, and identify any species for which emergency listing may be appropriate. If we determine that emergency listing is appropriate for any candidate, we will make prompt use of the emergency listing authority under section 4(b)(7) of the Act. For example, on August 10, 2011, we emergency listed the Miami blue butterfly (76 FR 49542). We have been reviewing and will continue to review, at least annually, the status of every candidate, whether or not we have received a petition to list it. Thus, the CNOR and accompanying species assessment forms constitute the Service's system for monitoring and making annual findings on the status of petitioned species under sections 4(b)(3)(C)(i) and 4(b)(3)(C)(iii) of the Act.

A number of court decisions have elaborated on the nature and specificity of information that we must consider in making and describing the petition findings in the CNOR. The CNOR that published on November 9, 2009 (74 FR 57804), describes these court decisions in further detail. As with previous CNORs, we continue to incorporate information of the nature and specificity required by the courts. For example, we include a description of the reasons why the listing of every petitioned candidate species is both warranted and precluded at this time. We make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first and also because we allocate our listing budget on a nationwide basis (see below). Our preclusion determinations are further based upon our budget for listing activities for unlisted species only, and we explain the priority system and why the work we have accomplished has precluded action on listing candidate species.

In preparing this CNOR, we reviewed the current status of, and threats to, the 19 foreign species candidates for which we have received a petition to list. We find that the immediate issuance of a proposed rule and timely promulgation of a final rule for each of these species has been, for the preceding months, and continues to be, precluded by higher priority listing actions. Additional information that is the basis for this finding is found in the species assessments and our administrative record for each species.

The immediate publication of proposed rules to list these species was precluded by our work on higher priority listing actions, listed below, during the period from October 1, 2018, through September 30, 2020. Below we describe the actions that continue to preclude the immediate proposal and final promulgation of a regulation implementing each of the petitioned actions for which we have made a warranted-but-precluded finding, and we describe the expeditious progress we are making to add qualified species to, and remove species from, the Lists. We will continue to monitor the status of all candidate species, including petitioned species, as new information becomes available to determine if a change in status is warranted, including the need to emergency list a species under section 4(b)(7) of the Act. As described above, under section 4 of the Act, we identify and propose species for listing based on the factors identified in section 4(a)(1)—either on our own initiative or through the mechanism that section 4 provides for the public to petition us to add species to the Lists of Endangered or Threatened Wildlife and Plants.

Preclusion and Expeditious Progress

To make a finding that a particular action is warranted but precluded, the Service must make two determinations: (1) That the immediate proposal and timely promulgation of a final regulation is precluded by pending proposals to determine whether any species is endangered or threatened; and (2) that expeditious progress is being made to add qualified species to either of the Lists and to remove species from the Lists (16 U.S.C. 1533(b)(3)(B)(iii)).

Preclusion

A listing proposal is precluded if the Service does not have sufficient resources available to complete the proposal, because there are competing demands for those resources, and the relative priority of those competing demands is higher. Thus, in any given fiscal year (FY), multiple factors dictate whether it will be possible to undertake work on a proposed listing regulation or whether promulgation of such a proposal is precluded by higher priority listing actions—(1) the amount of resources available for completing the listing function, (2) the estimated cost of completing the proposed listing regulation, and (3) the Service's workload, along with the Service's prioritization of the proposed listing regulation, in relation to other actions in its workload.

Available Resources

The resources available for listing actions are determined through the annual Congressional appropriations process. In FY 1998 and for each fiscal year since then, Congress has placed a statutory cap on funds that may be expended for the Listing Program (spending cap). This spending cap was designed to prevent the listing function from depleting funds needed for other functions under the Act (for example, recovery functions, such as removing species from the Lists), or for other Service programs (see House Report 105–163, 105th Congress, 1st Session, July 1, 1997). The funds within the spending cap are available to support work involving the following listing actions: Proposed and final rules to add species to the Lists or to change the status of species from threatened to endangered; 90-day and 12-month findings on petitions to add species to the Lists or to change the status of a species from threatened to endangered; annual ''resubmitted'' petition findings on prior warranted-but-precluded petition findings as required under section 4(b)(3)(C)(i) of the Act; critical habitat petition findings; proposed rules designating critical habitat or final critical habitat determinations; and litigation-related, administrative, and program-management functions (including preparing and allocating budgets, responding to Congressional and public inquiries, and conducting public outreach regarding listing and critical habitat).

For more than two decades, the size and cost of the workload in these categories of actions have far exceeded the amount of funding available to the Service under the spending cap for completing listing and critical habitat actions under the Act. Since we cannot exceed the spending cap without violating the Anti-Deficiency Act (31 U.S.C. 1341(a)(1)(A)), each year we have been compelled to determine that work on at least some actions was precluded by work on higher-priority actions. We make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first, and because we allocate our listing budget on a nationwide basis. Through the listing cap and the amount of funds needed to complete court-mandated actions within the cap, Congress and the courts have in effect determined the amount of money remaining (after completing court-mandated actions) for listing activities nationwide. Therefore, the funds that remain within the listing cap—after paying for work needed to comply with court orders or court-approved settlement agreements—set the framework within which we make our determinations of preclusion and expeditious progress.

In FY 2019, through the Consolidated Appropriations Act of 2019 (Pub. L. 116–6, February 15, 2019), Congress appropriated the Service $18,318,000 under a consolidated cap for all domestic and foreign listing work, including status assessments, listing determinations, domestic critical habitat designations, and related activities. In FY 2020, through the Further Consolidated Appropriations Act, 2020 (Pub. L. 116–94, December 20, 2019), Congress appropriated $20,318,000 for all domestic and foreign listing work. The amount of funding Congress will appropriate in future years is uncertain.

Costs of Listing Actions

The work involved in preparing various listing documents can be extensive, and may include, but is not limited to: Gathering and assessing the best scientific and commercial data available and conducting analyses used as the basis for our decisions; writing and publishing documents; and obtaining, reviewing, and evaluating public comments and peer-review comments on proposed rules and incorporating relevant information from those comments into final rules. The number of listing actions that we can undertake in a given year also is influenced by the complexity of those listing actions; that is, more complex actions generally are more costly. The Service has developed several ways to determine the relative priorities of the actions within its workload to identify the work it can complete with the funding it has available under the spending cap for listing and critical habitat actions each year.

Prioritizing Listing Actions

The Service's Listing Program workload is broadly composed of four types of actions, which the Service prioritizes as follows: (1) Compliance with court orders and court-approved settlement agreements requiring that petition findings or listing determinations or critical habitat designations be completed by a specific date; (2) essential litigation-related, administrative, and listing program-management functions; (3) section 4 (of the Act) listing and critical habitat actions with absolute statutory deadlines; and (4) section 4 listing actions that do not have absolute statutory deadlines.

In previous years, the Service received many new petitions, including multiple petitions to list numerous species—in one example, a single petition sought to list 404 domestic species. The emphasis that petitioners placed on seeking listing for hundreds of species at a time through the petition process significantly increased the number of actions within the third category of our workload—actions that have absolute statutory deadlines for making findings on those petitions. In addition, the necessity of dedicating all of the Listing Program funding towards determining the status of 251 candidate species and complying with other court-ordered requirements between 2011 and 2016 added to the number of petition findings awaiting action. Because we are not able to work on all of these at once, the Service's most recent effort to prioritize its workload focuses on addressing the backlog in petition findings that has resulted from the influx of large multi-species petitions and the 5-year period in which the Service was compelled to suspend making 12-month findings for most of those petitions. The number of petitions that are awaiting status reviews and accompanying 12-month findings illustrates the considerable extent of this backlog. As a result of the outstanding petitions to list hundreds of species, and our efforts to make initial petition findings within 90 days of receiving the petition to the maximum extent practicable, at the beginning of FY 2020, we had 36 12-month petition findings for foreign species yet to be initiated and completed and 422 12-month petition findings for domestic species yet to be initiated and completed.

To determine the relative priorities of the outstanding 12-month petition findings, the Service developed a prioritization methodology (methodology) (81 FR 49248; July 27, 2016) after providing the public with notice and an opportunity to comment on the draft methodology (81 FR 2229; January 15, 2016). Under the methodology, we assign outstanding 12-month petition findings to one of five priority bins. (1) The species is critically imperiled; (2) strong data are already available about the status of the species; (3) new science is underway that would inform key uncertainties about the status of the species; (4) conservation efforts are in development or underway and likely to address the status of the species; or (5) the available data on the species are limited. As a general matter, 12-month findings with a lower bin number have a higher priority than, and are scheduled before, 12-month findings with a higher bin number. However, we make some limited exceptions—for

example, we may schedule a lower-priority finding earlier if batching it with a higher-priority finding would generate efficiencies. We may also consider where there are any special circumstances whereby an action should be moved up (or down) in scheduling. Since before Congress first established the spending cap for the Listing Program in 1998, the Listing Program workload has required considerably more resources than the amount of funds Congress has allowed for the Listing Program. Therefore, it is important that we be as efficient as possible in our listing process.

Consistent with our methodology, within the five priority bins we determine the relative timing of foreign species actions using sub-ranking considerations, *i.e.,* as tie-breakers for determining relative timing within each of the five bins. We consider the extent to which the protections of the Act would be able to improve conditions for that species and its habitat relative to the other species within the same bin, and in doing so, we give weight to the following considerations, in order from greater weight to lesser weight.

1. *FWS Office of Law Enforcement (OLE) enforcement capacity*—We prioritize species actions where OLE currently has the expertise and workforce capacity to identify taxa (*e.g.,* some invertebrates require time-intensive inspection and expertise to differentiate listed from non-listed species). The capacity to identify taxa to effectively enforce a listing greatly increases the impact of the listing.

2. *Species in trade to and/or from the United States*—We prioritize actions for these species over those that are neither imported to nor exported from the United States because we can regulate import, export, and other activities with these species through permitting and incentivizing activities—including requirement of an enhancement finding or for scientific purposes—that benefit the conservation of the species, and by deterring and prohibiting activities that do not. In addition, the Lacey Act, in part, makes it illegal to import, export, transport, sell, receive, acquire, or purchase species taken, possessed, transported, or sold in violation of any U.S. law, treaty, or regulation. Thus, violations of the Act and its implementing regulations can be one component of a Lacey Act violation, further adding to the impact of the Act's listing.

3. *Species in trade through U.S. ports (i.e., in-transit or transshipment)*—We prioritize timing of actions for these species over those in trade outside of the United States because the capacity to track, regulate, and enforce this activity is greater than for species in trade outside the United States.

4. *Within the United States, interstate trade*—We prioritize timing of actions for species traded between States within the United States (interstate activity) over those not traded between States within the United States (intrastate activity). The Act prohibits certain activities with listed species in interstate commerce. FWS regulation of this interstate activity can result in incentivizing and permitting activities—including requirement of an enhancement finding or for scientific purposes—that benefit the conservation of the species, and deterring and prohibiting activities that do not. As noted above, such violations of the Act can also be one component of a Lacey Act violation.

5. *CITES status*—We use Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) status to prioritize timing of listing actions under the Act for species as follows: Appendix II (highest priority for listing actions under the Act relative to other CITES-listed species) > Appendix III > Appendix I (lowest priority for listing actions under the Act relative to other CITES-listed species).

- *Appendix I species:* Appendix I includes species threatened with extinction that are or may be affected by trade, and trade in Appendix-I specimens may take place only in exceptional circumstances. With narrow exceptions, CITES does not allow primarily commercial international trade in Appendix-I species, and commercial use of Appendix-I specimens is also prohibited after import. Allowed international trade in these species is subject to a dual permitting process that requires both importing and exporting countries to find that the trade will not be detrimental to the species' survival. Thus, a listing under the Act would generally provide comparatively less additional conservation of these species than for CITES species that are not subject to this level of regulation.
- *Appendix II species:* Appendix II includes species that may become threatened with extinction if their trade is not regulated or because they need to be regulated so that trade in certain other Appendix-I or -II species may be effectively controlled. CITES allows international trade in Appendix-II species for primarily commercial purposes, and does not require the dual-permitting process established for Appendix-I species. Listing under the Act is more likely to improve conservation capacity for Appendix-II species than for the Appendix-I species that are comparatively more tightly controlled under CITES.
- *Appendix III species:* Appendix III includes species listed unilaterally by a range country to obtain international cooperation in controlling trade. International trade in Appendix-III species exported from a country that has included the species in Appendix III requires an export permit, while other exports and re-exports require documentation. Appendix-III species have fewer substantive conservation controls for trade than for Appendix-I or -II species. However, we generally prioritize the timing for Appendix-II species over Appendix-III species because the CITES Parties having collectively identified Appendix-II species as requiring trade regulation to avoid threatening their survival.

6. *IUCN Red List status*—We prioritize timing of actions for species considered at greater risk by the International Union for Conservation of Nature and Natural Resources (IUCN) over those that are considered at lesser risk. Per IUCN categories, Critically endangered (highest priority) > Endangered > Vulnerable > Near-threatened > Least concern > Data deficient > Not assessed > Extinct (lowest priority). We use this criterion to identify species for which listing would likely have greater positive impacts on their conservation because they are more likely in greater need of conservation. Although IUCN's rating system is not directly comparable to the definitions for an endangered species and threatened species under the Act (which is why this is considered low in our prioritization scheme), and does not establish any legal status, IUCN's Red List provides a readily-accessible, expert-validated assessment of conservation threat.

We applied the methodology and tie-breakers described above to develop a multi-year Foreign Species Workplan (Workplan) for completing the outstanding status assessments and accompanying 12-month findings. The purpose of the Workplan is to provide transparency and predictability to the public about when the Service anticipates completing specific 12-month findings while allowing for flexibility to update the Workplan when new information changes the priorities. In June 2020, the Service released its Foreign Species Workplan for addressing the Act's foreign listing decisions over the subsequent 5 years. The Workplan identified the Service's schedule for addressing all foreign species on the candidate list and 45 status reviews and accompanying 12-

month findings, and identified which 12-month findings we would complete by FY 2025 for foreign species that have been petitioned for Federal protections under the Act. As we implement our Workplan and work on proposed rules for the highest-priority species, we increase efficiency by preparing multi-species proposals when appropriate, and these may include species with lower priority if they overlap geographically or have the same threats as one of the highest-priority species. The Foreign Species Workplan is available online at: *https://www.fws.gov/endangered/what-we-do/foreign-listing-workplan.html.*

As noted above, an additional way in which we determine relative priorities of outstanding actions in the section 4 program is application of the listing priority guidelines (48 FR 43098; September 21, 1983). Under those guidelines, which apply primarily to candidate species, we assign each candidate an LPN of 1 to 12, depending on the magnitude of threats (high or moderate to low), immediacy of threats (imminent or nonimminent), and taxonomic status of the species (in order of priority: monotypic genus (a species that is the sole member of a genus), a species, or a part of a species (subspecies or distinct population segment)). The lower the LPN, the higher the listing priority (that is, a species with an LPN of 1 would have the highest listing priority). A species with a higher LPN would generally be precluded from listing by species with lower LPNs, unless work on a proposed rule for the species with the higher LPN can be combined for efficiency with work on a proposed rule for other high-priority species.

Finally, proposed rules for reclassification of threatened species status to endangered species status (''uplistings'') are generally lower in priority because, as listed species, they are already afforded the protections of the Act and implementing regulations. However, for efficiency reasons, we may choose to work on a proposed rule to reclassify a species to endangered species status if we can combine this with higher-priority work.

Listing Program Workload

The Foreign Species Workplan that the Service released in 2020 outlined work for foreign species over the period from FY 2020 to FY 2025. Tables 1 and 2 under *Expeditious Progress,* below, identify the higher-priority listing actions that we completed through the end of FY 2020 (September 30, 2020), as well as those we have been working on in FY 2020 but have not yet completed. For FY 2020, our Foreign Species Workplan includes nine 12-month findings or proposed listing actions that are at various stages of completion at the time of this finding. In addition to the actions scheduled in the Foreign Species Workplan, the overall Listing Program workload also includes the National Listing Workplan that includes 74 12-month findings or proposed listing actions, development and revision of regulations required by new court orders or settlement agreements to address the repercussions of any new court decisions, and proposed and final critical habitat designations or revisions for species that have already been listed. The Service's highest priorities for spending its funding in FY 2019 and FY 2020 were actions included in the Workplan and actions required to address court decisions.

Expeditious Progress

As explained above, a determination that listing is warranted but precluded must also demonstrate that expeditious progress is being made to add and remove qualified species to and from the Lists. Please note that in the Code of Federal Regulations, the ''Lists'' are grouped as one list of endangered and threatened wildlife (50 CFR 17.11(h)) and one list of endangered and threatened plants (50 CFR 17.12(h)). However, the ''Lists'' referred to in the Act mean one list of endangered species (wildlife and plants) and one list of threatened species (wildlife and plants). For the purposes of evaluating our expeditious progress, when we refer to the ''Lists,'' we mean this latter grouping of one list of endangered species and one list of threatened species.

As with our ''precluded'' finding, the evaluation of whether expeditious progress is being made is a function of the resources available and the competing demands for those funds. As discussed earlier, the FY 2020 appropriations law included a spending cap of $20,318,000 for listing activities, and the FY 2019 appropriations law included a spending cap of $18,318,000 for listing activities.

As discussed below, given the limited resources available for listing, the competing demands for those funds, and the completed work catalogued in the tables below, we find that we are making expeditious progress in adding qualified species to the Lists.

The work of the Service's foreign listing program in FY 2019 and FY 2020 (as of September 30, 2020) includes all three of the steps necessary for adding species to the Lists: (1) Identifying species that may warrant listing (90-day petition findings); (2) undertaking an evaluation of the best available scientific data about those species and the threats they face to determine whether or not listing is warranted (a status review and accompanying 12-month finding); and (3) adding qualified species to the Lists (by publishing proposed and final listing rules). We explain in more detail how we are making expeditious progress in all three of the steps necessary for adding qualified species to the Lists (identifying, evaluating, and adding species). Subsequent to discussing our expeditious progress in adding qualified species to the Lists, we explain our expeditious progress in removing from the Lists species that no longer require the protections of the Act.

Generally, we first make expeditious progress in identifying species that may warrant listing. In FY 2019 and FY 2020 (as of September 30, 2020), we completed 90-day findings on petitions to list 14 species. However, for foreign species, we have not received petitions to list species in FY 2019 or FY 2020 (as of September 30, 2020).

Second, we are making expeditious progress in evaluating the best scientific and commercial data available about species and threats they face (status reviews) to determine whether or not listing is warranted. In FY 2019 and FY 2020 (as of September 30, 2020), we completed 12-month findings for 69 domestic species. In addition, we funded and worked on the development of 12-month findings for 34 domestic species and proposed listing determinations for 9 candidates, and we initiated 12-month findings for nine foreign species. Although we did not complete those actions during FY 2019 or FY 2020 (as of September 30, 2020), we made expeditious progress towards doing so by initiating and making progress on the status reviews to determine whether adding the species to the Lists is warranted.

Third, we are making expeditious progress in adding qualified species to the Lists. In FY 2019 and FY 2020 (as of September 30, 2020), we published a final listing rule for 1 foreign species and 7 domestic species, including final critical habitat designations for 1 of those domestic species and final protective regulations under the Act's section 4(d) for 2 of those domestic species. In addition, we published proposed rules to list an additional 20 domestic species (including concurrent proposed critical habitat designations for 13 species and concurrent protective regulations under the Act's section 4(d) for 14 species).

The Act also requires that we make expeditious progress in removing species from the Lists that no longer require the protections of the Act. Specifically, we are making expeditious progress in removing (delisting) species, as well as reclassifying endangered species to threatened species status (downlisting). Delisting and downlisting actions are funded through the recovery line item in the budget of the Endangered Species Program. Thus, delisting and downlisting actions do not factor into our assessment of preclusion; that is, work on recovery actions does not preclude the availability of resources for completing new listing work. However, work on recovery actions does count towards our assessment of making expeditious progress because the Act states that expeditious progress includes both adding qualified species to, and removing qualified species from, the Lists of Endangered and Threatened Wildlife and Plants. In FY 2019 and FY 2020 (as of September 30, 2020), we finalized downlisting of 2 species (one of which is a foreign species), finalized delisting rules for 7 domestic species, proposed downlisting for 7 domestic species, and proposed delisting of 11 domestic species. The rate at which the Service has completed delisting and downlisting actions in FY 2019 and FY 2020 (as of September 30, 2020) is higher than any point in the history of the Act, which underscores the expeditious progress we are making.

The tables below catalog the Service's progress in FY 2019 and FY 2020 (as of September 30, 2020) as it pertains to our evaluation of making expeditious progress. Table 1 includes completed and published foreign listing actions; Table 2 includes foreign listing actions funded and initiated in previous fiscal years and in FY 2020 that are not yet complete as of September 30, 2020; and Table 3 includes completed and published proposed and final downlisting and delisting actions for foreign species.

TABLE 1—LISTING ACTIONS COMPLETED BY THE SERVICE IN FY 2019 AND FY 2020

[As of September 30, 2020]

Publication date	Title	Action(s)	**Federal Register** citation
10/9/2018	Threatened Species Status for Coastal Distinct Population Segment of the Pacific Marten.	Proposed Listing—Threatened with Section 4(d) Rule and 12-Month Petition Finding.	83 FR 50574–50582
10/9/2018	Threatened Species Status for Black-Capped Petrel With a Section 4(d) Rule.	Proposed Listing—Threatened with Section 4(d) Rule and 12-Month Petition Finding.	83 FR 50560–50574
10/9/2018	12-Month Petition Finding and Threatened Species Status for Eastern Black Rail With a Section 4(d) Rule.	Proposed Listing—Threatened with Section 4(d) Rule and 12-Month Petition Finding.	83 FR 50610–50630
10/9/2018	Threatened Species Status With Section 4(d) Rule and Critical Habitat Designation for Slenderclaw Crayfish.	Proposed Listing—Threatened with Section 4(d) Rule and Critical Habitat and 12-Month Finding.	83 FR 50582–50610
10/11/2018	Threatened Species Status With Section 4(d) Rule and Critical Habitat Designation for Atlantic Pigtoe.	Proposed Listing—Threatened with Section 4(d) Rule and Critical Habitat and 12-Month Finding.	83 FR 51570–51609
11/21/2018	Endangered Species Status for the Candy Darter	Final Listing—Endangered	83 FR 58747–58754
12/19/2018	12-Month Findings on Petitions to List 13 Species as Endangered or Threatened Species.	12-Month Petition Findings	83 FR 65127–65134
12/28/2018	Threatened Species Status for Trispot Darter	Final Listing—Threatened	83 FR 67131–67140
2/26/2019	Listing the Scarlet Macaw	Final Listing—Endangered northern subspecies; Threatened northern DPS of southern subspecies; and Threatened status for southern DPS and subspecies crosses based on similarity of appearance.	84 FR 6278–6311
4/4/2019	12-Month Findings on Petitions to List Eight Species as Endangered or Threatened Species.	12-Month Petition Findings.	
4/4/2019	12-Month Petition Finding and Endangered Species Status for the Missouri Distinct Population Segment of Eastern Hellbender.	Proposed Listing—Endangered and 12-Month Petition Finding.	
4/26/2019	90-Day Findings for Four Species (3 domestic species and 1 foreign species)*.	90-Day Petition Findings.	
5/22/2019	Threatened Species Status with Section 4(d) Rule for Neuse River Waterdog and Endangered Species Status for Carolina Madtom and Proposed Designations of Critical Habitat.	Proposed Listings—Threatened Status with Section 4(d) Rule with Critical Habitat; Endangered Status with Critical Habitat and 12-Month Petition Findings.	
8/13/2019	Endangered Species Status for Franklin's Bumble Bee.	Proposed Listing—Endangered and 12-Month Petition Finding.	
8/15/2019	12-Month Findings on Petitions to List Eight Species as Endangered or Threatened Species.	12-Month Petition Findings.	
8/15/2019	90-Day Findings for Three Species	90-Day Petition Findings.	
9/6/2019	90-Day Findings for Three Species	90-Day Petition Findings.	
10/07/2019	Twelve Species Not Warranted for Listing as Endangered or Threatened Species.	12-Month Petition Findings.	
10/21/2019	Endangered Species Status for Barrens Topminnow.	Final Listing—Endangered.	
11/08/2019	12-Month Finding for the California Spotted Owl	12-Month Petition Finding.	
11/21/2019	Threatened Species Status for Meltwater Lednian Stonefly and Western Glacier Stonefly With a Section 4(d) Rule.	Final Listing—Threatened with Section 4(d) Rule.	

TABLE 1—LISTING ACTIONS COMPLETED BY THE SERVICE IN FY 2019 AND FY 2020—Continued

[As of September 30, 2020]

Publication date	Title	Action(s)	**Federal Register** citation
12/06/2019	Endangered Species Status for Beardless Chinchweed With Designation of Critical Habitat, and Threatened Species Status for Bartram's Stonecrop With Section 4(d) Rule.	Proposed Listings—Endangered with Critical Habitat; Threatened with Section 4(d) Rule and 12-Month Petition Findings.	
12/19/2019	Five Species Not Warranted for Listing as Endangered or Threatened Species.	12-Month Petition Findings.	
12/19/2019	90-Day Findings for Two Species	90-Day Petition Findings.	
01/08/2020	Threatened Species Status for the Hermes Copper Butterfly With 4(d) Rule and Designation of Critical Habitat.	Proposed Listing—Threatened with Section 4(d) Rule and Critical Habitat.	
01/08/2020	Endangered Status for the Sierra Nevada Distinct Population Segment of the Sierra Nevada Red Fox.	Proposed Listing—Endangered.	
05/05/2020	Endangered Status for the Island Marble Butterfly and Designation of Critical Habitat.	Final Listing—Endangered with Critical Habitat.	
05/15/2020	Endangered Species Status for Southern Sierra Nevada Distinct Population Segment of Fisher.	Final Listing—Endangered.	
7/16/2020	90-Day Finding for the Dunes Sagebrush Lizard	90-Day Petition Finding.	
7/22/2020	90-Day Findings for Two Species	90-Day Petition Findings.	
7/23/2020	Four Species Not Warranted for Listing as Endangered or Threatened Species.	12-Month Petition Findings.	
8/26/2020	Endangered Species Status for Marron Bacora and Designation of Critical Habitat.	Proposed Listing-Endangered with Critical Habitat and 12-Month Petition Finding.	
9/1/2020	Two Species Not Warranted for Listing as Endangered or Threatened Species.	12-Month Petition Findings.	
9/16/2020	Findings on a Petition To Delist the Distinct Population Segment of the Western Yellow-Billed Cuckoo and a Petition To List the U.S. Population of Northwestern Moose**.	12-Month Petition Finding.	
9/17/2020	Threatened Species Status for Chapin Mesa milkvetch and Section 4(d) Rule with Designation of Critical Habitat.	Proposed Listing-Threatened With Section 4(d) Rule and Critical Habitat.	
9/17/2020	Threatened Species Status for Big Creek crayfish and St. Francis River Crayfish and With Section 4(d) Rule with Designation of Critical Habitat.	Proposed Listings-Threatened With Section 4(d) Rule and Critical Habitat.	
9/29/2020	Threatened Species Status for longsolid and round hickorynut mussel and Section 4(d) Rule With Designation of Critical Habitat, Not Warranted 12-Month Finding for purple Lilliput.	Proposed Listings-Threatened With Section 4(d) Rule and Critical Habitat; 12-Month Petition Findings.	
9/29/2020	Threatened Species Status for Wright's Marsh Thistle and Section 4(d) Rule With Designation of Critical Habitat.	Proposed Listing-Threatened With Section (4) Rule and Critical Habitat.	

TABLE 2—LISTING ACTIONS FUNDED AND INITIATED BY THE SERVICE IN PREVIOUS FYS AND IN FY 2020 THAT WERE NOT COMPLETE AS OF SEPTEMBER 30, 2020

[Species denoted with an asterisk were subsequently completed.]

Species	Action
Canadian caribou—Dolphin/Union caribou	12-month finding.
Canadian caribou—Peary Island caribou	12-month finding.
Yangtze sturgeon*	Final listing determination.
Egyptian tortoise	12-month finding.
Amur sturgeon	12-month finding.
Emperor penguin	12-month finding.
Russian sturgeon	12-month finding.
Stellate sturgeon	12-month finding.
Ship sturgeon	12-month finding.
Persian sturgeon	12-month finding.
northern spotted owl	12-month finding.
false spike	12-month finding.
Guadalupe fatmucket	12-month finding.
Guadalupe orb	12-month finding.
Texas fatmucket	Proposed listing determination or not warranted finding.
Texas fawnsfoot	Proposed listing determination or not warranted finding.
Texas pimpleback	Proposed listing determination or not warranted finding.
South Llano Springs moss	12-month finding.

TABLE 2—LISTING ACTIONS FUNDED AND INITIATED BY THE SERVICE IN PREVIOUS FYS AND IN FY 2020 THAT WERE NOT COMPLETE AS OF SEPTEMBER 30, 2020—Continued

[Species denoted with an asterisk were subsequently completed.]

Species	Action
peppered chub *	12-month finding.
whitebark pine *	Proposed listing determination or not warranted finding.
Key ringneck snake	12-month finding.
Rimrock crowned snake	12-month finding.
Euphilotes ancilla cryptica	12-month finding.
Euphilotes ancilla purpura	12-month finding.
Hamlin Valley pyrg *	12-month finding.
longitudinal gland pyrg	12-month finding.
sub-globose snake pyrg *	12-month finding.
Louisiana pigtoe	12-month finding.
Texas heelsplitter	12-month finding.
triangle pigtoe	12-month finding.
prostrate milkweed	12-month finding.
alligator snapping turtle	12-month finding.
Black Creek crayfish	12-month finding.
bracted twistflower	Proposed listing determination or not warranted finding.
Canoe Creek clubshell *	12-month finding.
Clear Lake hitch *	12-month finding.
Doll's daisy *	12-month finding.
frecklebelly madtom *	12-month finding.
longfin smelt (San Francisco Bay-Delta DPS)	Proposed listing determination or not warranted finding.
magnificent Ramshorn	Proposed listing determination or not warranted finding.
Mt. Rainier white-tailed ptarmigan	12-month finding.
Ocmulgee skullcap	12-month finding.
Penasco least chipmunk	Proposed listing determination or not warranted finding.
Puerto Rico harlequin butterfly *	Proposed listing determination.
Puget oregonian snail *	12-month finding.
relict dace *	12-month finding.
Rocky Mountain monkeyflower *	12-month finding.
sickle darter *	12-month finding.
southern elktoe	12-month finding.
southern white-tailed ptarmigan *	12-month finding.
tidewater amphipod *	12-month finding.
tufted puffin *	12-month finding.
western spadefoot	12-month finding.

TABLE 3—COMPLETED DOMESTIC AND FOREIGN RECOVERY ACTIONS (PROPOSED AND FINAL DOWNLISTINGS AND DELISTINGS) IN FY 2019 AND FY 2020

[As of September 30, 2020]

Publication date	Title	Action(s)	**Federal Register** citation
10/18/2018	Removing Deseret Milkvetch (*Astragalus desereticus*) From the Federal List of Endangered and Threatened Plants.	Final Rule—Delisting	83 FR 52775–52786
02/26/2019	Removing the Borax Lake Chub From the List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	84 FR 6110–6126
03/15/2019	Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	84 FR 9648–9687
05/03/2019	Reclassifying the American Burying Beetle From Endangered to Threatened on the Federal List of Endangered and Threatened Wildlife With a 4(d) Rule.	Proposed Rule—Downlisting	84 FR 19013–19029
08/27/2019	Removing *Trifolium stoloniferum* (Running Buffalo Clover) From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	84 FR 44832–44841
09/13/2019	Removing the Foskett Speckled Dace From the List of Endangered and Threatened Wildlife.	Final Rule—Delisting	84 FR 48290–48308
10/03/2019	Removal of the Monito Gecko (*Sphaerodactylus micropithecus*) From the Federal List of Endangered and Threatened Wildlife.	Final Rule—Delisting	84 FR 52791–52800
10/07/2019	Removal of *Howellia aquatilis* (Water Howellia) From the List of Endangered and Threatened Plants.	Proposed Rule—Delisting	84 FR 53380–53397
10/09/2019	Removing the Kirtland's Warbler From the Federal List of Endangered and Threatened Wildlife.	Final Rule—Delisting	84 FR 54436–54463

TABLE 3—COMPLETED DOMESTIC AND FOREIGN RECOVERY ACTIONS (PROPOSED AND FINAL DOWNLISTINGS AND DELISTINGS) IN FY 2019 AND FY 2020—Continued

[As of September 30, 2020]

Publication date	Title	Action(s)	**Federal Register** citation
10/24/2019	Removal of the Interior Least Tern From the Federal List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	84 FR 56977–56991
11/05/2019	Removing *Oenothera coloradensis* (Colorado Butterfly Plant) From the Federal List of Endangered and Threatened Plants.	Final Rule—Delisting	84 FR 59570–59588
11/26/2019	Removing Bradshaw's Lomatium From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	84 FR 65067–65080
11/26/2019	Removal of the Nashville Crayfish From the Federal List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	84 FR 65098–65112
11/26/2019	Reclassification of the Endangered June Sucker to Threatened With a Section 4(d) Rule.	Proposed Rule—Downlisting	84 FR 65080–65098
12/19/2019	Reclassifying the Hawaiian Goose From Endangered to Threatened With a Section 4(d) Rule.	Final Rule—Downlisting	84 FR 69918–69947
01/02/2020	Removing the Hawaiian Hawk From the Federal List of Endangered and Threatened Wildlife.	Final Rule—Delisting	85 FR 164–189
01/06/2020	Removing the Kanab Ambersnail From the List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	85 FR 487–492
01/22/2020	Reclassification of the Humpback Chub From Endangered to Threatened With a Section 4(d) Rule.	Proposed Rule—Downlisting	85 FR 3586–3601
03/10/2020	Removing *Lepanthes eltoroensis* From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	85 FR 13844–13856
4/23/2020	Reclassifying the Golden Conure from Endangered to Threatened With a Section 4(d) Rule.	Final Downlisting—Threatened with Section 4(d) Rule.	85 FR 22653–22663
04/27/2020	Removing *Arenaria cumberlandensis* (Cumberland Sandwort) From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	85 FR 23302–23315
06/01/2020	Removing San Benito Evening-Primrose (*Camissonia benitensis*) From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	85 FR 33060–33078
06/11/2020	Removing the Borax Lake Chub From the List of Endangered and Threatened Wildlife.	Final Rule—Delisting	85 FR 35574–35594
7/24/2020	Reclassification of Morro Shoulderband Snail (*Helminthoglypta walkeriana*) From Endangered to Threatened With a 4(d) Rule.	Proposed Rule—Downlisting	85 FR 44821–44835
8/19/2020	Reclassification of Stephens' Kangaroo Rat From Endangered To Threatened With a Section 4(d) Rule.	Proposed Rule—Downlisting	85 FR 50991–51006
9/30/2020	Reclassification of Virgin Islands Tree Boa From Endangered To Threatened With a Section 4(d) Rule.	Proposed Rule—Downlisting.	
9/30/2020	Reclassficiation of beach layia (*Layia carnosa*) From Endangered To Threatened With a Section 4(d) Rule.	Proposed Rule—Downlisting.	

When a petitioned action is found to be warranted but precluded, the Service is required by the Act to treat the petition as resubmitted on an annual basis until a proposal or withdrawal is published. If the petitioned species is not already listed under the Act, the species becomes a ''candidate'' and is reviewed annually in the CNOR.

Another way that we have been expeditious in making progress in adding and removing qualified species to and from the Lists is that we have made our actions as efficient and timely as possible, given the requirements of the Act and regulations and constraints relating to workload and personnel. We are continually seeking ways to streamline processes or achieve economies of scale, such as batching related actions together for publication. Given our limited budget for implementing section 4 of the Act, these efforts also contribute toward our expeditious progress in adding and removing qualified species to and from the Lists.

Listing Priority Changes in Candidates

We reviewed the LPNs for all foreign candidate species and are changing the LPN for the Brasília tapaculo (*Scytalopus novacapitalis*).

Brasília Tapaculo

Brasília tapaculo is a small, shy, ground-dwelling bird with limited flight ability. The tapaculo is found in dense, swampy, gallery-forest habitat that is a smaller habitat component occurring within the wider tropical savanna or Cerrado of the Central Goia's Plateau of Brazil. Gallery forests are narrow fringes of thick streamside vegetation that occur on the edges of rivers and streams at elevations of approximately 800–1,000 meters (m) (2,625–3,281 feet (ft)).

The Brasília tapaculo is described as rare, but the population size is unknown. Despite a lack of data on population trends, the population is

assumed to be declining because of the continued decline of the tapaculo's gallery-forest habitat. The species is currently known to occur in six protected areas and has been found on private land next to protected areas. These protected areas are limited in extent and size, with few larger than 25,000 hectares (ha) (61,776 acres (ac)). In the early 2000s, only 1.2 percent of the Cerrado was in protected areas; however, more recent estimates are 6.5 percent.

The primary threat to the species is ongoing habitat loss and fragmentation. The Cerrado is the largest, most diverse, and possibly most threatened tropical savanna in the world. Land in the Cerrado is currently being converted for intensive grazing and mechanized agriculture, including soybean and rice plantations. The tapaculo's gallery-forest habitat has been less affected by clearing for agriculture than the surrounding Cerrado. However, effects to gallery forest arise from wetland drainage and the diversion of water for irrigation and from annual burning of adjacent grasslands for agricultural space. Effects from climate change may also be negatively altering the Cerrado and the tapaculo's specialized gallery-forest habitat within the Cerrado by reducing the amount of available habitat for the species.

The IUCN recently changed the status of the species from near threatened to endangered, identifying the species' small and fragmented range as justification for the change in status. The Brazilian Red List assessed the species as endangered, noting severe fragmentation and continuing decline in area and quality of habitat. International trade is not a significant threat to the species, and the species is not included in the Appendices to CITES.

In the October 10, 2019, CNOR, we assigned the Brasília tapaculo an LPN of 8. After reevaluating the available information, we have determined that a change to an LPN of 2 is warranted at this time. The Brasília tapaculo does not represent a monotypic genus. Threats to the species are high in magnitude and are imminent. Habitat destruction and fragmentation and conversion of the Cerrado, mainly for agriculture and livestock, is ongoing and affects the small geographic range of the species. The species only occurs in a handful of small protected areas, and even in these areas the species is reported as rare. Therefore, an LPN of 2 is valid for this species to reflect imminent threats of high magnitude.

Findings for Petitioned Candidate Species

For all 19 candidates, we continue to find that listing is warranted but precluded as of the date of publication of this document. In the course of preparing proposed listing rules or not-warranted petition findings in the future, we continue to monitor new information about these species' status so that we can make prompt use of our authority under section 4(b)(7) of the Act in the case of an emergency posing a significant risk to any of these species.

Below are updated summaries for 18 petitioned candidates that we did not change the LPN, for which we published findings under section 4(b)(3)(B) of the Act. In accordance with section 4(b)(3)(C)(i), we treat any petitions for which we made warranted-but-precluded 12-month findings within the past year as having been resubmitted on the date of the warranted-but-precluded finding. We are making continued warranted-but-precluded 12-month findings on the petitions for these species.

Birds

Sira Curassow

The Sira curassow (*Pauxi koepckeae*) is a large game bird that is known only from the Cerros del Sira region of Peru. Size and coloration are similar to the southern helmeted curassow, but their ranges are separated by approximately 2,000 kilometers (1,243 miles), and the Sira curassow has a shorter and rounder pale-blue casque (a horn-like bony appendage above the bill) that is flattened against the head.

The Sira curassow inhabits cloud-forest habitat (a type of rainforest that occurs on high mountains in the tropics) at elevations from 1,100–1,450 m (3,609–4,757 ft) and above.

Historical population data are lacking, but the population is currently estimated at fewer than 250 mature individuals and is declining. The primary cause of the decline is ongoing hunting by local indigenous communities. Additionally, the Sira curassow's range within the Cerros del Sira region is limited (550 square kilometers (212 square miles)) and declining. Its habitat is being degraded by subsistence agriculture, forest clearing, road building, and associated rural development. Although the Sira curassow is legally protected in a large portion of its range in El Sira Communal Reserve, illegal hunting still occurs. A majority of the deforestation occurs outside of the El Sira Communal Reserve.

The species is classified as critically endangered on the IUCN Red List. The species is not known to be in international trade, and the species is not included in the Appendices to CITES. The species is also not included in the European Union Wildlife Trade Regulations.

In the October 10, 2019, CNOR, the Sira curassow was assigned an LPN of 2. After reevaluating the threats to the species, we have determined that no change in the LPN is warranted. The Sira curassow does not represent a monotypic genus. It faces threats that are high in magnitude based on its very small estimated population and limited range. The few locations where it exists continue to face pressure from hunting and habitat loss. The best scientific and commercial data available indicate that the population decline will continue in the future. Because the species is experiencing significant population declines due to both hunting and habitat loss and degradation, we have made no change to the LPN of 2, which reflects imminent threats of high magnitude.

Southern Helmeted Curassow

The southern helmeted curassow (*Pauxi unicornis*) is a game bird with a distinctive pale-blue, horn-like appendage (or casque) above its bill. The southern helmeted curassow is known only from central Bolivia on the eastern slope of the Andes, where large portions of its habitat are in national parks. The species inhabits dense, humid, foothill and lower montane forest and adjacent evergreen forest at altitudes between 450 and 1,500 m (1,476 and 4,921 ft).

The total population of southern helmeted curassow is estimated to be between 1,500 and 7,500 individuals and is declining. Hunting the species is estimated to be the primary threat to the species, followed by habitat loss and degradation. Although the national parks have been important for the preservation of the species, financial and human resources needed to protect park resources are limited. Within the parks, there are human settlements and ongoing encroachment, including illegal logging operations and forest clearing for farming. Rural development and road building limit the species' ability to disperse. Range reductions due to effects from climate change are also predicted for the southern helmeted curassow, when warming temperatures may cause the species to shift its distribution upslope and outside of protected national parks.

The southern helmeted curassow is classified as critically endangered on the IUCN Red List. Trade has not been

noted internationally, and the species is not included in the Appendices to CITES. In 1997, the species was listed in Annex B of the European Union Wildlife Trade Regulations as part of a genus-level listing of all species in the genus *Pauxi.* The European Union Wildlife Trade Regulations are directly applicable in all European Union Member States; species listed on Annex B require a permit for import. In 2008, the species was moved from Annex B to Annex D (a lower level of protection) because it was one of the species that are not subject to levels of international trade that might be incompatible with their survival, but warrant monitoring of trade levels. The species continues to be listed on Annex D; species listed on Annex D require an import notification form completed by the importer for import.

In the October 10, 2019, CNOR, the southern helmeted curassow was assigned an LPN of 2. After reevaluating the threats to the species, we have determined that no change in the LPN is warranted because the threats are of high magnitude and are imminent. The southern helmeted curassow does not represent a monotypic genus. It faces threats that are high in magnitude based on its small, limited range. The few locations where it exists continue to face pressure from hunting and from habitat loss and destruction, and the population will likely continue to decline. Because the species is experiencing ongoing population declines and habitat loss, an LPN of 2 remains valid for this species, which reflects imminent threats of high magnitude.

Lord Howe Island Pied Currawong

Lord Howe Island pied currawong (*Strepera graculina crissalis*) is a fairly large, crow-like bird, endemic to Lord Howe Island, New South Wales, Australia. Lord Howe Island is a small island northeast of Sydney, Australia, with 28 smaller islets and rocks. The Lord Howe Island pied currawong occurs throughout the island but is most numerous in the mountainous areas on the southern end. It has also been recorded to a limited extent on the Admiralty Islands, located 1 kilometer (0.6 mile) north of Lord Howe Island. The Lord Howe Island pied currawong breeds in rainforests and palm forests, particularly along streams. Approximately 75 percent of Lord Howe Island, plus all outlying islets and rocks within the Lord Howe Island group, is protected under the Permanent Park Preserve, which has similar status to that of a national park.

The best current population estimate indicates that there are approximately 200 individuals. Researchers have determined that most, if not all, available habitat on Lord Howe Island is occupied based on the estimate of 200 individuals and estimates of the extent of available breeding habitat.

The potential for the introduction of other nonnative rodents to this island ecosystem has also been identified as an issue for this subspecies, although the subspecies has persisted among invasive black rats. Because the Lord Howe Island pied currawong often preys on small rodents, it may be subject to nontarget poisoning during ongoing rat-baiting programs. In June 2019, the Lord Howe Island Rodent Eradication Project began by placing poison bait traps around the island. To ensure the currawong's safety, project evaluators determined that approximately 50–60 percent of the wild population would need to be held in captive management during the eradication effort. The subspecies is known to sometimes eat rodents and feed them to their offspring. It is unlikely currawong targets the poison bait directly. A study is underway focusing on the effects of this project. In addition to its small population size, direct persecution (via shootings) by humans in retaliation for predation on domestic and endemic birds has been documented. The incidence of shootings has declined since the 1970s, when conservation efforts on Lord Howe Island began, but occasional shootings were still occurring as recently as 2006. Another potential threat to the currawong is rising global temperatures associated with climate change that may affect the cloud layer on the island's mountaintops—resulting in drying of the forest where the currawong gets about half of its food, possibly creating a food shortage for the subspecies.

The New South Wales Threatened Species Conservation Act of 1995 lists the Lord Howe Island pied currawong as vulnerable due to its extremely limited range and its small population size, as does Australia's Environment Protection and Biodiversity Conservation Act List of Threatened Fauna. The subspecies is not listed on the IUCN Red List, is not included in the Appendices to CITES, and this subspecies is not known to be in international trade.

In the October 10, 2019, CNOR, the Lord Howe Island pied currawong was assigned an LPN of 6. After reevaluating the threats to the Lord Howe Island pied currawong, we have determined that no change in the LPN for the subspecies is warranted. The Lord Howe Island pied currawong does not represent a monotypic genus or a full species. It faces threats that are high in magnitude due to a combination of factors including its small population size and risks from nontarget poisoning from rodent control. Aspects of the rodent-eradication program carry some risk, such as those associated with trapping and holding the birds, and the effects of a missed breeding cycle. If the rodent-eradication program is successful, effects from nontarget poisoning and any predation by rodents on currawong eggs will cease to be stressors for the currawong. However, because significant conservation efforts for the currawong have been implemented, and the subspecies is being closely managed and monitored, we find that the threats are nonimminent. Therefore, based on the best information available, an LPN of 6 remains valid to reflect nonimminent threats of high magnitude.

Chatham Oystercatcher

Chatham oystercatcher (*Haematopus chathamensis*) is the rarest oystercatcher in the world, with a recent population estimate of 300 to 320 individuals. It is native to the Chatham Island group located 860 kilometers (534 miles) east of mainland New Zealand. The species breeds along the coastline of four islands in the chain: Chatham, Pitt, South East, and Mangere. The Chatham oystercatcher is found mainly along rocky shores, including wide volcanic rock platforms and occasionally on sandy or gravelly beaches.

Predation of eggs and chicks, and to a lesser extent of adults, is thought to be the main threat to the Chatham oystercatcher population. Although the Mangere and South East nature reserves are free of all mammalian predators, nonnative mammalian predators inhabit Chatham and Pitt Islands. Feral cats are the most common predator of eggs. Other documented predators include gulls (*Larus* spp.), the native brown skua (*Catharacta antarctica*), weka (*Gallirallus australis hectori*), and domestic dogs. Nest destruction and disturbance by humans and livestock are also noted threats. Habitat loss and degradation has occurred from introductions of nonnative marram grass (*Ammophila arenaria*) in the early 1900s to revegetate destabilized dunes. The dense marram grass is unsuitable for Chatham oystercatcher nesting. Consequently, the Chatham oystercatcher is forced to nest closer to shore, where nests are vulnerable to tides and storm surges; up to 50 percent of eggs are lost in some years. Rising sea levels associated with climate change will likely affect future nesting success.

Additionally, the Chatham oystercatcher may be at risk from loss of genetic diversity given its small population size.

The species has experienced a three-fold increase in its population since the first reliable census was conducted in 1987. Most of this increase occurred during a period of intensive management, especially predator control, from 1998 through 2004. The Chatham oystercatcher is listed as nationally critical by the NZDOC and it is protected under New Zealand's Wildlife Act. It is classified as endangered on the IUCN Red List, and the species is not included in the Appendices to CITES.

In the October 10, 2019, CNOR, the Chatham oystercatcher was assigned an LPN of 8. After reevaluating the threats to this species, we have determined no change in the LPN for the species is warranted. The Chatham oystercatcher does not represent a monotypic genus. The current population estimate is very small, and the species has a limited range. The NZDOC has taken measures to recover and maintain the species, and the population appears to have stabilized. However, the species continues to face moderate threats from predation, trampling, nest disturbance, storm surges, and habitat loss due to nonnative marram grass that are affecting nesting success and survival. These threats are ongoing and imminent. The LPN remains an 8 to reflect imminent threats of moderate magnitude.

Orange-Fronted Parakeet

Orange-fronted parakeet (*Cyanoramphus malherbi*) is considered the rarest parakeet in New Zealand. It is distributed on the South Island of mainland New Zealand and a few offshore islands. The three remaining naturally occurring populations are all within a 30-kilometer (18.6-mile) radius of one another in fragmented beech tree forests (*Nothofagus* spp.) of the upland valleys. Orange-fronted parakeets have also been captive-bred and released onto four predator-free islands where breeding has been confirmed.

The species' range contracted when its population was severely reduced in the late 1800s and early 1900s for unknown reasons. From 1999 to 2000, the mainland population crashed from perhaps 500 to 700 birds to a rough estimate of 100 to 200 birds as a result of ship rat or black rat (*Rattus rattus*) eruptions. Information on the current population status is mixed. In 2013, the total population was estimated between 290 and 690 individuals (130 to 270 on the mainland, and 160 to 420 on the islands). More recently, there are indications that both the offshore and mainland populations have declined to around 100 and 250 birds, respectively, but these are rough estimates. In 2019, the orange-fronted parakeet had one of its best breeding seasons in decades with more than three times as many nests compared to previous years and produced at least 150 wild-born chicks, potentially doubling the population.

The most prominent factors affecting the species on the mainland are predation by nonnative mammals such as weasels and rats (*Rattus* spp.), as well as habitat destruction. Trade of this species is not known to be a threat. Habitat loss and degradation has historically affected large areas of native forest on the mainland. The species' habitat is also degraded by introduced herbivores that alter forest structure in a way that reduces the available feeding habitat for the parakeet. Additionally, silviculture (care and cultivation) of beech forests has removed mature trees with nest cavities needed by the species. The parakeet competes with two other native parakeets for nest sites and food and with nonnative wasps and finches for food. Lastly, Psittacine beak and feather disease virus is a potential threat to this species. The disease was discovered in wild native birds (*e.g.,* the red-fronted parakeet, *Cyanoramphus novaezelandiae*) in New Zealand in 2008. Infected birds generally follow one of three paths: They develop immunity, die within a couple of weeks, or become chronically infected. Chronic infections result in feather loss and deformities of beak and feathers. However, the disease has not been documented in the orange-fronted parakeet.

The species was uplisted from nationally endangered to nationally critical by the NZDOC, it is protected under New Zealand's Wildlife Act, and is listed as critically endangered on the IUCN's Red List. The orange-fronted parakeet is included in Appendix II to CITES.

In the October 10, 2019, CNOR, the orange-fronted parakeet was assigned an LPN of 8. After reevaluating the factors affecting the species, we have determined that no change in the LPN is warranted because NZDOC is actively managing for the species including monitoring known populations, successfully captive-breeding and releasing birds into the wild, and implementing predator control programs. The orange-fronted parakeet does not represent a monotypic genus. Although the species' available suitable nesting habitat in beech forests is limited, there appears to have been some success with predator control, captive-breeding, and translocations to offshore islands. The species faces threats (*e.g.,* predation, habitat degradation, and competition for food and suitable nesting habitat) that are moderate in magnitude because the NZDOC continues to take measures to aid the recovery of the species. We find that the threats to this species are ongoing and imminent. Therefore, an LPN of 8 remains valid for this species to reflect imminent threats of moderate magnitude.

Bogotá Rail

The Bogotá rail (*Rallus semiplumbeus*) is a medium-sized nonmigratory bird. The species is found in the East Andes of Colombia, South America, and is largely restricted to areas at elevation from 2,500–4,000 m (8,202–13,123 ft) in and surrounding Bogotá, Colombia, on the Ubaté-Bogotá Plateau. This region formerly supported vast marshes and swamps, but few lakes with suitable habitat for the rail remain. The species is secretive, and wetland habitats most frequently used by rail are fringed by dense vegetation-rich shallows.

The current population size of the Bogotá rail is estimated between 1,000 and 2,500 mature individuals and is thought to be declining. The primary threat to the rail is habitat loss and degradation of wetlands. Approximately 8 million people live in the City of Bogotá, and 11 million in the larger metro area. The wetlands have experienced a 97 percent loss in historical extent with few suitably vegetated marshes remaining. Additionally, road building may result in further habitat loss and human interference, including introduction of nonnative species in previously stable wetland environments. The Bogotá rail is listed as endangered by IUCN. The species is not known to be in international trade, and is not included in the Appendices to CITES.

In the October 10, 2019, CNOR, the Bogotá rail was assigned an LPN of 2. After reevaluating the threats to this species, we have determined that no change in the LPN for the species is needed. The Bogotá rail does not represent a monotypic genus. It faces threats that are high in magnitude due to the pressures on the species' habitat. Its range is very small and is rapidly contracting because of widespread habitat loss and degradation of wetlands. Although portions of the Bogotá rail's range occur in protected areas, most of the savanna wetlands are unprotected. The population is small and is estimated to be declining. The factors affecting the species are ongoing

and imminent. Thus, the LPN remains at 2 to reflect imminent threats of high magnitude.

Takahē

The takahē (*Porphyrio hochstetteri*) is the largest extant rail in the world. It is flightless. The takahē was once widespread in the forest and grassland ecosystems on the South Island of New Zealand. It was thought to be extinct until it was rediscovered in the Murchison Mountains on the South Island in 1948, inhabiting approximately 650 square kilometers (251 square miles). In addition to its native range on the mainland, the takahē has been introduced to offshore islands and mainland sanctuaries. When rediscovered in 1948, it was estimated that the population consisted of 100 to 300 birds, and the minimum total population now rests at 306 individuals.

Several factors have historically led to the species' decline, including hunting, competition from introduced herbivores (animals that feed on plants), and predators such as weasels and the weka, a flightless woodhen that is endemic to New Zealand. Currently, weasel predation appears to be the most significant of these threats. Weasel trapping is an effective tool at slowly increasing survival and reproductive output of takahē; however, control efforts do not completely eliminate the threat.

Takahē is a long-lived bird, potentially living between 14 and 20 years, and has a low reproductive rate, with clutches consisting of one to three eggs. Severe weather in the Murchison Mountains (cold winters and high snowfall) may also be a limiting factor to the takahē. The population of takahē remains very small and has low genetic diversity relative to other species. The New Zealand Department of Conservation (NZDOC) is currently attempting to manage further loss of genetic diversity through translocations. Additionally, NZDOC has implemented a captive-breeding and release program to supplement the mainland population and has established several reserve populations on islands and fenced mainland sites; these actions are having a positive effect on population growth. New Zealand considers the takahē a nationally vulnerable species and it is protected under New Zealand's Wildlife Act. The takahē is listed as endangered on the IUCN Red List. The species is not known to be in international trade, and the species is not included in the Appendices to CITES.

In the October 10, 2019, CNOR, the takahē was assigned an LPN of 8. After reevaluating the threats to the takahē, we have determined that no change in the classification of the magnitude and imminence of threats to the species is warranted at this time. The takahē does not represent a monotypic genus. Limited suitable habitat and the threat of predation, combined with the takahē's small population size and naturally low reproductive rate, are threats to this species that are moderate in magnitude. Although it has a small population, has limited suitable habitat, and may experience inbreeding depression, because the NZDOC is actively involved in measures to aid the recovery of the species, we find the threats are moderate in magnitude. Despite the conservation efforts, the threats are ongoing and imminent. Therefore, the LPN remains at 8 to reflect imminent threats of moderate magnitude.

Black-Backed Tanager

Black-backed tanager (*Tangara peruviana*) is a small bird endemic to the coastal Atlantic Forest region of southeastern Brazil. It is currently found in the coastal states of Espirito Santo, Rio de Janeiro, São Paulo, Paraná, Santa Catarina, and Rio Grande do Sul. The species is generally restricted to the sand-forest restinga habitat, which is a coastal component habitat of the greater Atlantic Forest complex. Restingas are herbaceous, shrubby, coastal sand-dune habitats. The black-backed tanager is primarily found in undisturbed vegetated habitat but has also been observed in secondary-growth forests. It has also been observed visiting gardens and orchards of houses close to forested areas. The black-backed tanager is one of just a few tanagers known to migrate seasonally. Within suitable habitat, the black-backed tanager is generally not considered rare. The population estimate is between 2,500 to 10,000 mature individuals. Populations currently appear to be small, fragmented, and declining. The estimated extent of the resident and breeding range in 2015 was 9,400 square kilometers (3,629 square miles). However, estimates have since increased to 316,000 square kilometers (122,008 square miles) because of updated information in the reported range in coastal areas south of Rio de Janeiro beyond Florianopolis and into the northeast corner of Rio Grande do Sul.

The primary factor affecting the species is rapid and widespread loss and fragmentation of habitat because of urban expansion and beachfront development. The black-backed tanager's remaining suitable habitat in the areas of Rio de Janeiro and Paraná have largely been destroyed, and habitat loss and degradation will likely increase in the future. Additional habitat loss from sea-level rise associated with global climate change may compound an increased demand by humans to develop the remaining land. Small portions of this species' range occur in six protected areas, but intact lowland forest, restinga, and mangrove habitats used by resident black-backed tanagers on the northern part of Santa Catarina Island is unprotected.

The black-backed tanager is classified as vulnerable by the IUCN. The species is also listed as vulnerable in Brazil. It is not included in the Appendices to CITES, although it has infrequently been illegally sold in the pet trade.

In the October 10, 2019, CNOR, the black-backed tanager was assigned an LPN of 8. After reevaluating the available information, we have determined that no change in the LPN for this species is warranted at this time. The black-backed tanager does not represent a monotypic genus. We find that the threat from habitat loss is moderate in magnitude due to the species' fairly large range, its existence in protected areas, and an indication of some flexibility in its diet and habitat suitability. Threats are imminent because the species is at risk due to ongoing and widespread loss of habitat due to beachfront and related development. Therefore, an LPN of 8 remains valid for this species to reflect imminent threats of moderate magnitude.

Yellow-Browed Toucanet

Yellow-browed toucanet (*Aulacorhynchus huallagae*) is a rare bird in the toucan family. The species has a small range on the eastern slope of the Andes of north-central Peru, at elevations of 2,000–2,600 m (6,562–8,530 ft). The yellow-browed toucanet occurs in humid montane forests and occupies four known locations within its small range. Part of the species' range is within national parks. The population status is not well known because of the inaccessibility of its habitat, but is estimated at 600 to 1,500 mature individuals.

Deforestation for livestock, agriculture, timber, and gold mining appears to be the primary threat. Habitat loss and destruction from deforestation for agriculture have been widespread in the region. The yellow-browed toucanet is described as scarce wherever found, and ongoing population and habitat declines resulting from habitat loss are assumed.

The yellow-browed toucanet is classified as endangered on the IUCN

Red List, as well as by the Peruvian government. The species is not included in the Appendices to CITES.

In the October 10, 2019, CNOR, the yellow-browed toucanet was assigned an LPN of 2. After reevaluating the available information, we find that no change in the LPN is warranted at this time. The yellow-browed toucanet does not represent a monotypic genus. The estimated population is small with just three known locations within a restricted range. The magnitude of threats to the habitat remains high, and its population is likely declining. Therefore, an LPN of 2 remains valied for this species to reflect imminent threats of high magnitude.

Gizo White-Eye

Gizo white-eye (*Zosterops luteirostris*) is a small passerine (perching) bird described as warbler-like. It is endemic to the small island of Ghizo in the Solomon Islands in the South Pacific Ocean, east of Papua New Guinea. The total range of the species is estimated to be less than 35 square kilometers (13.5 square miles), of which less than 1 square kilometer (0.39 square mile) is the old-growth forest that the species seems to prefer. Little information is available about this species and its habitat. It is locally common in old-growth forest patches and less common elsewhere. The species has been observed in a variety of habitats on the island, but it is unknown whether sustainable populations can exist outside of forested habitats. The population is estimated to be between 250 and 1,000 mature individuals and is suspected to be declining.

Habitat loss appears to be the main threat. The loss of old-growth forested areas and less suitable secondary growth forests because of logging, conversion to agricultural areas, and local resource extraction for firewood affect the species. Forested areas around Gizo—a town on Ghizo Island and the capital of Solomon Islands Western Province—that previously supported the species were degraded by the 2007 tsunami and were found less likely to support the species even 5 years later in 2012. The dense human population of the Solomon Islands may also be adversely affecting the Gizo white-eye and its habitat. There has been prolific growth in human settlement on Ghizo Island, mainly in the form of temporary housing. Small populations of the Gizo white-eye are likely subject to both demographic and unpredictable environmental events that can contribute to extirpations.

The IUCN Red List classifies this species as endangered. It is not included in the Appendices to CITES, and this species is not known to be in international trade.

In the October 10, 2019, CNOR, the Gizo white-eye was assigned an LPN of 2. After reevaluating the available information, we find that no change in the LPN is warranted. The Gizo white-eye does not represent a monotypic genus. It faces threats that are high in magnitude due to declining suitable habitat and its small, declining population size. The best information available indicates that forest clearing is occurring at a pace that is rapidly denuding its habitat; secondary-growth forest continues to be converted to agricultural purposes. Additionally, the human population on the small island is likely contributing to the reduction in old-growth forest for local uses such as timber and clearing for gardens. These threats to the species are ongoing, high in magnitude, and imminent. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Helmeted Woodpecker

Helmeted woodpecker (*Dryocopus galeatus*) is a fairly small woodpecker native to regions of southern Brazil, eastern Paraguay, and northeastern Argentina. The helmeted woodpecker is nonmigratory, occurring in subpopulations in suitable habitat within its range. Characteristic habitat is large tracts of well-preserved southern Atlantic Forest in both lowland and montane areas from sea level up to elevations of 1,000 m (3,280 ft). The species prefers mature (old-growth) trees in tropical and subtropical semi-deciduous forests as well as in mixed deciduous coniferous forests.

The helmeted woodpecker is one of the rarest woodpeckers in the Americas. Its population declined sharply between 1945 and 2000, in conjunction with the clearing of mature forest habitat, and is currently estimated at 400–8,900 individuals. The principal threat to the helmeted woodpecker is loss, degradation, and fragmentation of its Atlantic Forest habitat. Forest clearing has recently slowed, and the species occurs in at least 17 protected areas throughout its range. However, habitat degradation continues, and the population is likely declining. Competition for nest cavities is also likely a limiting factor. The helmeted woodpecker is listed as endangered in Brazil and as vulnerable by the IUCN. It is not included in the Appendices to CITES.

In the October 10, 2019, CNOR, the helmeted woodpecker was assigned an LPN of 8. After reevaluating the available information, we find that no change in the LPN for the helmeted woodpecker is warranted. The helmeted woodpecker does not represent a monotypic genus. The magnitude of threats to the species is moderate because the species' range is fairly large. The threats are imminent because the forest habitat upon which the species depends is still being altered and degraded. Therefore, an LPN of 8 continues to be valid for this species to reflect imminent threats of moderate magnitude.

Okinawa Woodpecker

Okinawa woodpecker (*Dendrocopos noguchii* syn. *Sapheopipo noguchii*) is a relatively large woodpecker found on Okinawa Island, Japan, and one of the world's rarest woodpeckers. The species prefers subtropical evergreen broadleaf forests that are undisturbed and mature. It currently occurs within the forested areas in the northern part of the island, generally in the Yambaru forest, and in some undisturbed forest in coastal areas. Most of the older forests that support the species are within the Jungle Warfare Training Center (formerly known as the Northern Training Area or Camp Gonsalves), part of the U.S. Marine Corps installation on Okinawa Island.

Deforestation in the Yambaru region has been cited as the main cause of the Okinawa woodpecker's reduced habitat and population. As of the mid 1990s, only 40 square kilometers (15 square miles) of suitable habitat was available for this species. While most of the activities associated with habitat loss appear to have ceased, the Okinawa woodpecker still suffers from limited suitable habitat and a small population size. This situation makes it vulnerable to extinction from disease and natural disasters such as typhoons. Additionally, the species is vulnerable to introduced predators such as feral dogs and cats, Javan mongoose (*Herpestes javanicus*), and Japanese weasel (*Mustela itatsi*).

In 2016, the Japanese Government designated Yambaru National Park and nominated the northern part of Okinawa Island (including Yambaru National Park) as a United Nations Educational, Scientific and Cultural Organization World Heritage Centre. The species is listed as critically endangered in the Red List of Threatened Birds in Japan and protected from acquisition and transfer under Japan's wildlife protection system. Okinawa woodpecker is not included in the Appendices to CITES, and is not known to be in international trade.

In the October 10, 2019, CNOR, the Okinawa woodpecker was assigned an LPN of 2. After reevaluating the available information, we find that no change in the LPN is warranted. The Okinawa woodpecker does not represent a monotypic genus. Threats to the species are high in magnitude due to the scarcity of its old-growth habitat. The population is very small and is likely declining. Although new protected areas have been established that will likely benefit the Okinawa woodpecker, it is not yet clear that these areas will be fully protected from logging and other anthropogenic development and nonnative predators. Even though threats from logging have been reduced, it will take many years for secondary and clear-cut forest habitat to mature such that it is suitable for the woodpecker. The threats to the species are ongoing, imminent, and high in magnitude due to its restricted range, small population size, past habitat loss, and endemism. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Invertebrates

Colorado Delta Clam

Colorado delta clam (*Mulinia modesta*) is a relatively large, estuarine bivalve that was once very abundant at the head of the Gulf of California in the Colorado River estuary in Mexico prior to the construction of dams on the Colorado River. Recognizing that the clam is *M. modesta,* we now also recognize that the clam has a broader distribution into the northern and central portions of the Gulf of California. Therefore, the species is more widespread and found in the upper, northern, and central portions of the Gulf of California, and is capable of living in salinities ranging from brackish (mixture of salt and fresh water) to full seawater.

Information regarding abundance of the Colorado delta clam in the Gulf of California is limited. The minimum average standing population of the Colorado delta clam in the upper Gulf was estimated to be at least 5 billion individuals over the past 1,000 years to account for the shells accumulated in ridges, with the delta clam accounting for 84–95 percent of all bivalve mollusks in the upper Gulf. However, after decades of dam building on the Colorado River and its tributaries, the Colorado delta clam is estimated to be 6 percent as abundant in the upper Gulf as it was before dam construction began. While it is clear the clam has declined dramatically in the upper Gulf where it was most abundant before Colorado River dams were built, we are not aware of total population estimates covering its full range because benthic surveys of the near-coastal invertebrate macrofauna in central and southern Gulf are lacking.

The species has not been assessed for the IUCN Red List. It is not commercially harvested or known to be in international trade, and is not included in the Appendices to CITES.

Although the specific causes for the dramatic decline of the clam in the Colorado delta and upper Gulf of California region have not definitively been identified, several researchers have indicated that it was a consequence of decrease in the Colorado River's inflow to the estuary since completion of the dams. Environmental changes to the estuary associated with the decrease in river inflow include increased salinity, decreased sediment load, decreased input of naturally derived nutrients, and elimination of the spring/summer flood. Dams and diversions along the Colorado River have greatly affected the estuarine environment of the Colorado delta and have likely caused the localized decline in abundance of the clam in this region. However, the best available information does not indicate that dams and diversions are a stressor for the Colorado delta clam elsewhere within its range in the northern and central portions of the Gulf of California. Additionally, stressors for the clam throughout its range may arise from other natural or manmade factors affecting the clam's continued existence, such as pollution-related problems and effects from climate change, which are likely to increase in the future.

In the October 10, 2019, CNOR, the Colorado delta clam was assigned an LPN of 8. With the confirmation that the clam is *Mulinia modesta,* we recognize that it has a broader distribution into the northern and central portions of the Gulf of California and is capable of living in full seawater. However, we lack information about the distribution and viability of populations of the clam outside of the Colorado delta region. Despite the conservation measures in place (primarily portions of the species' range occurring within two large protected areas), the species continues to face habitat loss and degradation in the Colorado delta region due to dams and diversions on the Colorado River, along with other changes associated with decrease in river inflow and pollution. Because this threat appears to be affecting the clam in upper Gulf of California, and not in the remainder of its range, it is moderate in magnitude. The threat of habitat loss and degradation in the Colorado delta region is ongoing and imminent. Therefore, an LPN of 8 remains valid for this species to reflect imminent threats of moderate magnitude.

Fluminense Swallowtail

Fluminense swallowtail (*Parides ascanius*) is a black, white, and red swallowtail butterfly. The species may be confused with the Harris' mimic swallowtail, but the Harris' mimic has a red streak on the underside of its wing. The fluminense swallowtail also inhabits the restinga (sand forest) habitats of the coastal Atlantic Forest of Brazil within the State of Rio de Janeiro. There are at least eight confirmed subpopulations of fluminense swallowtail, and several other small, likely ephemeral, subpopulations are currently being studied (*i.e.,* 8–12 estimated subpopulations). The overall number of subpopulations reported for the species has declined from fewer than 20 colonies in 1994, to 8 to 12 in 2017. The butterfly is described as seasonally common, with sightings of up to 50 individuals at one colony in a single morning. A study at Biological Reserve of Poço das Antas estimated that the subpopulation ranged from 10 to 50 individuals. The best available information does not provide estimates for butterfly numbers in the remaining subpopulations. The best available information indicates that there is a decline of subpopulations as well as a decrease in the numbers of individuals within each subpopulation. An estimate of the total area occupied by this species is less than 500 square kilometers (193 square miles).

Habitat loss, degradation, and fragmentation are the primary threats to this species. The species occupies highly specialized habitat and requires large areas to maintain a viable colony. Based on a number of estimates, 88 to 95 percent of the area historically covered by tropical forests within the Atlantic Forest biome has been converted or severely degraded as a result of human activities. Habitat loss and destruction is caused primarily by road and building construction, drainage of swamps, and vegetation suppression, and the remaining tracts are severely fragmented. Fire, either wildfire or human-caused, has the potential to destroy the few remaining occupied habitats. This coastal butterfly may also be affected by habitat loss from sea-level rise, which may be compounded by human use of the remaining land for infrastructure and housing. The species' life history also contributes to its scarcity. Fluminense swallowtails, whose larvae feed only on a single plant species, tend to be more affected by habitat degradation than

species with multiple food sources. Illegal collection of the fluminense swallowtail is likely occurring and ongoing. The species is located near urban areas and is easy to capture. Recently, multiple specimens of fluminense swallowtail have been advertised online with costs ranging from $220 to $700 USD. The impact of illegal collection to the fluminense swallowtail is difficult to assess, but removal of individuals from the remaining small and fragmented populations could, in combination with other stressors, contribute to local extirpations.

Only one of the subpopulations is presently found within a large protected area (Poço das Antas Biological Reserve), and the majority of the remaining populations are on smaller, fragmented parcels with limited or no protections and are vulnerable to extirpation. The fluminense swallowtail was the first invertebrate to be officially noted on the list of Brazilian animals threatened with extinction in 1973. The species is currently categorized by Brazil as endangered. It has been classified as vulnerable by the IUCN Red List since 1983, and it is not included in the Appendices to CITES. However, the European Commission listed the species on Annex B of the European Union Wildlife Trade Regulations; species listed on Annex B require a permit for import.

In the October 10, 2019, CNOR, the fluminense swallowtail was assigned an LPN of 2. After reevaluating the stressors to this species, we have determined that no change to the LPN is warranted. The fluminense swallowtail does not represent a monotypic genus. The overall number of subpopulations recorded for the species has declined from previous records of fewer than 20 colonies to approximately 8 to 12, and the species continues to decline. Threats are high in magnitude and imminent because of ongong habitat loss and fragmentation, catastrophic events of wildfire, and illegal collection. Only one of the known subpopulations is presently found within a large protected area. The majority of the remaining subpopulations are on small, fragmented parcels with limited or no protections and are vulnerable to extirpation. Despite the conservation measures in place, the species continues to face stressors (*e.g.,* habitat loss and destruction, and illegal collection and trade). Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Hahnel's Amazonian Swallowtail

Hahnel's Amazonian swallowtail (*Parides hahneli*) is a large black and yellow butterfly endemic to Brazil. It is known from three remote locations along the tributaries of the middle and lower Amazon River basin in the states of Amazonas and Pará. Its preferred habitat is on old sand strips (stranded beaches) that are overgrown with dense scrub vegetation or forest. Hahnel's Amazonian swallowtail is described as very scarce and extremely localized in association with its specialized habitat and its larval host plant. Population size and trends are not known for this species.

Loss of habitat from deforestation is the primary threat to the species. Brazil reported the greatest loss of primary forest from 1990 to 2015, and the states of Pará and Amazonas experienced high rates of deforestation in the last decade. Habitat loss and destruction will likely continue in the future. Additionally, habitat alteration and destruction for dam construction, agriculture, and cattle grazing, as well as crop transportation, are ongoing in Pará and Amazonas. Collection is also a potential threat for Hahnel's Amazonian swallowtail. The species has been collected for commercial trade and also may be reared for trade. Locations in the wild have been kept secret given the high value of this butterfly to collectors. Multiple specimens of Hahnel's Amazonian swallowtail were noted for sale or sold from locations in the United States for $70 to $500 USD and from Germany (approximately $166 USD).

Hahnel's Amazonian swallowtail is classified as data deficient on the IUCN Red List. The species is listed as endangered on the State of Pará's list of threatened species, but it is not listed by the State of Amazonas or by Brazil. Hahnel's Amazonian swallowtail is not included in the Appendices to CITES. It is listed on Annex B of the European Union Wildlife Trade Regulations; species listed on Annex B require a permit for import.

In the October 10, 2019, CNOR, the Hahnel's Amazonian swallowtail was assigned an LPN of 2. After reevaluating the threats to the Hahnel's Amazonian swallowtail, we have determined that no change in the LPN is warranted. This swallowtail does not represent a monotypic genus. It faces threats that are high in magnitude and imminent due to its small endemic population and the limited and decreasing availability of its highly specialized habitat. Habitat alteration and destruction are ongoing in Pará and Amazonas where the butterfly is found and are likely to continue. Potential impacts from collection are unknown but could, in combination with other stressors, contribute to local extirpations. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Harris' Mimic Swallowtail

Harris' mimic swallowtail (*Mimoides lysithous harrisianus*) is a medium-sized black, white, and red swallowtail butterfly that inhabits the mixed dense and open scrubby restinga (sand forest) habitats within the coastal Atlantic Forest of Brazil. The Harris' mimic swallowtail butterfly mimics three butterfly species in the *Parides* genus, primarily the Flumenense swallowtail (*Parides ascanius*). The butterflies it mimics sequester toxins from host plants, rendering them toxic to most predators. The subspecies historically occurred in southern Espírito Santo State and along the coast of the State of Rio de Janeiro, Brazil. Records indicated that there are a total of five sites occupied by the butterfly in the State of Rio de Janeiro. Two areas are within protected national parks, and the other sites appear to be under municipal conservation with uncertain protected status, including sites in the City of Rio de Janeiro that are located in small patches of vegetation and are possibly at risk of extirpation. The best-studied site at Barra de São João has maintained a stable and viable size for nearly two decades, but there is limited information on its status since 2004. The best available data do not indicate recent population numbers in any of the other colonies or locations.

Habitat destruction has been the main threat and is ongoing. Based on a number of estimates, 88 to 95 percent of the area historically covered by tropical forests within the Atlantic Forest biome has been converted or severely degraded as the result of human activities. In addition to the overall loss and degradation of its habitat, the remaining tracts of its habitat are severely fragmented. Fire, either wildfire or human-caused, is a stressor for Harris' mimic swallowtail due to its potential to destroy the few remaining occupied habitats. Sea-level rise may result in habitat loss, and this loss from sea-level rise may be compounded by an increased demand by humans to use remaining land for housing and infrastructure. Collection may also affect this butterfly. Although Harris' mimic swallowtail is categorized as endangered on the list of Brazilian fauna threatened with extinction, and collection and trade of the subspecies is prohibited, it has been offered for sale

on the internet. Specimens of Harris' mimic swallowtail are routinely advertised online ranging from $1,000 to $2,200 U.S. dollars (USD), indicating that illegal collection and trade may be occurring and demand for this butterfly is high. Harris' mimic swallowtail is not currently on the IUCN Red list, although it was identified as a threatened or extinct subspecies in the family Papilionidae in the 1994 IUCN Red List. The subspecies is not included in the Appendices to CITES. It is also not regulated on the annexes to European Union Wildlife Trade Regulations.

In the October 10, 2019, CNOR, Harris' mimic swallowtail was assigned an LPN of 3. After reevaluating the threats to this subspecies, we have determined that no change in the LPN is warranted. Harris' mimic swallowtail is a subspecies that is not within a monotypic genus. Threats are high in magnitude and imminent because the butterfly only occurs in a few small, fragmented colonies, habitat loss and degradation is ongoing, and the potential for catastrophic events such as fire remains. Additionally, although the subspecies is protected by Brazilian law and several of the colonies are located within protected areas, the high price advertised online for specimens indicates that there is demand for the subspecies, likely from illegal collection. Despite the conservation measures in place, the species continues to face stressors (*e.g.,* habitat loss and destruction, and illegal collection and trade). Therefore, an LPN of 3 remains valid for this subspecies to reflect imminent threats of high magnitude.

Jamaican Kite Swallowtail

Jamaican kite swallowtail (*Protographium marcellinus,* syn. *Eurytides marcellinus*) is a small blue-green and black butterfly endemic to Jamaica. This butterfly is regarded as Jamaica's most endangered butterfly. The species occurs in three limestone forest habitats containing dense stands of its only known larval host plant, *Oxandra lanceolata,* known as black lancewood or West Indian lancewood, and these stands are rare. There are five known sites that support colonies of the Jamaican kite swallowtail, although there is no known estimate of population size. Two of the sites may be recently extirpated, one is thought to be tenuous, and two are viable with strong numbers in some years.

Habitat loss, degradation, and fragmentation are considered the primary factors affecting the Jamaican kite swallowtail. Historical habitat loss and destruction occurred when forests were cleared for agriculture and timber extraction. Only 8 percent of the total land area of Jamaica is natural forest with minimal human disturbance. More recent habitat destruction is occurring primarily from sapling cutting for yam sticks, fish pots, or charcoal. Charcoal-making also carries the risk of fire, which may destroy pupae in the leaf litter. Additionally, mining for limestone that is used for roadbuilding and bauxite production that is an important economic activity pose threats to remaining forested tracts. The two strongest subpopulations occur in protected areas, although habitat destruction within these areas continues. Additionally, Jamaica's Forest Act of 1996 and Forest Regulations Act of 2001 have increased the power of Jamaican authorities to protect the species' habitat; the Jamaican kite swallowtail is included in Jamaica's National Strategy and Action Plan on Biological Diversity. This strategy established specific plans for protecting sites that support two subpopulations of the swallowtail, but, to date, they have not been initiated due to funding and capacity constraints.

Illegal collection and trade of the species may be occurring. Three specimens of the Jamaican kite swallowtail were noted for sale on the internet as recently as 2017, for as much as $120 USD, and one specimen sold in 2015 for $178 USD. Specimens of the Homerus swallowtail (*Papilio homerus,* another rare Jamaican butterfly) have also been illegally traded, indicating that there is a market for Jamaican butterflies despite heavy fines under the Jamaican Wildlife Protection Act. Predation from native predators, including spiders, the Jamaican tody (*Todus todus*), and praying mantis (*Mantis religiosa*), may be adversely affecting the Jamaican kite swallowtail, especially in the smaller subpopulations. In years where large numbers of spiders were observed, very few Jamaican kite swallowtail larvae survived. Additionally, this species may be at greater risk of extinction due to natural events such as hurricanes, and small fragmented subpopulations are generally at greater risk of extinction from habitat loss, predation, and stochastic environmental events.

Since 1985, the Jamaican kite swallowtail has been categorized on IUCN's Red List as vulnerable, but the assessment is marked as needs updating. This species is not included in the Appendices to CITES or the European Union Wildlife Trade Regulations, although some level of illegal trade is likely occurring.

In the October 10, 2019, CNOR, the Jamaican kite swallowtail was assigned an LPN of 2. After reevaluating the factors affecting the Jamaican kite swallowtail, we have determined that no change in LPN is warranted because the threats are high in magnitude and imminent. The Jamaican kite swallowtail does not represent a monotypic genus. The Jamaican kite swallowtail is known from only five small subpopulations, and as few as two of these subpopulations may presently be viable. Although Jamaica has taken regulatory steps to preserve native swallowtail habitat, plans for conservation of vital areas for the butterfly have not been implemented. Thus, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Kaiser-i-Hind Swallowtail

Kaiser-i-Hind swallowtail (*Teinopalpus imperialis*) is a green, black, and orange swallowtail butterfly that is large, ornate, and native to the Himalayan regions of Bhutan, China, India, Laos, Myanmar, Nepal, Thailand, and Vietnam. The species occurs in the foothills of the Himalayan Mountains and other mountainous regions at altitudes of 1,500–3,050 m (4,921–10,000 ft) above sea level, in undisturbed (primary) broad-leaved evergreen forests or montane deciduous forests. Although it has a relatively large range, it is restricted to higher elevations and occurs only locally within this range, and populations are described as being very local and never abundant. Even early accounts of the species described it as being a very rare occurrence. Larval host plants are limited to *Magnolia* and *Daphne* species, and in some regions the Kaiser-i-Hind swallowtail is strictly monophagous, only using a single species of *Magnolia* as a host plant.

Habitat destruction negatively affects this species, which prefers undisturbed, high-altitude forests. In China and India, the Kaiser-i-Hind swallowtail populations are affected by habitat modification and destruction due to commercial and illegal logging, as well as clearing for agriculture in India. In Nepal, the species is affected by habitat disturbance and destruction resulting from mining, wood collection for use as fuel, deforestation, collection of fodders and fiber plants, forest fires, invasion of bamboo species into the oak forests, agriculture, and grazing animals. In Vietnam, the forest habitat is reportedly declining. Comprehensive information on the rate of degradation of Himalayan forests containing the Kaiser-i-Hind swallowtail is not available, but habitat loss is consistently reported as one of the primary ongoing threats to the

species. Collection for commercial trade is also regarded as a threat to the species. The Kaiser-i-Hind swallowtail is highly valued and has been collected and traded despite various prohibitions. Although it is difficult to assess the potential impacts from collection, it is possible that collection in combination with other stressors contribute to local extirpations.

In China, the species is protected by the Law of the People's Republic of China on the Protection of Wildlife. In India, the Kaiser-i-Hind swallowtail is listed on Schedule II of the Indian Wildlife Protection Act. In Thailand, all butterflies in the genus *Teinopalpus,* including the Kaiser-i-Hind swallowtail, are listed under Thailand's Wild Animal Reservation and Protection Act. In Vietnam, the species is listed as ''Vulnerable'' in the 2007 Vietnam Red Data Book and is reported to be the most valuable of all butterflies in Vietnam. In 2006, the species was listed on Vietnam's Schedule IIB of Decree No. 32 on management of endangered, precious, and rare forest plants and animals. Since 1996, the Kaiser-i-Hind swallowtail has been categorized on the IUCN Red List as lower risk/near threatened, but IUCN indicates that this assessment needs updating. The Kaiser-i-Hind swallowtail has been included in CITES Appendix II since 1987. Additionally, the Kaiser-i-Hind swallowtail is listed on Annex B of the European Union Wildlife Trade Regulations; species listed on Annex B require an import permit.

In the October 10, 2019, CNOR, the Kaiser-i-Hind swallowtail was assigned an LPN of 8. After reevaluating the threats to this species, we have determined that no change in its LPN of 8 is warranted because threats to the species are moderate in magnitude and imminent. The Kaiser-i-Hind swallowtail does not represent a monotypic genus. Threats from habitat destruction and illegal collection are moderate in magnitude due to the species' wide distribution and to various protections in place within each country. The threats are imminent due to ongoing habitat destruction and high market value for specimens. Therefore, an LPN of 8 remains valid for this species to reflect imminent threats of moderate magnitude.

Current CNOR

We gather data on plants and animals foreign to the United States that appear to merit consideration for addition to the Lists of Endangered and Threatened Wildlife and Plants (Lists). This document identifies those species that we currently regard as candidates for addition to the Lists. These candidates include species and subspecies of fish, wildlife, or plants, and DPSs of vertebrate animals. This compilation relies on information from status surveys and information from foreign countries, other Federal agencies, knowledgeable scientists, public and private natural resource interests, and comments received in response to previous CNORs.

Table 4, below, list animals arranged alphabetically by common names under the major group headings. Animals are grouped by class or order. Useful synonyms and subgeneric scientific names appear in parentheses with the synonyms preceded by an ''equals'' sign. We incorporate standardized common names in these CNORs as they become available.

Table 4 lists all candidate species, plus species currently proposed for listing under the Act. We emphasize that in this document we are not proposing to list any of the candidate species; rather, we will develop and publish proposed listing rules for these species in the future. We encourage foreign countries where a candidate species occurs, other Federal agencies, and other parties to consider these species in environmental planning.

In Table 4, the ''Category'' column on the left side of the table identifies the status of each species according to the following codes:

PE—Species proposed for listing as endangered. This category does not include species for which we have withdrawn or finalized the proposed rule.

C—Candidates: Species for which we have on file sufficient information on biological vulnerability and threats to support proposals to list them as endangered or threatened. Issuance of proposed rules for these species is precluded at present by other higher priority listing actions. This category includes species for which we made a 12-month warranted-but-precluded finding on a petition to list. Our analysis for this document included making new findings on all petitions for which we previously made ''warranted-but-precluded'' findings. We identify the species for which we made a continued warranted-but-precluded finding on a resubmitted petition by the code ''C*'' in the category column (see Findings for Petitioned Candidate Species, above, for additional information).

The ''Priority'' column indicates the LPN for each candidate species, which we use to determine the most appropriate use of our available resources. The lowest numbers have the highest priority. We assign LPNs based on the immediacy and magnitude of threats, as well as on taxonomic status. We published a complete description of our listing priority system in the **Federal Register** (48 FR 43098; September 21, 1983).

Following the scientific name (third column) and the family designation (fourth column) is the common name (fifth column). The sixth column provides the known historical range for the species or vertebrate population (for vertebrate populations, this is the historical range for the entire species or subspecies and not just the historical range for the DPS), indicated by country. Many species no longer occur in all of the areas indicated in the historical range column.

Request for Information

We request additional status information that may be available for any of the candidate species identified in this CNOR. We will consider this information to monitor changes in the status or LPN of candidate species and to manage candidates as we prepare listing documents and future revisions to the CNOR. We also request information on additional species to consider including as candidates as we prepare future updates of this CNOR.

We request you submit any further information on the species named in this document as soon as possible or whenever it becomes available. We are particularly interested in information:

(1) Indicating that we should add a species to the list of candidate species;

(2) Indicating that we should remove a species from candidate status;

(3) Documenting threats to any of the included species;

(4) Describing the immediacy or magnitude of threats facing candidate species;

(5) Pointing out taxonomic or nomenclature changes for any of the species;

(6) Suggesting appropriate common names; and

(7) Noting any mistakes, such as errors in the indicated historical ranges.

We will consider all information provided in response to this CNOR in deciding whether to propose species for listing and when to undertake necessary listing actions (including whether emergency listing under section 4(b)(7) of the Act is appropriate).

Submit information, materials, or comments regarding foreign species to the person listed under **FOR FURTHER INFORMATION CONTACT**, above. We will maintain information we receive for each candidate species mentioned in the submission, and information and comments we receive will become part

of the administrative record for the species.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your submission, be advised that your entire submission—including your personal identifying information—may be made publicly available at any time. Although you can ask us in your submission to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Signing Authority

The Director, U.S. Fish and Wildlife Service, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the U.S. Fish and Wildlife Service. Martha Williams, Principal Deputy Director Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service, approved this document on August 4, 2021, for publication.

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Madonna Baucum,

Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics, Joint Administrative Operations, U.S. Fish and Wildlife Service.

TABLE 4—CANDIDATE NOTICE OF REVIEW (FOREIGN SPECIES)

[**Note:** See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Category	Priority				
BIRDS					
C *	2	*Scytalopus novacapitalis*	Rhinocryptidae	Tapaculo, Brasilia	Brazil.
C *	2	*Pauxi koepckeae*	Cracidae	Curassow, Sira	Peru.
C *	2	*Pauxi unicornis*	Cracidae	Curassow, southern helmeted	Bolivia.
C *	6	*Strepera graculina crissalis*	Cracticidae	Currawong, Lord Howe Island pied.	Lord Howe Island, New South Wales.
C *	8	*Haematopus chathamensis*	Haematopodidae	Oystercatcher, Chatham	Chatham Islands, New Zealand.
C *	8	*Cyanoramphus malherbi*	Psittacidae	Parakeet, orange-fronted	New Zealand.
C *	2	*Rallus semiplumbeus*	Rallidae	Rail, Bogotá	Colombia.
C *	8	*Porphyrio hochstetteri*	Rallidae	Takahē	New Zealand.
C *	8	*Tangara peruviana*	Thraupidae	Tanager, black-backed	Brazil.
C *	2	*Aulacorhynchus huallagae*	Ramphastidae	Toucanet, yellow-browed	Peru.
C *	2	*Zosterops luteirostris*	Zosteropidae	White-eye, Gizo	Solomon Islands.
C *	8	*Dryocopus galeatus*	Picidae	Woodpecker, helmeted	Argentina, Brazil, Paraguay.
C *	2	*Dendrocopos noguchii*	Picidae	Woodpecker, Okinawa	Okinawa Island, Japan.
FISHES					
PE		*Acipenser dabryanus*	Acipenseridae	Sturgeon, Yangtze	China.
CLAMS					
C *	8	*Mulinia modesta*	Mactridae	Clam, Colorado delta	Mexico.
INSECTS					
C *	2	*Parides ascanius*	Papilionidae	Swallowtail, fluminense	Brazil.
C *	2	*Parides hahneli*	Papilionidae	Swallowtail, Hahnel's Amazonian.	Brazil.
C *	3	*Mimoides (=Eurytides* or *Graphium) lysithous harrisianus.*	Papilionidae	Swallowtail, Harris' mimic	Brazil.
C *	2	*Protographium (=Eurytides* or *Graphium* or *Neographium* or *Protesilaus) marcellinus.*	Papilionidae	Swallowtail, Jamaican kite	Jamaica.
C *	8	*Teinopalpus imperialis*	Papilionidae	Swallowtail, Kaiser-i-Hind	Bhutan, China, India, Laos, Myanmar, Nepal, Thailand, Vietnam.

[FR Doc. 2021–16943 Filed 8–6–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 210730–0153]

RIN 0648–BK40

List of Fisheries for 2022

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

ACTION: Proposed rule, request for comment.

SUMMARY: The National Marine Fisheries Service (NMFS) publishes its proposed List of Fisheries (LOF) for 2022, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2022 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements.

DATES: Comments must be received by September 8, 2021.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2021–0020, by either of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2021–0020 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Mail: Submit written comments to Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

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

FOR FURTHER INFORMATION CONTACT: Jaclyn Taylor, Office of Protected Resources, 301–427–8402; Allison Rosner, Greater Atlantic Region, 978–281–9328; Jessica Powell, Southeast Region, 727–824–5312; Dan Lawson, West Coast Region, 206–526–4740; Suzie Teerlink, Alaska Region, 907–586–7240; Diana Kramer, Pacific Islands Region, 808–725–5167. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

What is the List of Fisheries?

Section 118 of the MMPA requires NMFS to place all U.S. commercial fisheries into one of three categories based on the level of incidental mortality and serious injury of marine mammals occurring in each fishery (16 U.S.C. 1387(c)(1)). The classification of a fishery on the LOF determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. NMFS must reexamine the LOF annually, considering new information in the Marine Mammal Stock Assessment Reports (SARs) and other relevant sources, and publish in the **Federal Register** any necessary changes to the LOF after notice and opportunity for public comment (16 U.S.C. 1387 (c)(1)(C)).

How does NMFS determine in which category a fishery is placed?

The definitions for the fishery classification criteria can be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2). The criteria are also summarized here.

Fishery Classification Criteria

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. This approach is based on consideration of the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals due to commercial fishing operations relative to the potential biological removal (PBR) level for each marine mammal stock. The MMPA (16 U.S.C. 1362 (20)) defines the PBR level as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. This definition can also be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2).

Tier 1: Tier 1 considers the cumulative fishery mortality and serious injury for a particular stock. If the total annual mortality and serious injury of a marine mammal stock, across all fisheries, is less than or equal to 10 percent of the PBR level of the stock, all fisheries interacting with the stock will be placed in Category III (unless those fisheries interact with other stock(s) for which total annual mortality and serious injury is greater than 10 percent of PBR). Otherwise, these fisheries are subject to the next tier (Tier 2) of analysis to determine their classification.

Tier 2: Tier 2 considers fishery-specific mortality and serious injury for a particular stock.

Category I: Annual mortality and serious injury of a stock in a given fishery is greater than or equal to 50 percent of the PBR level (*i.e.,* frequent incidental mortality and serious injury of marine mammals).

Category II: Annual mortality and serious injury of a stock in a given fishery is greater than 1 percent and less than 50 percent of the PBR level (*i.e.,* occasional incidental mortality and serious injury of marine mammals).

Category III: Annual mortality and serious injury of a stock in a given fishery is less than or equal to 1 percent of the PBR level (*i.e.,* a remote likelihood of or no known incidental mortality and serious injury of marine mammals).

Additional details regarding how the categories were determined are provided in the preamble to the final rule implementing section 118 of the MMPA (60 FR 45086; August 30, 1995).

Because fisheries are classified on a per-stock basis, a fishery may qualify as one category for one marine mammal stock and another category for a different marine mammal stock. A fishery is typically classified on the LOF at its highest level of classification (*e.g.,* a fishery qualifying for Category III for one marine mammal stock and for Category II for another marine mammal stock will be listed under Category II). Stocks driving a fishery's classification are denoted with a superscript ''1'' in Tables 1 and 2.

Other Criteria That May Be Considered

The tier analysis requires a minimum amount of data, and NMFS does not have sufficient data to perform a tier analysis on certain fisheries. Therefore, NMFS has classified certain fisheries by analogy to other fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, or according to factors discussed in the final LOF for 1996 (60 FR 67063; December 28, 1995) and listed in the regulatory definition of a Category II fishery. In the absence of reliable information indicating the frequency of incidental mortality and serious injury of marine mammals by a commercial fishery, NMFS will determine whether the incidental mortality or serious injury is ''occasional'' by evaluating other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fishermen reports, stranding data, and the species and distribution of marine mammals in the area, or at the discretion of the Assistant Administrator for Fisheries (50 CFR 229.2).

Further, eligible commercial fisheries not specifically identified on the LOF are deemed to be Category II fisheries until the next LOF is published (50 CFR 229.2).

How does NMFS determine which species or stocks are included as incidentally killed or injured in a fishery?

The LOF includes a list of marine mammal species and/or stocks incidentally killed or injured in each commercial fishery. The list of species and/or stocks incidentally killed or injured includes ''serious'' and ''non-serious'' documented injuries as described later in the *List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean* and *List of Species and/or Stocks Incidentally Killed or Injured in the Atlantic Ocean, Gulf of Mexico, and Caribbean* sections. To determine which species or stocks are included as incidentally killed or injured in a fishery, NMFS annually reviews the information presented in the current SARs and injury determination reports. SARs are brief reports summarizing the status of each stock of marine mammals occurring in waters under U.S. jurisdiction, including information on the identity and geographic range of the stock, population statistics related to abundance, trend, and annual productivity, notable habitat concerns, and estimates of human-caused mortality and serious injury (M/SI) by source. The SARs are based upon the best available scientific information and provide the most current and inclusive information on each stock's PBR level and level of interaction with commercial fishing operations. The best available scientific information used in the SARs and reviewed for the 2022 LOF generally summarizes data from 2014–2018. NMFS also reviews other sources of new information, including injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fishermen self-reports (*i.e.,* MMPA mortality/injury reports), and anecdotal reports from that time period. In some cases, more recent information may be available and used in the LOF.

For fisheries with observer coverage, species or stocks are generally removed from the list of marine mammal species and/or stocks incidentally killed or injured if no interactions are documented in the 5-year timeframe summarized in that year's LOF. For fisheries with no observer coverage and for observed fisheries with evidence indicating that undocumented interactions may be occurring (*e.g.,* fishery has low observer coverage and stranding network data include evidence of fisheries interactions that cannot be attributed to a specific fishery) species and stocks may be retained for longer than 5 years. For these fisheries, NMFS will review the other sources of information listed above and use its discretion to decide when it is appropriate to remove a species or stock.

Where does NMFS obtain information on the level of observer coverage in a fishery on the LOF?

The best available information on the level of observer coverage and the spatial and temporal distribution of observed marine mammal interactions is presented in the SARs. Data obtained from the observer program and observer coverage levels are important tools in estimating the level of marine mammal mortality and serious injury in commercial fishing operations. Starting with the 2005 SARs, each Pacific and Alaska SAR includes an appendix with detailed descriptions of each Category I and II fishery on the LOF, including the observer coverage in those fisheries. For Atlantic fisheries, this information can be found in the LOF Fishery Fact Sheets. The SARs do not provide detailed information on observer coverage in Category III fisheries because, under the MMPA, Category III fisheries are not required to accommodate observers aboard vessels due to the remote likelihood of mortality and serious injury of marine mammals. Fishery information presented in the SARs' appendices and other resources referenced during the tier analysis may include: Level of observer coverage; target species; levels of fishing effort; spatial and temporal distribution of fishing effort; characteristics of fishing gear and operations; management and regulations; and interactions with marine mammals. Copies of the SARs are available on the NMFS Office of Protected Resources website at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region.* Information on observer coverage levels in Category I, II, and III fisheries can be found in the fishery fact sheets on the NMFS Office of Protected Resources' website: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables.* Additional information on observer programs in commercial fisheries can be found on the NMFS National Observer Program's website: *https://www.fisheries.noaa.gov/national/fisheries-observers/national-observer-program.*

How do I find out if a specific fishery is in Category I, II, or III?

The LOF includes three tables that list all U.S. commercial fisheries by Category. Table 1 lists all of the commercial fisheries in the Pacific Ocean (including Alaska); Table 2 lists all of the commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean; and Table 3 lists all U.S. authorized commercial fisheries on the high seas. A fourth table, Table 4, lists all commercial fisheries managed under applicable TRPs or take reduction teams (TRT).

Are high seas fisheries included on the LOF?

Beginning with the 2009 LOF, NMFS includes high seas fisheries in Table 3 of the LOF, along with the number of valid High Seas Fishing Compliance Act (HSFCA) permits in each fishery. As of 2004, NMFS issues HSFCA permits only for high seas fisheries analyzed in accordance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). The authorized high seas fisheries are broad in scope and encompass multiple specific fisheries identified by gear type. For the purposes of the LOF, the high seas fisheries are subdivided based on gear type (*e.g.,* trawl, longline, purse

seine, gillnet, troll, etc.) to provide more detail on composition of effort within these fisheries. Many fisheries operate in both U.S. waters and on the high seas, creating some overlap between the fisheries listed in Tables 1 and 2 and those in Table 3. In these cases, the high seas component of the fishery is not considered a separate fishery, but an extension of a fishery operating within U.S. waters (listed in Table 1 or 2). NMFS designates those fisheries in Tables 1, 2, and 3 with an asterisk (*) after the fishery's name. The number of HSFCA permits listed in Table 3 for the high seas components of these fisheries operating in U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels/participants holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

HSFCA permits are valid for 5 years, during which time Fishery Management Plans (FMPs) can change. Therefore, some vessels/participants may possess valid HSFCA permits without the ability to fish under the permit because it was issued for a gear type that is no longer authorized under the most current FMP. For this reason, the number of HSFCA permits displayed in Table 3 is likely higher than the actual U.S. fishing effort on the high seas. For more information on how NMFS classifies high seas fisheries on the LOF, see the preamble text in the final 2009 LOF (73 FR 73032; December 1, 2008). Additional information about HSFCA permits can be found at *https://www.fisheries.noaa.gov/permit/high-seas-fishing-permits.*

Where can I find specific information on fisheries listed on the LOF?

Starting with the 2010 LOF, NMFS developed summary documents, or fishery fact sheets, for each Category I and II fishery on the LOF. These fishery fact sheets provide the full history of each Category I and II fishery, including: When the fishery was added to the LOF; the basis for the fishery's initial classification; classification changes to the fishery; changes to the list of species and/or stocks incidentally killed or injured in the fishery; fishery gear and methods used; observer coverage levels; fishery management and regulation; and applicable TRPs or TRTs, if any. These fishery fact sheets are updated after each final LOF and can be found under ''How Do I Find Out if a Specific Fishery is in Category I, II, or III?'' on the NMFS Office of Protected Resources' website: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries,* linked to the ''List of Fisheries Summary'' table. NMFS is developing similar fishery fact sheets for each Category III fishery on the LOF. However, due to the large number of Category III fisheries on the LOF and the lack of accessible and detailed information on many of these fisheries, the development of these fishery fact sheets is taking significant time to complete. NMFS began posting Category III fishery fact sheets online with the LOF for 2016.

Am I required to register under the MMPA?

Owners of vessels or gear engaging in a Category I or II fishery are required under the MMPA (16 U.S.C. 1387(c)(2)), as described in 50 CFR 229.4, to register with NMFS and obtain a marine mammal authorization to lawfully take non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Owners of vessels or gear engaged in a Category III fishery are not required to register with NMFS or obtain a marine mammal authorization.

How do I register, renew and receive my Marine Mammal Authorization Program authorization certificate?

NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program (MMAP), with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Participants in these fisheries are automatically registered under the MMAP and are not required to submit registration or renewal materials.

In the Pacific Islands, West Coast, and Alaska regions, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail or with their state or Federal license or permit at the time of issuance or renewal. In the Greater Atlantic and Southeast Regions, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail automatically at the beginning of each calendar year.

Vessel or gear owners who participate in fisheries in these regions and have not received authorization certificates by the beginning of the calendar year, or with renewed fishing licenses, must contact the appropriate NMFS Regional Office (see **FOR FURTHER INFORMATION CONTACT**). Authorization certificates may also be obtained by visiting the MMAP website *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#obtaining-a-marine-mammal-authorization-certificate.*

The authorization certificate, or a copy, must be on board the vessel while it is operating in a Category I or II fishery, or for non-vessel fisheries, in the possession of the person in charge of the fishing operation (50 CFR 229.4(e)). Although efforts are made to limit the issuance of authorization certificates to only those vessel or gear owners that participate in Category I or II fisheries, not all state and Federal license or permit systems distinguish between fisheries as classified by the LOF. Therefore, some vessel or gear owners in Category III fisheries may receive authorization certificates even though they are not required for Category III fisheries.

Individuals fishing in Category I and II fisheries for which no state or Federal license or permit is required must register with NMFS by contacting their appropriate Regional Office (see **ADDRESSES**).

Am I required to submit reports when I kill or injure a marine mammal during the course of commercial fishing operations?

In accordance with the MMPA (16 U.S.C. 1387(e)) and 50 CFR 229.6, any vessel owner or operator, or gear owner or operator (in the case of non-vessel fisheries), participating in a fishery listed on the LOF must report to NMFS all incidental mortalities and injuries of marine mammals that occur during commercial fishing operations, regardless of the category in which the fishery is placed (I, II, or III) within 48 hours of the end of the fishing trip or, in the case of non-vessel fisheries, fishing activity. ''Injury'' is defined in 50 CFR 229.2 as a wound or other physical harm. In addition, any animal that ingests fishing gear or any animal that is released with fishing gear entangling, trailing, or perforating any part of the body is considered injured, regardless of the presence of any wound or other evidence of injury, and must be reported.

Mortality/injury reporting forms and instructions for submitting forms to NMFS can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#reporting-a-death-or-injury-of-a-marine-mammal-during-commercial-fishing-operations* or by contacting the appropriate regional office (see **FOR FURTHER INFORMATION CONTACT**). Forms may be submitted via any of the following means: (1) Online using the electronic form; (2) emailed as an attachment to *nmfs.mireport@noaa.gov;*

(3) faxed to the NMFS Office of Protected Resources at 301–713–0376; or (4) mailed to the NMFS Office of Protected Resources (mailing address is provided on the postage-paid form that can be printed from the web address listed above). Reporting requirements and procedures are found in 50 CFR 229.6.

Am I required to take an observer aboard my vessel?

Individuals participating in a Category I or II fishery are required to accommodate an observer aboard their vessel(s) upon request from NMFS. MMPA section 118 states that the Secretary is not required to place an observer on a vessel if the facilities for quartering an observer or performing observer functions are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; thereby authorizing the exemption of vessels too small to safely accommodate an observer from this requirement. However, U.S. Atlantic Ocean, Caribbean, or Gulf of Mexico large pelagics longline vessels operating in special areas designated by the Pelagic Longline Take Reduction Plan implementing regulations (50 CFR 229.36(d)) will not be exempted from observer requirements, regardless of their size. Observer requirements are found in 50 CFR 229.7.

Am I required to comply with any marine mammal TRP regulations?

Table 4 provides a list of fisheries affected by TRPs and TRTs. TRP regulations are found at 50 CFR 229.30 through 229.37. A description of each TRT and copies of each TRP can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams.* It is the responsibility of fishery participants to comply with applicable take reduction regulations.

Where can I find more information about the LOF and the MMAP?

Information regarding the LOF and the MMAP, including registration procedures and forms; current and past LOFs; descriptions of each Category I and II fishery and some Category III fisheries; observer requirements; and marine mammal mortality/injury reporting forms and submittal procedures; may be obtained at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries,* or from any NMFS Regional Office at the addresses listed below:

NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, Attn: Allison Rosner;

NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701, Attn: Jessica Powell;

NMFS, West Coast Region, Long Beach Office, 501 W Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, Attn: Dan Lawson;

NMFS, Alaska Region, Protected Resources, P.O. Box 22668, 709 West 9th Street, Juneau, AK 99802, Attn: Suzie Teerlink; or

NMFS, Pacific Islands Regional Office, Protected Resources Division, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, Attn: Diana Kramer.

Sources of Information Reviewed for the 2022 LOF

NMFS reviewed the marine mammal incidental mortality and serious injury information presented in the SARs for all fisheries to determine whether changes in fishery classification are warranted. The SARs are based on the best scientific information available at the time of preparation, including the level of mortality and serious injury of marine mammals that occurs incidental to commercial fishery operations and the PBR levels of marine mammal stocks. The information contained in the SARs is reviewed by regional Scientific Review Groups (SRGs) representing Alaska, the Pacific (including Hawaii), and the U.S. Atlantic, Gulf of Mexico, and Caribbean. The SRGs were established by the MMPA to review the science that informs the SARs, and to advise NMFS on marine mammal population status, trends, and stock structure, uncertainties in the science, research needs, and other issues.

NMFS also reviewed other sources of new information, including marine mammal stranding and entanglement data, observer program data, fishermen self-reports, reports to the SRGs, conference papers, FMPs, and ESA documents.

The LOF for 2022 was based on, among other things, stranding data; fishermen self-reports; and SARs, primarily the 2020 SARs, which are based on data from 2014–2018. The SARs referenced in this LOF include: 2018 (84 FR 28489; June 19, 2019), 2019 (84 FR 65353; November 27, 2019), and draft 2020 (85 FR 78307; December 4, 2020). The SARs are available at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region.*

Summary of Changes to the LOF for 2022

The following summarizes changes to the LOF for 2022, including the classification of fisheries, fisheries listed, the estimated number of vessels/persons in a particular fishery, and the species and/or stocks that are incidentally killed or injured in a particular fishery. NMFS re-classifies one fishery in the LOF for 2022. Additionally, NMFS adds four fisheries to the LOF. NMFS also makes changes to the estimated number of vessels/persons and list of species and/or stocks killed or injured in certain fisheries. Many Category III fisheries on the LOF have never been described in the LOF. While detailed information describing each fishery on the LOF has been included within the SARs for some fisheries, a FMP, TRP, or by state agencies, general descriptive information is also included here to clearly define each fishery that is on the LOF. Since the 2016 LOF (80 FR 58427; September 29, 2015), NMFS has been developing Category III fishery fact sheets that are available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables.* NMFS is requesting public comment on the fisheries descriptions below to include as fact sheet content. The classifications and definitions of U.S. commercial fisheries for 2022 are identical to those provided in the LOF for 2021 with the changes discussed below. State and regional abbreviations used in the following paragraphs include: AK (Alaska), BSAI (Bering Sea, Aleutian Island), CA (California), Gulf of Alaska (GOA), HI (Hawaii), Maine Hawaiian Islands (MHI), OR (Oregon), WA (Washington), and WNA (Western North Atlantic).

Commercial Fisheries in the Pacific Ocean

Classification of Fisheries

NMFS proposes to reclassify the Category II AK Bering Sea, Aleutian Island (BSAI) rockfish trawl fishery to a Category III fishery. One killer whale (Gulf of Alaska, BSAI transient stock) mortality in 2012 was driving the Category II classification of this fishery. From 2014–2018, this fishery had 100 percent observer coverage, and no additional killer whale M/SI have been observed or reported in this timeframe for this fishery (Muto *et al.,* 2021). Therefore, NMFS proposes to reclassify the AK BSAI rockfish trawl fishery from a Category II to a Category III fishery.

Addition of Fisheries

NMFS proposes to add the WA/OR/CA other groundfish pot fishery as a Category III fishery. This new Category III fishery includes pot fishing effort from the previously named Category III CA nearshore finfish live trap/hook-and-line fishery and other groundfish pot fishing effort (separate from the sablefish pot fishery) that is not currently included on the LOF.

The groundfish pot fishery (other than sablefish) in WA/OR/CA targets close to 100 different species that generally live on or near the bottom. There are over 60 different rockfish species, which includes widow, yellowtail, canary, chilipepper, yelloweye, and vermilion rockfish. Important species of flatfish include Dover sole, petrale sole, starry and arrowtooth flounder, and Pacific sanddab. Other target species include boccaccio, cowcod, thornyheads, and Pacific Ocean perch. Due to the variety of species, there is significant variation in the areas and depths where the gear is fished. Depths can range from 11–722 fathoms (20–1,300 meters). The locations where fishermen are allowed to fish are limited by federal and state-designated conservation areas (*e.g.,* the Rockfish Conservation Area). The fishery operates year-round.

The traps can be either rectangular, conical or trapezoidal in shape. Conical traps are typically 36–72 inches (91–182 centimeters) in diameter. In California, the diameter limit is 92 inches (233 centimeters) maximum. All traps are between 28–32 inches (71–81 centimeters) in height. A destructive device capable of leaving an 8-inch (20 centimeter) in diameter opening is required. Line consists of a nylon or nylon poly-blend material of 3/8–5/8 inch diameter, attached to a string of pots/traps on one end, and a large polyball at the surface. The open access fishery uses 1–8 strings of 3–4 pots; the limited entry fishery uses 20–30 of these strings. Whether traps are used individually or in a string, it is mandatory that the surface end or terminal end be marked with a pole, flag, radar reflector, and a buoy. In California, the license number of the fisher is displayed on the polyball with an accompanying ''B''. The gear must be attended to at least once every 7 days.

There are over 100 species managed under the Pacific Fishery Management Council's (PFMC) Pacific Coast Groundfish FMP. It outlines the areas, species, regulations, and the process that is used to make changes to the fishery. The plan also creates guidelines for the biennial process of setting harvest levels. The fishery is managed under two sectors; limited entry and open access. Both sectors generally share regulations applied to other groundfish fisheries such as, quotas, harvest guidelines, trip and landing limits, area restrictions, seasonal closures, and gear restrictions.

Access to the limited entry fishery requires a limited entry permit, in addition to gear endorsements required by the individual states. Specifically, there is a limited entry permit with a non-sablefish fixed gear endorsement. Individual vessel landing limits are enforced. Open access privileges are currently available to any fishermen with the required state gear endorsements, but catch quotas and area closures are more restrictive than the primary limited entry permit. Open access quotas vary based upon the area fished.

There are currently 68 participants in this fishery. In the Open Access fixed gear fishery, observer coverage rates during 2009–2018 ranged from 2–12 percent. Historically, there have been no documented marine mammal mortalities or injuries incidental to the components of this fishery. Therefore, NMFS proposes to add this fishery as a Category III fishery.

NMFS proposes to add the CA other crab/shellfish pot fishery as a Category III fishery. This new Category III fishery targets several species of crab (*e.g.,* spider or sheep, Tanner crab) and other shellfish species (*e.g.,* Kellet's whelk) using trap/pot gear.

The majority of effort for Tanner crabs occurs in northern California out of Eureka and Crescent City. Otherwise, most of the components of this fishery are primarily active south of Point Conception from Santa Barbara to San Diego.

Tanner crab pots/traps are larger (up to 10 ft (3 m) x 10 ft (3 m)) than those used to target other species, with a depth of no more than 42 inches (107 centimeters). The traps consist either of 3 mm polyethylene web or vinyl-coated steel wire with at least three openings of 4.5 inches (11 centimeters) inside diameter on the sides and upper panel of the trap, to allow undersized crabs to escape. Up to 480 traps can be used per permitted vessel, with a maximum of 80 traps used per a single string. Every string of traps is marked with a buoy on each end, and each buoy is marked with the vessel's commercial boat registration number preceded by the letters ''TC''.

The gear used to target other species in this fishery are generally similar to pots/traps used to catch other prominent shellfish species that include Dungeness crab, rock crab, and spiny lobster. Destructive devices that create an unobstructed opening anywhere in the top or upper half of the trap when the material corrodes or fails are required. Most traps are fished singularly, but strings of 5–25 traps may be used to target some species.

A Tanner crab trap vessel permit is required by the state of California. There is a 5-inch (12.7 centimeters) minimum carapace size limit, and measuring devices should be present on the vessel at all times. Only males are allowed to be retained. The cumulative trip limits for each permitted vessel are 250,000 pounds (113,398 kilograms) of whole crab over each 2-month period. There is an annual catch limit of 2 million pounds for the period from April 1 to March 31 of the following year. When the limit is close to being reached, the State can give notice of at least 10 days before the closure. No finfish other than sablefish are allowed to be retained under the Tanner crab permit. Observers and logbooks are required for the Tanner crab fishery.

Spider crab and other species can be landed under a general trap permit from the State of California. The total allowable catch of spider crab for the entire state is 95,000 pounds (43,091 kilograms) landed during a calendar year.

There are currently 40 participants in this fishery. There is partial observer coverage for this fishery, there have been no documented marine mammal mortalities or injuries from stranding or other data. Therefore, NMFS proposes to add this fishery as a Category III fishery.

NMFS proposes to add the CA/OR/WA non-albacore Highly Migratory Species (HMS) hook and line fishery as a Category III fishery. This new Category III fishery includes hook and line fishing gear not covered by fisheries currently included on the LOF. Fishing effort using troll and other surface hook and line gear targeting HMS are not captured in the two currently named HMS hook and line fisheries on the LOF (Category III WA/OR/CA albacore surface hook and line/troll fishery and Category III CA pelagic longline fishery).

Hook and line fisheries for non-albacore HMS species occur in Federal waters (3–200 nm), mostly in the Southern California Bight with very little effort occurring north of Point Conception. The species targeted include swordfish, tuna (bluefin and yellowfin), thresher shark (common, bigeye, and pelagic), shortfin mako shark, dorado, and opah.

The fisheries operate year-round. Fishing effort generally starts during late spring/early summer and starts dropping off towards late fall/early winter, depending on the availability

and movement patterns of HMS. The presence of large scale ocean/climate conditions such as El Niño and La Niña can influence the movement of HMS species considerably. A wide variety of depths within the water column may be targeted depending on species and other factors.

The main type of hook and line gear used for non-albacore HMS is troll gear, although other surface hook and line gear such as rod-and-reel and hand lines may be used. Troll gear typically includes one or more lines with lures or baited hooks attached that are drawn (''trolled'') through the water column at various depths, depending on species targeted.

All HMS require a Federal HMS permit, and additional state permits may apply. All West Coast non-albacore hook and line fisheries are open access. There are no limits to the number of species that can be landed, with the exception of bluefin tuna trip limits specified through the Inter-American Tropical Tuna Commission. Logbooks are required for all fisheries targeting HMS, and some HMS fisheries are required to carry observers.

There are currently 124 participants in this fishery. Historically, there have been no documented marine mammal mortalities or injuries incidental to the components of this fishery. Therefore, this fishery is being proposed as a Category III fishery.

Fishery Name and Organizational Changes and Clarification

NMFS proposes to remove the superscript ''1'' from the Main Hawaiian Islands (MHI) insular stock of false killer whale to indicate the stock is no longer driving the Category I classification of the HI deep-set longline fishery. The total estimated annual M/SI of the MHI insular stock of false killer whale in the HI deep-set longline fishery for the 5-year period of 2014–2018 is 0.03 animals, which represents 10 percent of PBR (0.3) (Carretta *et al.,* 2021).

NMFS corrects an administrative error in Table 1. NMFS adds the superscript ''1'' CA/OR/WA stock of humpback whales to indicate the stock is driving the Category II classification of the CA coonstripe shrimp pot fishery. This fishery was reclassified in the 2020 LOF (85 FR 21079; April 16, 2020) based on one entangled humpback whale, but Table 1 did not indicate that the stock is driving the Category II classification.

NMFS proposes to rename the Category III WA/OR herring, smelt, squid purse seine or lampara fishery to the WA/OR herring, anchovy, smelt, squid purse seine or lampara fishery to indicate anchovy is a target species of this fishery. This fishery includes fishing for herring, anchovy, smelt, market squid, and other baitfish that occur in inland and coastal waters of Oregon and Washington, including bays and estuaries. Some portions of the fishery are generally open year round, but there are other variations depending on target species and gear type.

Fishermen use a variety of gear types in this fishery including: Purse seine, lampara net, drag seine, and dip bag net gear. A purse seine is a large wall of netting deployed around an entire school of fish. When a school of target species is located, a skiff will encircle the school with one end of the seine attached to it while the other end is attached to the fishing vessel itself. Once the skiff circles back around to the vessel, the lead line at the bottom of the seine is pulled in ''pursing'' the net closed on the bottom preventing the fish from escaping when swimming downward.

Purse seine, drag seine, and lampara nets have a minimum mesh size of a ½-inch (12.7 mm) stretched. In Puget Sound, lampara nets are allowed to be up to 200 feet (60.96 m) in length. The maximum length of purse seine nets varies by location with the smallest maximum length of 300 feet (91.44 m) in inland Oregon to the largest allowable length of 1,400 feet in the offshore and coastal waters of Washington. Drag seines used in Willapa Bay, Grays Harbor, and the Lower Columbia River can be a maximum of 350 feet (106.68 m) long with a 1¼ inch (31.75 mm) minimum stretch measure net mesh size. Squid fishing in Washington's waters involves dip net bags with a maximum diameter of 10 feet (3.05 m) and maximum size of 18 feet (5.47 m), and a minimum mesh size of 1-inch (25.4 mm).

There is some overlap of the management of this fishery with the PFMC's Coastal Pelagic Species FMP in coastal and offshore waters. There are additional state regulations that govern the harvest of some species. State permits are generally required to fish for each species type and/or gear used within Washington's coastal and inland waters (*e.g.,* Puget Sound herring lampara fishery license, smelt dip bag license). Many of the permits are open access, with some exceptions that include limited entry permits for herring fisheries on the Washington coast, and the Yaquina Bay herring roe purse seine fishery in Oregon.

Logbooks are required for some species/gear used in each state. Catch limits for individual landings or total fleet catch may apply. For example, both states limit the landing of anchovy to 5 metric tons (mt) daily, and to 10 mt weekly (in Oregon this applies to anchovy caught within inland waters). Other examples include that the Puget Sound herring fishery is closed by emergency regulation if the harvest exceeds 10 percent of the adult spawning biomass. There are limits on how much catch can be converted into fish meal or other products. Incidental bycatch of non-target species (not including protected species) may be allowed up to certain limits depending on the fishery type and the species incidentally caught.

NMFS proposes to rename the Category III WA salmon purse seine fishery to the WA salmon seine fishery to clarify that both purse seine and beach seine gear are used to target salmon in the Washington state salmon fishery. The fishery targets sockeye, Chinook, pink, coho, and chum salmon within Puget Sound, Washington. The purse seine fishery occurs in central Puget Sound, the San Juan Islands, and Hood Canal. The fishery usually begins around mid-July and extends until early December, with individual regions opening and closing at different times within the overall fishing season. The beach seine salmon fishery is an experimental fishery targeting Chinook and coho that is only authorized in Hood Canal. The season runs from late July to late September, depending upon the region within the Hood Canal.

Purse seines may have a maximum length of 1,800 feet (548 m) along the cork line, and the net and lead line combined cannot exceed 2,200 feet (670 m). The minimum mesh size of purse seine nets is 3.5 inches (88.9 mm) and cannot be made of a twine-size smaller than 210/30d nylon, 12-thread cotton, or an equivalent diameter material. There are also specific requirements for the configuration of the cork line in the bunt. In some areas, a brailer and recovery box may be required.

Beach seining involves a net that is able to encircle a group of fish adjacent to a beach with one end of the net attached to a designated boat. The beach seine net cannot be longer than 990 feet (301 m), or more than 200 meshes in depth. The mesh must be between 3 (76.2 mm) and 4 (101.6 mm) inches and made of twine no smaller than 210/30d nylon, 12 thread cotton, or an equivalent material.

The Washington Department of Fish and Wildlife (WDFW), Puget Sound Treaty Tribes, and NMFS jointly manage salmon harvest in Washington. The salmon purse seine fishery requires a limited entry permit, which is transferable. The fishery is managed

through season openings, mesh size limits, and limits regarding the amount of time and effort allowed each day or night within the various areas. A portion of the fishery is managed by the Fraser River Panel, which is composed of representatives from the U.S. and Canada. A ''Fish Friendly'' best fishing practices workshop has to be attended by fishermen in order to fish in certain areas. The take of certain salmon species is prohibited in specific areas, and they have to be released immediately if captured.

Participation in the beach seine fishery involves acquiring a beach seine permit from WDFW (available since 2009). The permit holder must participate on the designated vessel in the open fishery. WDFW may require a logbook to be submitted to prove participation. Only a few permits are issued each year. All non-target fish must be released. WDFW deploys observers for this fishery.

For both the purse seine and beach seine fisheries, every fisherman is required to report lost netting to the WDFW. For these fisheries, emergency regulations and in-season changes can occur based on stock allocations and conservation objectives.

NMFS proposes to combine the Category III CA halibut hook and line/handline fishery and Category III CA white seabass hook and line/handline fishery, and name it the Category III CA halibut, white seabass, and yellowtail hook and line/handline fishery. This combination is based on considerable overlap in spatial distribution of target species, participants, landings and gear used in the fisheries. There are 388 participants in the fishery.

This fishery targets California halibut, white seabass, and yellowtail, although a mix of other species are also taken simultaneously including groundfish and pelagic species. Effort generally takes place in less than 55 fathoms (100 m) of water, and within 3 nm of the shoreline. The fishery is active all along the coast of California, although much of the effort for certain species occurs in the Southern California Bight.

The hook and line gear used includes several types of gear configurations: Troll, pole and line and longline. There are two types of longline gear that may be used in this fishery. The first one being a bottom longline with a main line extending horizontally along the seafloor with short lines attached to it at intervals, each culminating into a baited hook. The second type is called a vertical longline with a line that is weighted on the bottom end that is anchored to the seafloor, attached to a buoy (or buoys) on the top end at the sea surface that suspends the line vertically. Attached to the main vertical line are short lines at intervals, each culminating into baited hooks.

This is an open access fishery requiring a Resident Commercial Fishing License. A Commercial Ocean Enhancement Stamp is required for commercial fishermen who take, possess, or land any white sea bass south of Point Arguello. Other Federal and state regulations can be applicable depending on which species are caught and landed. Any gear that is not attached to the vessel must be attached to buoys floating on the surface and marked on the upper half with a commercial fishing license identification number at least 2 inches (50.8 mm) in height. Only a certain number of lines and hooks per line, and different types of hook and line gear configurations, are allowed in each of the districts especially where effort may occur less than 1 nm from shore (*e.g.,* troll lines, longline gear cannot be fished in waters less than 1 nm from shore).

Troll and hand lines are limited to 900 feet (274 m) or less; only longlines can exceed this limit. All hooks present have to be below the upper one third of any vertical longline gear used. There are exemptions within certain districts to the number hooks that may be used in conjunction with certain gear types if the target species consists of at least 80 percent of the total catch.

NMFS proposes to rename the Category III WA/OR Pacific halibut longline fishery to the WA/OR/CA Pacific halibut longline fishery to clarify there is also Pacific halibut longline fishing effort in California. The Pacific halibut commercial fishery occurs within 10 regulatory areas (3 major areas (2, 3, and 4) divided further into subareas) throughout the North Pacific Ocean within the exclusive economic zone (EEZ), established by the International Pacific Halibut Commission (IPHC). The use of longlines to target Pacific halibut occurs along the Continental U.S. West Coast (excluding Alaska) in what is known as Area 2A, which includes the entire EEZ off of Washington, Oregon, and California.

Fishermen usually target Pacific halibut at depths of 15–150 fathoms (27–274 meters) where they prefer to hang out in current calming ''hydraulic relief zones'' such as depressions, valleys, and rock formations at the bottom of the sea. Fishing may occur anytime between IPHC's season dates from mid-March through mid-November. The Area 2A non-tribal directed commercial fishery usually occurs in summer, generally from June–July, although in some years it could be extended until August. Landing Pacific halibut as incidental catch during the sablefish longline fishery is allowed, but only for vessels participating in the sablefish Limited Entry fixed gear fishery from April 1 to October 31 with a valid license from the IPHC.

A long main line is used that consists of a lead core that allows it to sink to the ocean floor. The main line is made of nylon or a polyurethane-blend roughly 5/16 inch (7.9 mm) in width. The main line (or ground line) can be up to 1.5 nautical miles long and set on the bottom with an anchor (25–50 pounds (11–22 kg) at each end. Hooks are attached to the main line every 3–4 feet (91–121 cm) with a ''gangion'' made of nylon or monofilament line connected with a snap or tied on. The most common hooks used are size 16/0 circle hooks baited with live squid, mackerel heads, or artificial bait resembling sardine or anchovy. Pacific halibut is also incidentally caught with fixed gear (longline) in the sablefish fishery, which uses similar gear.

Pacific halibut fishing off the U.S. West Coast used to be managed solely by the IPHC through the PFMC Pacific Halibut Catch Sharing Plan (CSP). The routine management of the non-tribal commercial directed Pacific halibut fishery is being transitioned from the IPHC to the PFMC and NMFS. The IPHC will continue to set the total allowable catch for Pacific halibut, and the PFMC will continue to develop a CSP.

This is an open access fishery requiring permits obtained from the IPHC whether targeted or caught incidentally in fixed gear (longline) sablefish fisheries, with strict size and catch limits. Logbooks are required for vessels that have an overall length of 26 feet (7.9 m) or more. If catch limits are reached before the official closure dates, the fishery will be closed. There are no individual fishing quotas in this fishery, but there are landing ratios for the incidental catch fisheries and vessel limits per opener for the directed commercial fishery. In 2017 and 2018, observer coverage of the directed derby fishery was 8 percent and 25 percent, respectively.

NMFS proposes to rename the Category III WA/CA kelp fishery to the CA/WA kelp, seaweed, and algae fishery to clarify that in addition to kelp, other species of edible marine plants are commercially harvested in waters off the U.S. West Coast. The two species of kelp that are predominantly harvested are giant kelp and bull kelp. Giant kelp is the most common kelp species found along the southern and central

California coast, whereas bull kelp becomes more abundant farther north. There are 87 geographical kelp beds along the California coast and Channel Islands. As of December 2020, each of the 87 kelp beds are designated as either: Open (33 beds), closed (18 beds), lease only (3 beds), and leasable (28 beds). California state marine parks and reserves are completely off limits to kelp harvesting, but there is limited kelp harvesting allowed in state marine conservation areas.

There is a herring roe-on-kelp fishery in Washington where kelp is harvested by hand from small vessels. The herring roe-on-kelp fishery occurs every year during the herring spawning season from late January until early June. The fishery takes place within Puget Sound, with regulated area closures.

There are various harvesting methods used for kelp, edible seaweed, or agar algae. Gear used for commercial harvest of kelp generally consists of a specially designed vessel with cutting mechanisms on the stern, and a conveyor system that places the cut kelp into a harvest bin. The blades are mounted at the base of the conveyor and lowered three feet into the kelp bed while the vessel moves slowly stern-first through the bed.

In the herring roe-on-kelp fishery, *Macrocystis* kelp is gathered and carefully placed in floating net pens or impoundments (pounds) in anticipation of a herring spawning event. Herring are seined, introduced to the pounds to spawn for about a week, and then released. The eggs stick to the kelp blades which are collected and layered with salt in totes.

The commercial harvesting of kelp, marine algae, and agar algae in California is managed by the California Department of Fish and Wildlife (CDFW). A kelp harvest license is valid for 1 year at a time. Although the license includes edible seaweed and agar algae as well, the license applicant must choose which type of harvest they will be participating in. Harvesters must submit a harvest plan that must be approved prior to harvesting. A monthly harvest report has to be submitted to the CDFW on or before the 10th day of each month of harvest, even if harvest did not occur.

Harvesters are not allowed to cut attached kelp at a depth greater than 4 feet (1.2 m), but can collect unattached kelp. Vessels can collect up to 600 tons of kelp a day. Agar algae are cut no closer than 2 inches to the holdfast, and removal of the holdfast is prohibited. Harvesters are not allowed to repetitively harvest from individual giant or bull kelp specimens, and the harvesting of kelp near sea otter rafting sites must be avoided.

Seaweed species of the genus *Macrocystis* is only allowed for harvesting for the herring spawn-on-kelp fishery, if approved by the WDFW. The herring spawn-on-kelp fishery is a limited entry fishery.

NMFS proposes to combine the Category III WA groundfish, bottomfish jig fishery and the hook and line component of the Category III CA nearshore finfish live trap/hook-and-line fishery, and name it the Category III WA/OR/CA groundfish/finfish hook and line fishery. This proposed combined fishery will also include other groundfish/finfish hook and line fishing effort of fisheries not currently included on the LOF. The two currently named Category III fisheries do not account for a large amount of non-longline hook and line fishing effort, which includes numerous combinations of target species, gear, and spatial distribution along the West Coast. This fishery has 689 participants.

The groundfish/finfish hook and line fishery (other than bottom longline) targets close to 100 different species that generally live on or near the bottom. There are over 60 different rockfish species with the primary species targeted in this fishery being black, vermilion, brown, and gopher rockfish. Other important targeted species include lingcod, cabazon, greenling, and sablefish. Numerous other finfish/groundfish are also landed.

Due to the variety of species, there is significant variation in the areas and depths where the gear is fished. Depths can range anywhere from 11–722 fathoms (20–1,300 m). The locations where fishermen are allowed to fish for these species groups can be limited by conservation areas (*e.g.,* the Rockfish Conservation Area). The fishery operates year-round.

Hook and line gear includes several types of gear configurations including: Troll, pole and line and vertical longline. There are Federal and state regulations which must be adhered to including various area and time closures (*e.g.,* Rockfish Critical Habitat). In some places, fishing is not allowed in certain districts over weekends and legal holidays. In California, troll lines cannot be fished in waters less than 1 nm from shore. Landing limits for different species over various time periods also typically apply. Other management restrictions regarding the number and configuration of lines and hooks that are allowed in different areas may also apply. Portions of this fishery are observed under the nearshore groundfish fixed gear fishery. Annual coverage from 2009–2018 for the entire nearshore groundfish fishery ranged from 4 to 8 percent.

NMFS proposes to combine and rename the Category III WA/OR bait shrimp, clam, hand, dive, or mechanical collection fishery and the Category III OR/CA sea urchin, sea cucumber hand, dive, or mechanical collection fishery into two distinct gear-based Category III fisheries: (1) The CA/OR/WA dive collection fishery and (2) the WA/OR/CA hand/mechanical collection fishery. As currently included on the LOF, there is overlap of fishing effort and target species between the two fisheries along the West Coast. Therefore, NMFS is proposing to combine these fisheries based on the harvesting methodologies' potential risk to marine mammals. NMFS proposes to aggregate the California, Oregon and Washington commercial dive fisheries into one Category III fishery, and aggregate the California, Oregon and Washington hand/mechanical collection fisheries into a separate Category III fishery.

The CA/OR/WA dive collection fisheries target primarily sea urchins, sea cucumbers, and other mollusks such as geoduck clams and occur in all three West Coast states. This fishery has 186 participants.

In California, the commercial take for red sea urchin is open for most of the year, but there are restrictions regarding certain areas or days of the week at times during the year. There are no seasonal restrictions on harvest of other sea urchin species. California sea cucumber may be collected year round; warty sea cucumbers are not allowed to be collected from March 1 to June 15.

In Oregon, most of the state is open year round for sea urchin harvest. However, the largest harvest area (Orford Reef) is open only November through April. The sea cucumber fishery occurs in various areas along the coast, but harvest from Orford Reef is prohibited May 1 through October 31.

Harvest of geoducks in Washington occurs exclusively within the inland waters of WA. The sea urchin fishery occurs October through February throughout the state, based mostly on gonad (roe or uni) condition and quality. There are numerous protected areas designated by the state of Washington where sea urchin fishing is prohibited. Specific sea cucumber harvest districts exist in the state, each with clearly defined open seasons.

SCUBA gear or a ''hookah rig'' are allowed in all three states where dive gear is used for commercial harvesting. The ''hookah rig'' consists of an air compressor with supply hoses that distribute air to divers. Divers use

SCUBA for picking and scouting, but when a harvest area is identified the Hookah method is predominantly used. California and Washington allow divers to use nitrox and scooters, although Oregon prohibits the use of mixed gas.

The sea urchin commercial dive fishery is a limited entry permit fishery in all three U.S. West Coast states. In Washington there are catch limits, but none in Oregon or California. However, there are size limits in Oregon and Washington, but none in California. In Oregon, there are depth restrictions where harvest can occur. The Washington sea urchin permits are distributed almost equally between state and tribal commercial fishermen.

The sea cucumber dive fishery is a limited entry fishery in California and Oregon, but is open access requiring a shellfish dive permit in Washington. In California, there are no landing or size limits. In California, sea cucumber trawl permits allow for trawling or diving for sea cucumber, whereas a sea cucumber dive permit only allows for diving for sea cucumbers. In Oregon, harvest of sea cucumbers is allowed under a sea urchin permit. In Washington, a quota system exists for sea cucumbers. If the quota for the season is reached, the fishery is closed. The quota for each year changes and is based on stock assessments for each district. Submissions of logbooks are required in all three states.

To obtain a commercial geoduck permit, a competitive bid process is used to sell harvest contracts to the highest responsible bidder. Successful bidders are required to obtain a WDFW fishery license prior to commercial harvest.

The WA/OR/CA hand/mechanical collection fishery employs hand or mechanical collection methods within the intertidal or nearshore areas in all three West Coast states. Collection of clams and other mollusks in intertidal and subtidal areas, including razor, cockle, and butter clams, represent a substantial level of commercial harvest, especially in Oregon and Washington. Harvest of various bait fish or aquaria collection species in nearshore waters also occurs, particularly in California. This fishery has 320 participants.

The methods used for hand collection of targeted species can include shovels, hand pumps (especially for most clams), rakes, trowels, and hands (bare or protected). Hand powered tools are generally used in intertidal areas only. Methods for mechanical collection, especially for baitfish and aquaria species in nearshore or intertidal waters, include dip nets, hand pumps (for bait shrimp), and small trawl nets, along with numerous other devices. Management of hand and mechanical collection fisheries occurs with varying degrees within each state.

In Washington, specific permits are needed to harvest important target species such as razor clams or burrowing shrimp. Commercial harvest of razor clams is allowed only on the detached Willapa Spits, located at the mouth of Willapa Bay. Fishermen must either register with a Department of Health certified razor clam dealer or become certified by the Department of Health individually.

In Oregon, harvest of intertidal clam and shrimp species require a commercial shellfish or intertidal animal harvest permit. Seasonal restrictions that can vary by area may apply. Subtidal harvest of clams requires a separate permit.

In California, permits that are relevant, depending on the specific target and gear used, include: Tidal invertebrates, ghost shrimp, bay shrimp, and marine aquaria species. There are time and area restrictions that include marine conservation areas and state marine reserves.

Number of Vessels/Persons

NMFS proposes to update the estimated number of vessels/persons in the Pacific Ocean (Table 1) as follows:

Category II

- CA thresher shark/swordfish drift gillnet (≥14 in mesh) fishery from 14 to 21 vessels/persons;
- CA halibut/white seabass and other species set gillnet (>3.5 in mesh) fishery from 37 to 39 vessels/persons;
- CA yellowtail, barracuda, and white seabass drift gillnet (mesh size ≥3.5 in and <14 in) fishery from 22 to 20 vessels/persons;
- WA Puget Sound Region salmon drift gillnet fishery from 154 to 136 vessels/persons;
- CA coonstripe shrimp pot fishery from 14 to 9 vessels/persons;
- CA spiny lobster fishery from 186 to 189 vessels/persons;
- CA spot prawn pot fishery from 23 to 22 vessels/persons;
- CA Dungeness crab pot fishery from 501 to 471 vessels/persons;
- OR Dungeness crab pot fishery from 342 to 323 vessels/persons;
- WA/OR/CA sablefish pot fishery from 155 to 144 vessels/persons;
- WA coastal Dungeness crab pot fishery from 197 to 204 vessels/persons;
- HI shortline fishery from 9 to 5 vessels/persons;

Category III

- CA set gillnet (mesh size <3.5 in) fishery from 296 to 11 vessels/persons;
- HI inshore gillnet fishery from 36 to 29 vessels/persons;
- WA Grays Harbor salmon drift gillnet fishery from 24 to 19 vessels/persons;
- WA/OR Mainstem Columbia River eulachon gillnet fishery from 5 to 10 vessels/persons;
- WA Willapa Bay drift gillnet fishery from 82 to 57 vessels/persons;
- WA/OR sardine purse seine fishery from 42 to 6 vessels/persons;
- CA anchovy, mackerel, sardine purse seine fishery from 65 to 53 vessels/persons;
- CA squid purse seine fishery from 80 to 68 persons/vessels;
- CA tuna purse seine fishery from 10 to 14 vessels/persons;
- WA/OR Lower Columbia River salmon seine fishery from 10 to 1 person/vessel;
- WA/OR herring, anchovy, smelt, squid purse seine or lampara fishery from 130 to 41 vessels/persons;
- WA salmon seine fishery from 75 to 81 vessels/persons;
- HI lift net fishery from 17 to 15 vessels/persons;
- HI inshore purse seine fishery from <3 to none recorded vessels/persons;
- HI throw net, cast net fishery from 23 to 15 vessels/persons;
- HI seine net fishery from 24 to 17 vessels/persons;
- CA squid dip net fishery from 115 to 19 vessels/persons;
- HI offshore pen culture fishery from 2 to 1 vessels/persons;
- WA/OR/CA albacore surface hook and line/troll fishery from 705 to 556 vessels/persons;
- CA/OR/WA salmon troll fishery from 4,300 to 1,030 vessels/persons;
- HI troll fishery from 2,117 to 1,380 vessels/persons;
- HI rod and reel fishery from 322 to 237 vessels/persons;
- Guam tuna troll fishery from 432 to 398 vessels/persons;
- WA/OR/CA groundfish, bottomfish longline/set line fishery from 367 to 314 vessels/persons;
- WA/OR/CA Pacific halibut longline fishery from 350 to 130 vessels/persons;
- CA pelagic longline fishery from 1 to 4 vessels/persons;
- HI kaka line fishery from 15 to 5 vessels/persons;
- HI vertical line fishery from 3 to none recorded vessels/persons;
- CA halibut bottom trawl fishery from 47 to 23 vessels/persons;
- CA sea cucumber trawl fishery from 16 to 11 vessels/persons;
- WA/OR/CA shrimp trawl fishery from 300 to 130 vessels/persons;
- WA/OR/CA groundfish trawl fishery from 160–180 to 118 vessels/persons;

- CA rock crab pot fishery from 124 to 113 vessels/persons;
- WA/OR/CA hagfish pot fishery from 54 to 63 vessels/persons;
- WA/OR shrimp pot/trap fishery from 54 to 28 vessels/persons;
- WA Puget Sound Dungeness crab pot/trap fishery from 249 to 145 vessels/persons;
- HI crab trap fishery from 5 to 4 vessels/persons;
- HI fish trap fishery from 9 to 4 vessels/persons;
- HI lobster trap fishery from <3 to none recorded vessels/persons;
- HI shrimp trap fishery from 10 to 3 vessels/persons;
- HI crab net fishery from 4 to none recorded vessels/persons;
- HI kona crab loop net fishery from 33 to 20 vessels/persons;
- American Samoa bottomfish handline fishery from fewer than 20 to 9 vessels/persons;
- Commonwealth of the Northern Mariana Islands bottomfish fishery from 28 to 11 vessels/persons;
- Guam bottomfish fishery from >300 to 67 vessels/persons;
- HI aku boat, pole and line fishery from <3 to none recorded vessels/persons;
- HI bottomfish handline fishery from 578 to 385 vessels/persons;
- HI inshore handline fishery from 357 to 206 vessels/persons;
- HI pelagic handline fishery from 534 to 300 vessels/persons;
- CA swordfish harpoon fishery from 6 to 21 vessels/persons;
- HI bullpen trap fishery from 3 to none recorded vessels/persons;
- HI black coral diving fishery from <3 to none recorded vessels/persons;
- HI fish pond fishery from 5 to none recorded vessels/persons;
- HI handpick fishery from 46 to 25 vessels/persons;
- HI lobster diving fishery from 19 to 12 vessels/persons;
- HI spearfishing fishery from 163 to 82 vessels/persons; and
- HI aquarium collecting fishery from 90 to 34 vessels/persons.

List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean

NMFS proposes to add the Eastern North Pacific stock of gray whale to the list of species/stocks incidentally killed or injured in the Category II AK Prince William Sound salmon drift gillnet fishery based on a self-reported serious injury in 2018 (Carretta *et al.,* 2020).

NMFS proposes to add three stocks to the list of species/stocks incidentally killed or injured in the Category II AK Bering Sea, Aleutian Islands pollock trawl fishery: (1) Arctic stock of ringed seal, (2) Central North Pacific stock of humpback whale and (3) Western North Pacific stock of humpback whale. In 2017, there was an observed mortality of a ringed seal (Arctic stock) (Muto *et al.,* 2021). In 2018 one humpback whale mortality was observed in the AK Bering Sea, Aleutian Islands pollock trawl fishery. This mortality occurred in an area of humpback whale stock overlap and consistent with NMFS Guidelines for Assessing Marine Mammal Stocks (GAMMS), the serious injury was assigned to both the Western North Pacific and Central North Pacific stocks (Muto *et al.,* 2021).

NMFS proposes to add the U.S. stock of California sea lion to the list of species/stocks incidentally killed or injured in the Category II CA spiny lobster fishery. In 2019, a California sea lion was reported entangled in 40 kilograms of lobster pot gear near Santa Barbara, CA. The gear was removed after sedating of the animal (Carretta *et al.,* 2021).

NMFS proposes to add the California stock of Northern elephant seal to the list of species/stocks incidentally killed or injured in the Category II AK Gulf of Alaska sablefish longline fishery based on an observed serious injury in 2017 (Carretta *et al.,* 2020).

NMFS proposes to add both the Western U.S. stock of Steller sea lion and North Kodiak stock of harbor seal to the list of species/stocks incidentally killed or injured in the Category III AK Kodiak salmon purse seine fishery. In 2018, a dead stranded Steller sea lion was reported entangled in commercial Kodiak salmon seine net (Muto *et al.,* 2021). Also in 2018, a harbor seal mortality was documented in the barrier net of the salmon purse seine fishery (Young *et al.,* 2020).

NMFS proposes to add the Gulf of Alaska, Aleutian Islands, Bering Sea transient stock of killer whale to the list of species/stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Greenland turbot longline fishery based on observed mortality in 2015 (Muto *et al.,* 2021).

NMFS proposes to add the Clarence Strait stock of harbor seal to the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska halibut longline fishery based on an observed mortality in 2018 (Young *et al.,* 2020).

NMFS proposes to add the Cook Inlet/Shelikof Strait stock of harbor seal to the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska Pacific cod longline fishery based on an observed mortality in 2018 (Young *et al.,* 2020).

NMFS proposes to add the California stock of Northern elephant seal to the list of species/stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands Atka mackerel trawl fishery based on an observed serious injury in 2018 (Carretta *et al.,* 2020).

NMFS proposes to add three stocks to the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska flatfish trawl fishery. The three stocks are: (1) Cook Inlet/Shelikof Strait stock of harbor seal, (2) North Kodiak stock of harbor seal, and (3) South Kodiak stock of harbor seal. In 2017, there were three observed mortalities of harbor seals (one from the North Kodiak stock and two from the Cook Inlet/Shelikof Strait stock) in the Gulf of Alaska flatfish trawl fishery. In 2018, there was one observed mortality of a harbor seal from South Kodiak stock (Young *et al.,* 2020).

NMFS proposes to add the North Pacific stock of sperm whale to the list of species/stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands sablefish pot fishery based on an observed mortality in 2018 (Muto *et al.,* 2021).

NMFS proposes to add the U.S. stock of California sea lion to the list of species/stocks incidentally killed or injured in the Category III WA/OR/CA groundfish/finfish hook and line fishery. In 2017, a California sea lion depredated gear from the nearshore hook and line fishery and in the process carried the away the gear with seven hooks attached (Carretta *et al.,* 2021).

NMFS proposes to add the Central North Pacific stock of humpback whale to the list of species/stocks incidentally killed or injured in the Category III AK/WA/OR/CA commercial passenger fishing vessel fishery based on an observed vessel strike that was determined to be a serious injury in 2017 (Young *et al.,* 2020).

NMFS proposes to add the unknown stock of striped dolphin to the list of species/stocks incidentally killed or injured in the Category II American Samoa longline fishery based on an observed serious injury in 2018.

NMFS proposes to remove the Alaska resident stock of killer whale from the list of species/stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands Greenland turbot longline fishery based on no recently observed mortalities or injuries.

NMFS proposes to remove the Alaska stock of spotted seal from the list of species/stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands Pacific cod

longline fishery based on no recently observed mortalities or injuries.

NMFS proposes to remove the six stocks from the list of species/stocks incidentally killed or injured in the Category II AK Bering Sea, Aleutian Islands pollock trawl fishery: (1) Alaska stock of bearded seal, (2), Bristol Bay stock of beluga whale, (3) Eastern Bering Sea stock of beluga whale, (4) Eastern Chukchi Sea stock of beluga whale, (5) Eastern Pacific stock of Northern fur seal and (6) Alaska stock of spotted seal. There have been no recently observed mortalities and injures of these six stocks in the AK Bering Sea, Aleutian Islands pollock trawl fishery.

NMFS proposes to remove the Alaska stock of bearded seal from the list of species/stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands Atka mackerel trawl fishery based on no recently observed mortalities or injuries.

NMFS proposes to remove both the Gulf of Alaska, Aleutian Islands, Bering Sea transient stock and Eastern North Pacific Alaska resident stock of killer whale from the list of species/stocks incidentally killed or injured in the Category III AK Bering Sea, Aleutian Islands rockfish trawl fishery based on no recently observed mortalities or injuries. NMFS proposes to remove the North Pacific stock of Northern elephant seal from the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska flatfish trawl fishery based on no recently observed mortalities or injuries.

NMFS proposes to remove the Alaska stock of harbor seal from the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska Pacific cod trawl fishery based on no recently observed mortalities or injuries.

NMFS proposes to remove three stocks from the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska pollock trawl fishery: (1) Alaska stock of Dall's porpoise, (2) Northeast Pacific stock of fin whale and (3) North Pacific stock of Northern elephant seal. There have been no recently observed mortalities and injuries of these three stocks in the AK Gulf of Alaska pollock trawl fishery.

NMFS proposes to remove the Gulf of Alaska stock of harbor seal from the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska Pacific cod pot fishery based on no recently observed mortalities or injuries. The list of species/stocks incidentally killed or injured in this fishery is updated to state none documented in the most recent 5 years of data.

NMFS proposes to remove the Northeast Pacific stock of fin whale from the list of species/stocks incidentally killed or injured in the Category III AK Gulf of Alaska groundfish jig fishery based on no recently observed mortalities or injuries. The list of species/stocks incidentally killed or injured in this fishery is updated to state none documented in the most recent 5 years of data.

NMFS proposes to remove five stocks from the list of species/stocks incidentally killed or injured in the Category I HI deep-set longline fishery: (1) Pelagic stock of bottlenose dolphin, (2) Hawaii stock of *Kogia spp.,* (3) Hawaii stock of pygmy killer whale, (4) Hawaii stock of Risso's dolphin and (5) Hawaii stock of striped dolphin. There have been no recently reported or observed mortalities or injuries of these five stocks within the EEZ in the HI deep-set longline fishery (Carretta *et al.,* 2021).

NMFS proposes to remove six stocks from the list of species/stocks incidentally killed or injured in the Category II HI shallow-set longline fishery: (1) Hawaii stock of Blainville's beaked whale, (2) Hawaii pelagic stock of bottlenose dolphin, (3) Central North Pacific stock of humpback whale, (4) Hawaii stock of Risso's dolphin, (5) Hawaii stock of rough-toothed dolphin and (6) Hawaii stock of striped dolphin. From 2014–2018, there have been no reported or observed M/SI of these six stocks within the EEZ in the HI shallow-set longline fishery (Carretta *et al.,* 2021).

NMFS proposes to revise marine mammal stock names on the list of species/stocks incidentally killed or injured for consistency with the current stock names in the SARs as follows:

Category II AK Cook Inlet Salmon Set Gillnet Fishery

- Harbor seal, GOA to harbor seal, Cook Inlet/Shelikof Strait;

Category II AK Bering Sea, Aleutian Islands Flatfish Trawl Fishery

- Bearded seal, AK to bearded seal, Beringia;
- Harbor seal, Bering Sea to harbor seal, Bristol Bay;
- Killer whale, AK resident to killer whale, Eastern North Pacific Alaska resident;
- Killer whale, GOA, AI, BS transient to killer whale, Eastern North Pacific GOA, AI, BS transient;
- Ringed seal, AK to ringed seal, Arctic;
- Ribbon seal, AK to ribbon seal;
- Spotted seal, AK to spotted seal, Bering;

Category II AK Bering Sea, Aleutian Islands Pollock Trawl Fishery

- Harbor seal, AK to harbor seal, Bristol Bay;
- Ribbon seal, AK to ribbon seal;

Category II AK Prince William Sound Salmon Set Gillnet Fishery

- Harbor seal, GOA to harbor seal, Prince William Sound;

Category III AK Bering Sea, Aleutian Islands Rockfish Trawl Fishery

- Ribbon seal, AK to ribbon seal; and

Category III AK Bering Sea, Aleutian Islands Pacific Cod Trawl Fishery

- Ribbon seal, AK to ribbon seal.

Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean

Fishery Name and Organizational Changes and Clarification

NMFS proposes to add a new fishery, MA mixed species trap/pot fishery, as a Category II fishery that encompasses all trap/pot fishing that occurs in state waters of Massachusetts. We propose to remove Massachusetts state waters trap/pot fisheries from the broader Category I Northeast/Mid-Atlantic American lobster trap/pot and Category II Atlantic mixed species trap/pot fisheries. This new Category II fishery includes, but is not limited to, trap/pot fisheries targeting American lobster, black sea bass, whelk, tautog, jonah crab, and rock crab in Massachusetts state waters. This list is not considered comprehensive and other species targeted or caught using trap/pot fixed gear within this geographical boundary, current and future, will also be considered a part of the MA mixed species trap/pot fishery. Based on permit holder information collected through the MMAP in 2019, there are an estimated 1,240 state permit holders utilizing trap/pot gear.

On January 28, 2021, the Massachusetts Marine Fisheries Advisory Commission approved several new regulatory measures affecting protected species and fixed gear fishing in Massachusetts. The suite of regulations include gear modifications and changes to seasonal closures that differentiate the Massachusetts trap/pot fishery from the Northeast/Mid-Atlantic American lobster trap/pot and Atlantic mixed species trap/pot fisheries. The Massachusetts Department of Marine Fisheries has begun implementing these regulations, which are further described below, and all measures will be in place for the 2022 fishing season. Based on these new regulations, the Massachusetts Department of Marine Fisheries commented on the 2021 LOF

and asked NMFS to consider separating out the trap/pot fixed gear fishery operating in Massachusetts state waters from the Northeast/Mid-Atlantic American lobster trap/pot and Atlantic mixed species trap/pot fisheries. NMFS agreed to reevaluate the fishery in the 2022 LOF. We have determined that these gear modifications and time/area restrictions sufficiently differentiate the risk posed by the MA mixed species trap/pot fishery from the surrounding trap/pot fisheries, warranting a separate fishery on the LOF.

This determination is based on, among other considerations discussed below, several characteristics of the MA mixed species trap/pot fishery as modified by these new state regulations: (1) By the 2022 fishing season, all commercial trap fishermen in Massachusetts state waters will be required to fish buoy lines that break when exposed to 1,700 pounds (771 kg) of tension; (2) all commercial trap fishermen will be required to fish buoy lines with a maximum diameter of ⅜ inch (9.5 mm); and (3) state-specific gear marks will be required to be no more than 60 feet (18 m) apart on all vertical lines, distinguishing the gear from other states that will use different colors and fewer marks. Massachusetts is the only state to require these gear modifications by regulation, creating a consistent standard across the state's waters for all commercial trap/pot fishermen.

The LOF considers the risk that a fishery poses to marine mammal stocks. Along with required gear modifications, Massachusetts is implementing extensive seasonal time/area closures that expand current restricted areas in time and space to significantly reduce co-occurrence of the fishery and North Atlantic right whales. Specifically, a seasonal commercial trap/pot gear closure will occur from February 1–May 15 in Cape Cod Bay, Stellwagen Bank, and Outer Cape Cod Lobster Management Area, and north to the New Hampshire border. During the May 1–May 15 period, the closure will occur on a dynamic basis allowing the state to lift the closure (or parts thereof) if whales no longer remain in state waters. If right whales are not detected in the area during May 1–May 15, the closure area will re-open. This management option is only possible due to the extensive monitoring of North Atlantic right whale populations through state and Federal aerial survey efforts over Massachusetts' waters. Monitoring information is further enhanced by sighting and entanglement reporting from commercial and recreational vessels that consistently use these waters.

The overall changes to the fishery are expected to significantly reduce the risk of entanglement of North Atlantic right whales and other large whales in Massachusetts state waters and distinguish the Massachusetts state waters trap/pot fishery from other trap/pot fisheries in the area.

To separate a Category I fishery into a new fishery due to new regulatory measures, NMFS will require at a minimum that the new fishery significantly reduce the risk of entanglement of the stock driving the Category I classification, and that the new fishery requires gear marks to distinguish the fishery from its former fishery on the LOF. Massachusetts fulfills these threshold requirements. In addition, the new fishery's classification and status as a separate fishery will be reevaluated annually.

NMFS is therefore proposing to classify the new MA mixed species trap/pot fishery based on the regulatory definition (50 CFR 229.2) of a Category II fishery. As described above, this is a newly identified fishery and, as a new fishery, there is an absence of incidental mortality and serious injury of marine mammal information in this fishery as currently prosecuted. Based on this absence of incidental mortality and serious injury information, no marine mammal species/stocks will be included on the list of species/stocks incidentally killed or injured in Table 2 for this new fishery. Species/stocks will be added to the list if mortalities or injuries are documented in the fishery. With the information from the extensive monitoring programs in Massachusetts state waters, NMFS will annually evaluate the classification of this newly identified fishery for the LOF.

This proposed Category II classification for the MA mixed species trap/pot fishery does not change the measures that the fishery is currently subjected to through the Atlantic Large Whale Take Reduction Plan (ALWTRP). NMFS proposes to add the fishery to the list of affected fisheries for the ALWTRP in Table 4.

List of Species and/or Stocks Incidentally Killed or Injured in the Atlantic Ocean, Gulf of Mexico, and Caribbean

NMFS proposes to add the Northern migratory coastal stock of bottlenose dolphin to the list of species/stocks incidentally killed or injured in the Category I Northeast sink gillnet fishery. In 2017, there were four self-reported mortalities in this fishery. These mortalities included one case from August 2017 of two dolphins entangled in the same gillnet, and a separate case from November 2017 of two dolphins entangled in the same gillnet (Hayes *et al.,* 2021).

NMFS proposes to add both the Pensacola Bay, East Bay stock and Perdido Bay stocks of bottlenose dolphin to the list of species/stocks incidentally killed or injured in the Category II Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl fishery. In 2016, there were two dolphin mortalities with documented shrimp trawl entanglements, one in Pensacola Bay and one in Perdido Bay. One stranded, dead dolphin was documented with shrimp trawl mesh attached and showing evidence of net marks and constriction. Another stranded, dead dolphin was documented with shrimp trawl headrope attached as well as small pieces of webbing. The gear was analyzed and verified by NOAA NMFS Harvesting Systems Branch Gear Analysis Lab in Pascagoula, MS (NOAA National Marine Mammal Health and Stranding Response Database unpublished data, Hayes *et al.,* 2019).

Commercial Fisheries on the High Seas

Fishery Name and Organizational Changes and Clarification

NMFS proposes to rename the Category II South Pacific tuna purse seine fishery to the Western and Central Pacific Ocean tuna purse seine fishery. This proposed change aligns the name with the current statutory authority under which the fishery is managed, the Western and Central Pacific Fisheries Convention Implementation Act, and the gear used in the fishery.

NMFS proposes to clarify the fishery description for the renamed Category II Western and Central Pacific Ocean tuna purse seine fishery. NMFS clarifies that the only gear type used in this fishery is purse seine. The fishery description previously included longline gear, however, South Pacific tuna longline fishery is included under the Western Pacific Pelagic deep-set and shallow-set longline fisheries. Based on this proposed clarification, NMFS also proposes to remove the Category II South Pacific tuna longline fishery from the LOF.

Number of Vessels/Persons

NMFS proposes updates to the estimated number of HSFCA permits for high seas fisheries (Table 3) as follows:

Category I

- Atlantic highly migratory species longline fishery from 45 to 39 HSFCA permits;

Category II

- Western and Central Pacific Ocean tuna purse seine fishery from 26 to 20 HSFCA permits;
- Pacific highly migratory species handline/pole and line fishery from 43 to 44 HSFCA permits;
- South Pacific albacore troll handline/pole and line fishery from 10 to 9 HSFCA permits;
- South Pacific albacore troll fishery from 18 to 20 HSFCA permits; South Pacific tuna troll fishery from 1 to 0 HSFCA permits;
- Western Pacific pelagic troll fishery from 4 to 6 HSFCA permits;

Category III

- Pacific highly migratory species longline fishery from 105 to 111 HSFCA permits; and
- Pacific highly migratory species troll fishery from 111 to 107 HSFCA permits.

List of Species and/or Stocks Incidentally Killed or Injured on the High Seas

NMFS proposes to add the following 18 stocks to the list of species/stocks incidentally killed or injured in the Category II Western and Central Pacific Ocean tuna purse seine fishery based on observed and fishermen self-reported mortalities and injuries from 2014 through 2020: (1) Hawaii pelagic stock of bottlenose dolphin, (2) unknown stock of blue whale, (3) Hawaii stock of Bryde's whale, (4) Hawaii pelagic stock of false killer whale, (5) Hawaii stock of fin whale, (6) unknown stock of humpback whale, (7) Indo-Pacific bottlenose dolphin, (8) California stock of long-beaked common dolphin, (9) unknown stock of melon-headed whale, (10) Hawaii stock of minke whale, (11) unknown stock of pantropical spotted dolphin, (12) Hawaii stock of pygmy killer whale, (13) unknown stock of Risso's dolphin, (14) unknown stock of rough-toothed dolphin, (15) Hawaii stock of sei whale, (16) unknown stock of short-finned pilot whale, (17) Hawaii stock of sperm whale, and (18) unknown stock of spinner dolphin.

NMFS proposes to add Ginkgo-toothed beaked whale to the list of species/stocks incidentally killed or injured in the Category II Western Pacific Pelagic longline fishery (HI shallow-set component). An observed entanglement that occurred in 2014 was originally added as an unknown stock of Mesoplodon species to the list of species/stocks incidentally killed or injured. This observed entanglement was later updated to be a Ginkgo-toothed beaked whale.

NMFS proposes to remove the Central North Pacific stock of humpback whale and Hawaii stock of pygmy killer whale from the list of species/stocks incidentally killed or injured in the Category I Western Pacific Pelagic longline fishery (HI deep-set component). From 2014–2018, there were no observed mortalities or injuries of these two stocks in the HI deep-set component of the Western Pacific Pelagic longline fishery (Carretta *et al.,* 2021, Muto *et al.,* 2021).

NMFS proposes to remove three stocks from the list of species/stocks incidentally killed or injured in the Category II Western Pacific Pelagic longline fishery (HI shallow-set component). The three stocks are: (1) Hawaii stock of Blainville's beaked whale, (2) unknown stock of Mesoplodon species, and (3) Hawaii stock of rough-toothed dolphin. From 2014–2018, there were no observed moralities or injuries of these stocks in the HI shallow-set component of the Western Pacific Pelagic longline fishery (Carretta *et al.,* 2021).

List of Fisheries

The following tables set forth the list of U.S. commercial fisheries according to their classification under section 118 of the MMPA. Table 1 lists commercial fisheries in the Pacific Ocean (including Alaska), Table 2 lists commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean, Table 3 lists commercial fisheries on the high seas, and Table 4 lists fisheries affected by TRPs or TRTs.

In Tables 1 and 2, the estimated number of vessels or persons participating in fisheries operating within U.S. waters is expressed in terms of the number of active participants in the fishery, when possible. If this information is not available, the estimated number of vessels or persons licensed for a particular fishery is provided. If no recent information is available on the number of participants, vessels, or persons licensed in a fishery, then the number from the most recent LOF is used for the estimated number of vessels or persons in the fishery. NMFS acknowledges that, in some cases, these estimates may be inflations of actual effort. For example, the State of Hawaii does not issue fishery-specific licenses, and the number of participants reported in the LOF represents the number of commercial marine license holders who reported using a particular fishing gear type/method at least once in a given year, without considering how many times the gear was used. For these fisheries, effort by a single participant is counted the same whether the fisherman used the gear only once or every day. In the Mid-Atlantic and New England fisheries, the numbers represent the potential effort for each fishery, given the multiple gear types for which several state permits may allow. Changes made to Mid-Atlantic and New England fishery participants will not affect observer coverage or bycatch estimates, as observer coverage and bycatch estimates are based on vessel trip reports and landings data. Tables 1 and 2 serve to provide a description of the fishery's potential effort (state and Federal). If NMFS is able to extract more accurate information on the gear types used by state permit holders in the future, the numbers will be updated to reflect this change. For additional information on fishing effort in fisheries found on Table 1 or 2, contact the relevant regional office (contact information included above in Where can I find more information about the LOF and the MMAP? section).

For high seas fisheries, Table 3 lists the number of valid HSFCA permits currently held. Although this likely overestimates the number of active participants in many of these fisheries, the number of valid HSFCA permits is the most reliable data on the potential effort in high seas fisheries at this time. As noted previously in this LOF, the number of HSFCA permits listed in Table 3 for the high seas components of fisheries that also operate within U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

Tables 1, 2, and 3 also list the marine mammal species and/or stocks incidentally killed or injured (seriously or non-seriously) in each fishery based on SARs, injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fishermen self-reports (*i.e.,* MMAP reports), and anecdotal reports. The best available scientific information included in these reports is based on data through 2018. This list includes all species and/or stocks known to be killed or injured in a given fishery, but also includes species and/or stocks for which there are anecdotal records of a mortality or injury. Additionally, species identified by logbook entries, stranding data, or fishermen self-reports (*i.e.,* MMAP reports) may not be verified. In Tables 1 and 2, NMFS has designated those species/stocks driving a fishery's classification (*i.e.,* the fishery

is classified based on mortalities and serious injuries of a marine mammal stock that are greater than or equal to 50 percent (Category I), or greater than 1 percent and less than 50 percent (Category II), of a stock's PBR) by a ''1'' after the stock's name.

In Tables 1 and 2, there are several fisheries classified as Category II that have no recent documented mortalities or serious injuries of marine mammals, or fisheries that did not result in a mortality or serious injury rate greater than 1 percent of a stock's PBR level based on known interactions. NMFS has classified these fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, as discussed in the final LOF for 1996 (60 FR 67063; December 28, 1995), and according to factors listed in the definition of a ''Category II fishery'' in 50 CFR 229.2 (*i.e.,* fishing techniques, gear types, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fishermen reports, stranding data, and the species and distribution of marine mammals in the area). NMFS has designated those fisheries listed by analogy in Tables 1 and 2 by adding a ''2'' after the fishery's name.

There are several fisheries in Tables 1, 2, and 3 in which a portion of the fishing vessels cross the EEZ boundary and therefore operate both within U.S. waters and on the high seas. These fisheries, though listed separately on Table 1 or 2 and Table 3, are considered the same fisheries on either side of the EEZ boundary. NMFS has designated those fisheries in each table with an asterisk (*) after the fishery's name.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CATEGORY I		
Longline/Set Line Fisheries:		
HI deep-set longline * ^	143	False killer whale, HI Pelagic.[1] False killer whale, MHI Insular. False killer whale, NWHI. Humpback whale. Central North Pacific. Rough-toothed dolphin, HI. Short-finned pilot whale, HI.
CATEGORY II		
Gillnet Fisheries:		
CA thresher shark/swordfish drift gillnet (≥14 in mesh) *	21	Bottlenose dolphin, CA/OR/WA offshore. California sea lion, U.S. Dall's porpoise, CA/OR/WA. Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA. Long-beaked common dolphin, CA. Minke whale, CA/OR/WA.[1] Northern elephant seal, CA breeding. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA. Short-finned pilot whale, CA/OR/WA.[1] Sperm Whale, CA/OR/WA.[1]
CA halibut/white seabass and other species set gillnet (>3.5 in mesh).	39	California sea lion, U.S. Gray whale, Eastern North Pacific. Harbor seal, CA. Humpback whale, CA/OR/WA.[1] Long-beaked common dolphin, CA. Northern elephant seal, CA breeding. Sea otter, CA. Short-beaked common dolphin, CA/OR/WA.
CA yellowtail, barracuda, and white seabass drift gillnet (mesh size ≥3.5 in and <14 in) [2].	20	California sea lion, U.S. Long-beaked common dolphin, CA. Short-beaked common dolphin, CA/OR/WA.
AK Bristol Bay salmon drift gillnet [2]	1,862	Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bering Sea. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific. Spotted seal, AK. Steller sea lion, Western U.S.
AK Bristol Bay salmon set gillnet [2]	979	Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bering Sea. Northern fur seal, Eastern Pacific. Spotted seal, AK.
AK Kodiak salmon set gillnet	188	Harbor porpoise, GOA.[1] Harbor seal, GOA.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
		Humpback whale, Central North Pacific. Humpback whale, Western North Pacific. Sea otter, Southwest AK. Steller sea lion, Western U.S.
AK Cook Inlet salmon set gillnet	736	Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, Cook Inlet/Shelikof Strait. Humpback whale, Central North Pacific.[1] Sea otter, South central AK. Steller sea lion, Western U.S.
AK Cook Inlet salmon drift gillnet	569	Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA.[1] Harbor seal, GOA. Steller sea lion, Western U.S.
AK Peninsula/Aleutian Islands salmon drift gillnet[2]	162	Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, GOA. Northern fur seal, Eastern Pacific.
AK Peninsula/Aleutian Islands salmon set gillnet[2]	113	Harbor porpoise, Bering Sea. Northern sea otter, Southwest AK. Steller sea lion, Western U.S.
AK Prince William Sound salmon drift gillnet	537	Dall's porpoise, AK. Gray whale, Eastern North Pacific. Harbor porpoise, GOA.[1] Harbor seal, Prince William Sound. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific. Sea otter, South central AK. Steller sea lion, Western U.S.[1]
AK Southeast salmon drift gillnet	474	Dall's porpoise, AK. Harbor porpoise, Southeast AK. Harbor seal, Southeast AK. Humpback whale, Central North Pacific.[1] Pacific white-sided dolphin, North Pacific. Steller sea lion, Eastern U.S.
AK Yakutat salmon set gillnet[2]	168	Gray whale, Eastern North Pacific. Harbor Porpoise, Southeastern AK. Harbor seal, Southeast AK. Humpback whale, Central North Pacific (Southeast AK).
WA Puget Sound Region salmon drift gillnet (includes all inland waters south of US-Canada border and eastward of the Bonilla-Tatoosh line-Treaty Indian fishing is excluded).	136	Dall's porpoise, CA/OR/WA. Harbor porpoise, inland WA.[1] Harbor seal, WA inland.
Trawl Fisheries:		
AK Bering Sea, Aleutian Islands flatfish trawl	32	Bearded seal, Beringia. Gray whale, Eastern North Pacific. Harbor porpoise, Bering Sea. Harbor seal, Bristol Bay. Humpback whale, Western North Pacific.[1] Killer whale, Eastern North Pacific Alaska resident.[1] Killer whale, Eastern North Pacific GOA, AI, BS transient.[1] Northern fur seal, Eastern Pacific. Ringed seal, Arctic. Ribbon seal. Spotted seal, Bering. Steller sea lion, Western U.S.[1] Walrus, AK.
AK Bering Sea, Aleutian Islands pollock trawl	102	Harbor seal, Bristol Bay. Humpback whale, Central North Pacific. Humpback whale, Western North Pacific. Ribbon seal. Ringed seal, Arctic. Steller sea lion, Western U.S.[1]
Pot, Ring Net, and Trap Fisheries:		

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Bering Sea, Aleutian Islands Pacific cod pot	59	Harbor seal, Bristol Bay. Humpback whale, Central North Pacific. Humpback whale, Western North Pacific.
CA coonstripe shrimp pot	9	Gray whale, Eastern North Pacific. Harbor seal, CA. Humpback whale, CA/OR/WA.[1]
CA spiny lobster	189	Bottlenose dolphin, CA/OR/WA offshore. California sea lion, U.S. Humpback whale, CA/OR/WA.[1] Gray whale, Eastern North Pacific. Southern sea otter.
CA spot prawn pot	22	Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA.[1] Long-beaked common dolphin, CA.
CA Dungeness crab pot	471	Blue whale, Eastern North Pacific.[1] Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA.[1] Killer whale, Eastern North Pacific GOA, BSAI transient. Killer whale, West Coast transient.
OR Dungeness crab pot	323	Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA.[1]
WA/OR/CA sablefish pot	144	Humpback whale, CA/OR/WA.[1]
WA coastal Dungeness crab pot	204	Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA.[1]
Longline/Set Line Fisheries:		
AK Gulf of Alaska sablefish longline	295	Northern elephant seal, California. Sperm whale, North Pacific. Steller sea lion, Eastern U.S.
HI shallow-set longline *^	11	False killer whale, HI Pelagic.[1]
American Samoa longline[2]	13	False killer whale, American Samoa. Rough-toothed dolphin, American Samoa. Short-finned pilot whale, unknown. Striped dolphin, unknown.
HI shortline[2]	5	None documented.
CATEGORY III		
Gillnet Fisheries:		
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet.	1,778	Harbor porpoise, Bering Sea.
AK Prince William Sound salmon set gillnet	29	Harbor seal, GOA. Humpback whale, Central North Pacific. Sea otter, South central AK. Steller sea lion, Western U.S.
AK roe herring and food/bait herring gillnet	920	None documented.
CA set gillnet (mesh size <3.5 in)	11	None documented.
HI inshore gillnet	29	Bottlenose dolphin, HI. Spinner dolphin, HI.
WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing).	19	Harbor seal, OR/WA coast.
WA/OR Mainstem Columbia River eulachon gillnet	10	None documented.
WA/OR lower Columbia River (includes tributaries) drift gillnet.	244	California sea lion, U.S. Harbor seal, OR/WA coast.
WA Willapa Bay drift gillnet	57	Harbor seal, OR/WA coast. Northern elephant seal, CA breeding.
Miscellaneous Net Fisheries:		
AK Cook Inlet salmon purse seine	83	Humpback whale, Central North Pacific.
AK Kodiak salmon purse seine	376	Dall's porpoise, AK. Harbor seal, North Kodiak. Humpback whale, Central North Pacific. Humpback whale, Western North Pacific. Steller sea lion, Western U.S.
AK Southeast salmon purse seine	315	Humpback whale, Central North Pacific.
AK roe herring and food/bait herring beach seine	10	None documented.
AK roe herring and food/bait herring purse seine	356	None documented.
AK salmon beach seine	31	None documented.
AK salmon purse seine (Prince William Sound, Chignik, Alaska Peninsula).	936	Harbor seal, GOA. Harbor seal, Prince William Sound.
WA/OR sardine purse seine	6	None documented.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CA anchovy, mackerel, sardine purse seine	53	California sea lion, U.S. Harbor seal, CA.
CA squid purse seine	68	California sea lion, U.S. Long-beaked common dolphin, CA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA.
CA tuna purse seine *	14	None documented.
WA/OR Lower Columbia River salmon seine	1	None documented.
WA/OR herring, anchovy, smelt, squid purse seine or lampara.	41	None documented.
WA salmon seine	81	None documented.
WA salmon reef net	11	None documented.
HI lift net	15	None documented.
HI inshore purse seine	None recorded	None documented.
HI throw net, cast net	15	None documented.
HI seine net	17	None documented.
Dip Net Fisheries:		
CA squid dip net	19	None documented.
Marine Aquaculture Fisheries:		
CA marine shellfish aquaculture	unknown	None documented.
CA salmon enhancement rearing pen	>1	None documented.
CA white seabass enhancement net pens	13	California sea lion, U.S.
HI offshore pen culture	1	None documented.
WA salmon net pens	14	California sea lion, U.S. Harbor seal, WA inland waters.
WA/OR shellfish aquaculture	23	None documented.
Troll Fisheries:		
WA/OR/CA albacore surface hook and line/troll	556	None documented.
CA halibut, white seabass, and yellowtail hook and line/ handline.	388	None documented.
CA/OR/WA non-albacore HMS hook and line	124	None documented.
AK Bering Sea, Aleutian Islands groundfish hand troll and dinglebar troll.	unknown	None documented.
AK Gulf of Alaska groundfish hand troll and dinglebar troll	unknown	None documented.
AK salmon troll	1,908	Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
American Samoa tuna troll	13	None documented.
CA/OR/WA salmon troll	1,030	None documented.
HI troll	1,380	Pantropical spotted dolphin, HI.
HI rod and reel	237	None documented.
Commonwealth of the Northern Mariana Islands tuna troll	40	None documented.
Guam tuna troll	398	None documented.
Longline/Set Line Fisheries:		
AK Bering Sea, Aleutian Islands Greenland turbot longline	4	Killer whale, GOA, AI, BS transient.
AK Bering Sea, Aleutian Islands Pacific cod longline	45	Northern fur seal, Eastern Pacific. Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands sablefish longline	22	None documented.
AK Bering Sea, Aleutian Islands halibut longline	127	Northern fur seal, Eastern Pacific. Sperm whale, North Pacific.
AK Gulf of Alaska halibut longline	855	Harbor seal, Clarence Strait. Harbor seal, Cook Inlet. Steller sea lion, Eastern U.S.
AK Gulf of Alaska Pacific cod longline	92	Harbor seal, Cook Inlet/Shelikof Strait. Steller sea lion, Western U.S.
AK octopus/squid longline	3	None documented.
AK state-managed waters longline/setline (including sablefish, rockfish, lingcod, and miscellaneous finfish).	464	None documented.
WA/OR/CA groundfish, bottomfish longline/set line	314	Bottlenose dolphin, CA/OR/WA offshore. California sea lion, U.S. Northern elephant seal, California breeding. Sperm whale, CA/OR/WA. Steller sea lion, Eastern U.S.
WA/OR/CA Pacific halibut longline	130	None documented.
CA pelagic longline	4	None documented in the most recent 5 years of data.
HI kaka line	5	None documented.
HI vertical line	None recorded	None documented.
Trawl Fisheries:		

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Bering Sea, Aleutian Islands Atka mackerel trawl	13	Harbor seal, Aleutian Islands. Northern elephant seal, California. Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands Pacific cod trawl	72	Bearded seal, AK. Ribbon seal. Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands rockfish trawl	17	Harbor seal, Aleutian Islands. Ribbon seal.
AK Gulf of Alaska flatfish trawl	36	Harbor seal, Cook Inlet/Shelikof Strait. Harbor seal, North Kodiak. Harbor seal, South Kodiak. Steller sea lion, Western U.S.
AK Gulf of Alaska Pacific cod trawl	55	Steller sea lion, Western U.S.
AK Gulf of Alaska pollock trawl	67	Steller sea lion, Western U.S.
AK Gulf of Alaska rockfish trawl	43	Steller sea lion, Western U.S.
AK Kodiak food/bait herring otter trawl	4	None documented.
AK shrimp otter trawl and beam trawl	38	None documented.
AK state-managed waters of Prince William Sound groundfish trawl.	2	None documented.
CA halibut bottom trawl	23	California sea lion, U.S. Harbor porpoise, unknown. Harbor seal, unknown. Northern elephant seal, CA breeding. Steller sea lion, unknown.
CA sea cucumber trawl	11	None documented.
WA/OR/CA shrimp trawl	130	California sea lion, U.S.
WA/OR/CA groundfish trawl	118	California sea lion, U.S. Dall's porpoise, CA/OR/WA. Harbor seal, OR/WA coast. Northern elephant seal, CA breeding. Northern fur seal, Eastern Pacific. Northern right whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Steller sea lion, Eastern U.S.
Pot, Ring Net, and Trap Fisheries:		
AK Bering Sea, Aleutian Islands sablefish pot	6	Sperm whale, North Pacific.
AK Bering Sea, Aleutian Islands crab pot	540	Bowhead whale, Western Arctic. Gray whale, Eastern North Pacific.
AK Gulf of Alaska crab pot	271	None documented.
AK Gulf of Alaska Pacific cod pot	116	None documented in most recent 5 years of data.
AK Gulf of Alaska sablefish pot	248	None documented.
AK Southeast Alaska crab pot	375	Humpback whale, Central North Pacific (Southeast AK).
AK Southeast Alaska shrimp pot	99	Humpback whale, Central North Pacific (Southeast AK).
AK shrimp pot, except Southeast	141	None documented.
AK octopus/squid pot	15	None documented.
CA rock crab pot	113	Gray whale, Eastern North Pacific. Harbor seal, CA.
CA other crab/shellfish pot fishery	40	None documented.
WA/OR/CA hagfish pot	63	None documented.
WA/OR/CA other groundfish pot fishery	68	None documented.
WA/OR shrimp pot/trap	28	None documented.
WA Puget Sound Dungeness crab pot/trap	145	None documented.
HI crab trap	4	Humpback whale, Central North Pacific.
HI fish trap	4	None documented.
HI lobster trap	None recorded	None documented in recent years.
HI shrimp trap	3	None documented.
HI crab net	None recorded	None documented.
HI Kona crab loop net	20	None documented.
Hook and Line, Handline, and Jig Fisheries:		
AK Bering Sea, Aleutian Islands groundfish jig	2	None documented.
AK Gulf of Alaska groundfish jig	214	None documented in most recent 5 years of data.
AK halibut jig	71	None documented.
American Samoa bottomfish	9	None documented.
Commonwealth of the Northern Mariana Islands bottomfish.	11	None documented.
Guam bottomfish	67	None documented.
HI aku boat, pole, and line	None recorded	None documented.
HI bottomfish handline	385	None documented in recent years.
HI inshore handline	206	None documented.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
HI pelagic handline	300	None documented.
WA/OR/CA groundfish/finfish hook and line	689	California sea lion, U.S.
Western Pacific squid jig	0	None documented.
Harpoon Fisheries:		
CA swordfish harpoon	21	None documented.
Pound Net/Weir Fisheries:		
AK herring spawn on kelp pound net	291	None documented.
AK Southeast herring roe/food/bait pound net	2	None documented.
HI bullpen trap	None recorded	None documented.
Bait Pens:		
WA/OR/CA bait pens	13	California sea lion, U.S.
Dredge Fisheries:		
AK scallop dredge	108 (5 AK)	None documented.
Dive, Hand/Mechanical Collection Fisheries:		
AK clam	130	None documented.
AK Dungeness crab	2	None documented.
AK herring spawn on kelp	266	None documented.
AK miscellaneous invertebrates handpick	214	None documented.
CA/OR/WA dive collection	186	None documented.
CA/WA kelp, seaweed and algae	4	None documented.
HI black coral diving	None recorded	None documented.
HI fish pond	None recorded	None documented.
HI handpick	25	None documented.
HI lobster diving	12	None documented.
HI spearfishing	82	None documented.
WA/OR/CA hand/mechanical collection	320	None documented.
Commercial Passenger Fishing Vessel (Charter Boat) Fisheries:		
AK/WA/OR/CA commercial passenger fishing vessel	>7,000 (1,006 AK).	Humpback whale, Central North Pacific. Humpback whale, Western North Pacific. Killer whale, unknown. Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
Live Finfish/Shellfish Fisheries:		
HI aquarium collecting	34	None documented.

List of Abbreviations and Symbols Used in Table 1:
AI—Aleutian Islands; AK—Alaska; BS—Bering Sea; CA—California; ENP—Eastern North Pacific; GOA—Gulf of Alaska; HI—Hawaii; MHI—Main Hawaiian Islands; OR—Oregon; WA—Washington;
[1] Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR;
[2] Fishery classified by analogy;
* Fishery has an associated high seas component listed in Table 3; and
^ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of species and/or stocks killed or injured in high seas component of the fishery, minus species and/or stocks that have geographic ranges exclusively on the high seas. The species and/or stocks are found, and the fishery remains the same, on both sides of the EEZ boundary. Therefore, the EEZ components of these fisheries pose the same risk to marine mammals as the components operating on the high seas.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CATEGORY I		
Gillnet Fisheries:		
Mid-Atlantic gillnet	4,020	Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Southern Migratory coastal.[1] Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern NC estuarine system.[1] Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Gray seal, WNA. Harbor porpoise, GME/BF. Harbor seal, WNA. Hooded seal, WNA. Humpback whale, Gulf of Maine. Minke whale, Canadian east coast.
Northeast sink gillnet	4,072	Bottlenose dolphin, Northern Migratory coastal.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
		Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Fin whale, WNA. Gray seal, WNA.[1] Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Humpback whale, Gulf of Maine. Minke whale, Canadian east coast. North Atlantic right whale, WNA. Risso's dolphin, WNA. White-sided dolphin, WNA.
Trap/Pot Fisheries:		
Northeast/Mid-Atlantic American lobster trap/pot	8,485	Humpback whale, Gulf of Maine. Minke whale, Canadian east coast. North Atlantic right whale, WNA.[1]
Longline Fisheries:		
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline *.	201	Atlantic spotted dolphin, Northern GMX. Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. False killer whale, WNA. Harbor porpoise, GME, BF. Kogia *spp.* (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA. Mesoplodon beaked whale, WNA. Minke whale, Canadian East coast. Pantropical spotted dolphin, Northern GMX. Pygmy sperm whale, GMX. Risso's dolphin, Northern GMX. Risso's dolphin, WNA. Rough-toothed dolphin, Northern GMX. Short-finned pilot whale, Northern GMX. Short-finned pilot whale, WNA.[1] Sperm whale, Northern GMX.
CATEGORY II		
Gillnet Fisheries:		
Chesapeake Bay inshore gillnet [2]	265	Bottlenose dolphin, unknown (Northern migratory coastal or Southern migratory coastal).
Gulf of Mexico gillnet [2]	248	Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, GMX bay, sound, and estuarine. Bottlenose dolphin, Mobile Bay, Bonsecour Bay. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Western GMX coastal.
NC inshore gillnet	2,676	Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern NC estuarine system.[1]
Northeast anchored float gillnet [2]	852	Harbor seal, WNA. Humpback whale, Gulf of Maine. White-sided dolphin, WNA.
Northeast drift gillnet [2]	1,036	None documented.
Southeast Atlantic gillnet [2]	273	Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Northern FL coastal. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Southern migratory coastal.
Southeastern U.S. Atlantic shark gillnet	21	Bottlenose dolphin, unknown (Central FL, Northern FL, SC/GA coastal, or Southern migratory coastal). North Atlantic right whale, WNA.
Trawl Fisheries:		
Mid-Atlantic mid-water trawl (including pair trawl)	320	Bottlenose dolphin, WNA offshore. Harbor seal, WNA.
Mid-Atlantic bottom trawl	633	Bottlenose dolphin, WNA offshore.[1] Common dolphin, WNA.[1] Gray seal, WNA.[1] Harbor seal, WNA. Risso's dolphin, WNA.[1]

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
		White-sided dolphin, WNA.
Northeast mid-water trawl (including pair trawl)	542	Common dolphin, WNA. Gray seal, WNA. Harbor seal, WNA. Long-finned pilot whale, WNA.[1]
Northeast bottom trawl	968	Bottlenose dolphin, WNA offshore.[1] Common dolphin, WNA. Gray seal, WNA.[1] Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Long-finned pilot whale, WNA.[1] Risso's dolphin, WNA.[1] White-sided dolphin, WNA.[1]
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	10,824	Atlantic spotted dolphin, Northern Gulf of Mexico. Bottlenose dolphin, Charleston estuarine system. Bottlenose dolphin, Eastern GMX coastal.[1] Bottlenose dolphin, GMX bay, sound, estuarine.[1] Bottlenose dolphin, GMX continental shelf. Bottlenose dolphin, Mississippi River Delta. Bottlenose dolphin, Mobile Bay, Bonsecour Bay. Bottlenose dolphin, Northern GMX coastal.[1] Bottlenose dolphin, Pensacola Bay, East Bay. Bottlenose dolphin, Perdido Bay. Bottlenose dolphin, SC/GA coastal.[1] Bottlenose dolphin, Southern migratory coastal. Bottlenose dolphin, Western GMX coastal.[1]
Trap/Pot Fisheries:		
MA mixed species trap/pot	1,240	None documented.
Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot[2].	1,101	Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine (FL west coast portion). Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Sarasota Bay, Little Sarasota Bay.
Atlantic mixed species trap/pot[2]	3,493	Fin whale, WNA. Humpback whale, Gulf of Maine.
Atlantic blue crab trap/pot	6,679	Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Central GA estuarine system.[1] Bottlenose dolphin, Charleston estuarine system.[1] Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Northern FL coastal.[1] Bottlenose dolphin, Northern GA/Southern SC estuarine system. Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Northern SC estuarine system. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Southern GA estuarine system. Bottlenose dolphin, Southern Migratory coastal.[1] Bottlenose dolphin, Southern NC estuarine system. West Indian manatee, FL.
Purse Seine Fisheries:		
Gulf of Mexico menhaden purse seine	40–42	Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Mississippi River Delta. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern GMX coastal.[1] Bottlenose dolphin, Western GMX coastal.[1]
Mid-Atlantic menhaden purse seine[2]	17	Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Southern Migratory coastal.
Haul/Beach Seine Fisheries:		

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Mid-Atlantic haul/beach seine	359	Bottlenose dolphin, Northern Migratory coastal.[1] Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern Migratory coastal.[1]
NC long haul seine	22	Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern NC estuarine system.
Stop Net Fisheries:		
NC roe mullet stop net	1	Bottlenose dolphin, Northern NC estuarine system. Bottlenose dolphin, unknown (Southern migratory coastal or Southern NC estuarine system).
Pound Net Fisheries:		
VA pound net	20	Bottlenose dolphin, Northern migratory coastal. Bottlenose dolphin, Northern NC estuarine system. Bottlenose dolphin, Southern Migratory coastal.[1]
CATEGORY III		
Gillnet Fisheries:		
Caribbean gillnet	127	None documented in the most recent 5 years of data.
DE River inshore gillnet	unknown	None documented in the most recent 5 years of data.
Long Island Sound inshore gillnet	unknown	None documented in the most recent 5 years of data.
RI, southern MA (to Monomoy Island), and NY Bight (Raritan and Lower NY Bays) inshore gillnet.	unknown	None documented in the most recent 5 years of data.
Southeast Atlantic inshore gillnet	unknown	Bottlenose dolphin, Northern SC estuarine system.
Trawl Fisheries:		
Atlantic shellfish bottom trawl	>58	None documented.
Gulf of Mexico butterfish trawl	2	Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, Northern GMX continental shelf.
Gulf of Mexico mixed species trawl	20	None documented.
GA cannonball jellyfish trawl	1	Bottlenose dolphin, SC/GA coastal.
Marine Aquaculture Fisheries:		
Finfish aquaculture	48	Harbor seal, WNA.
Shellfish aquaculture	unknown	None documented.
Purse Seine Fisheries:		
Gulf of Maine Atlantic herring purse seine	>7	Harbor seal, WNA.
Gulf of Maine menhaden purse seine	>2	None documented.
FL West Coast sardine purse seine	10	Bottlenose dolphin, Eastern GMX coastal.
U.S. Atlantic tuna purse seine *	5	None documented in most recent 5 years of data.
Longline/Hook and Line Fisheries:		
Northeast/Mid-Atlantic bottom longline/hook-and-line	>1,207	None documented.
Gulf of Maine, U.S. Mid-Atlantic tuna, shark, swordfish hook-and-line/harpoon.	2,846	Humpback whale, Gulf of Maine.
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean snapper-grouper and other reef fish bottom longline/ hook-and-line.	>5,000	Bottlenose dolphin, GMX continental shelf.
Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line.	39	Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, Northern GMX continental shelf.
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and-line/harpoon.	680	None documented.
U.S. Atlantic, Gulf of Mexico trotline	unknown	None documented.
Trap/Pot Fisheries:		
Caribbean mixed species trap/pot	154	Bottlenose dolphin, Puerto Rico and United States Virgin Islands.
Caribbean spiny lobster trap/pot	40	None documented.
FL spiny lobster trap/pot	1,268	Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay estuarine. Bottlenose dolphin, FL Keys.
Gulf of Mexico blue crab trap/pot	4,113	Bottlenose dolphin, Barataria Bay. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Mobile Bay, Bonsecour Bay. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Western GMX coastal. West Indian manatee, FL.
Gulf of Mexico mixed species trap/pot	unknown	None documented.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Southeastern U.S. Atlantic, Gulf of Mexico golden crab trap/pot.	10	None documented.
U.S. Mid-Atlantic eel trap/pot	unknown	None documented.
Stop Seine/Weir/Pound Net/Floating Trap/Fyke Net Fisheries:		
Gulf of Maine herring and Atlantic mackerel stop seine/ weir.	>1	Harbor porpoise, GME/BF. Harbor seal, WNA. Minke whale, Canadian east coast. Atlantic white-sided dolphin, WNA.
U.S. Mid-Atlantic crab stop seine/weir	2,600	None documented.
U.S. Mid-Atlantic mixed species stop seine/weir/pound net (except the NC roe mullet stop net).	unknown	Bottlenose dolphin, Northern NC estuarine system.
RI floating trap	9	None documented.
Northeast and Mid-Atlantic fyke net	unknown	None documented.
Dredge Fisheries:		
Gulf of Maine sea urchin dredge	unknown	None documented.
Gulf of Maine mussel dredge	unknown	None documented.
Gulf of Maine, U.S. Mid-Atlantic sea scallop dredge	>403	None documented.
Mid-Atlantic blue crab dredge	unknown	None documented.
Mid-Atlantic soft-shell clam dredge	unknown	None documented.
Mid-Atlantic whelk dredge	unknown	None documented.
U.S. Mid-Atlantic/Gulf of Mexico oyster dredge	7,000	None documented.
New England and Mid-Atlantic offshore surf clam/quahog dredge.	unknown	None documented.
Haul/Beach Seine Fisheries:		
Caribbean haul/beach seine	38	West Indian manatee, Puerto Rico.
Gulf of Mexico haul/beach seine	unknown	None documented.
Southeastern U.S. Atlantic haul/beach seine	25	None documented.
Dive, Hand/Mechanical Collection Fisheries:		
Atlantic Ocean, Gulf of Mexico, Caribbean shellfish dive, hand/mechanical collection.	20,000	None documented.
Gulf of Maine urchin dive, hand/mechanical collection	unknown	None documented.
Gulf of Mexico, Southeast Atlantic, Mid-Atlantic, and Caribbean cast net.	unknown	None documented.
Commercial Passenger Fishing Vessel (Charter Boat) Fisheries:		
Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel.	4,000	Bottlenose dolphin, Barataria Bay estuarine system. Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Choctawhatchee Bay. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern FL coastal. Bottlenose dolphin, Northern GA/Southern SC estuarine. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Northern migratory coastal. Bottlenose dolphin, Northern NC estuarine. Bottlenose dolphin, Southern migratory coastal. Bottlenose dolphin, Southern NC estuarine system. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Western GMX coastal. Short-finned pilot whale, WNA.

List of Abbreviations and Symbols Used in Table 2:

DE—Delaware; FL—Florida; GA—Georgia; GME/BF—Gulf of Maine/Bay of Fundy; GMX—Gulf of Mexico; MA—Massachusetts; NC—North Carolina; NY—New York; RI—Rhode Island; SC—South Carolina; VA—Virginia; WNA—Western North Atlantic;

[1] Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR;

[2] Fishery classified by analogy; and

* Fishery has an associated high seas component listed in Table 3.

TABLE 3—LIST OF FISHERIES—COMMERCIAL FISHERIES ON THE HIGH SEAS

Fishery description	Number of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
CATEGORY I		
Longline Fisheries:		
Atlantic Highly Migratory Species*	39	Atlantic spotted dolphin, WNA. Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. False killer whale, WNA. Killer whale, GMX oceanic. Kogia *spp.* whale (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA. Mesoplodon beaked whale, WNA. Minke whale, Canadian East coast. Pantropical spotted dolphin, WNA. Risso's dolphin, GMX. Risso's dolphin, WNA. Short-finned pilot whale, WNA.
Western Pacific Pelagic (HI Deep-set component)*^	143	Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Kogia *spp.* (Pygmy or dwarf sperm whale), HI. Risso's dolphin, HI. Short-finned pilot whale, HI. Striped dolphin, HI.
CATEGORY II		
Drift Gillnet Fisheries:		
Pacific Highly Migratory Species*^	5	Long-beaked common dolphin, CA. Humpback whale, CA/OR/WA. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA.
Trawl Fisheries:		
Atlantic Highly Migratory Species**	1	No information.
CCAMLR	0	Antarctic fur seal.
Purse Seine Fisheries:		
Western and Central Pacific Ocean Tuna Purse Seine	20	Bottlenose dolphin, HI Pelagic. Blue whale, unknown. Bryde's whale, HI. False killer whale, HI Pelagic. Fin whale, HI. Humpback whale, unknown. Indo-Pacific dolphin. Long-beaked common dolphin, CA. Melon-headed whale, unknown. Minke whale, HI. Pantropical spotted dolphin, unknown. Pygmy killer whale, HI. Risso's dolphin, unknown. Rough-toothed dolphin, unknown. Sei whale, HI. Short-finned pilot whale, unknown. Sperm whale, HI. Spinner dolphin, unknown.
Western Pacific Pelagic	1	No information.
Longline Fisheries:		
CCAMLR	0	None documented.
South Pacific Albacore Troll	6	No information.
Western Pacific Pelagic (HI Shallow-set component)*^	11	Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Fin whale, HI. Ginkgo-toothed beaked whale. Guadalupe fur seal. Humpback whale, Central North Pacific. Northern elephant seal, CA breeding. Risso's dolphin, HI. Short-beaked common dolphin, CA/OR/WA. Striped dolphin, HI.

TABLE 3—LIST OF FISHERIES—COMMERCIAL FISHERIES ON THE HIGH SEAS—Continued

Fishery description	Number of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
Handline/Pole and Line Fisheries:		
Atlantic Highly Migratory Species	1	No information.
Pacific Highly Migratory Species	44	No information.
South Pacific Albacore Troll	9	No information.
Western Pacific Pelagic	5	No information.
Troll Fisheries:		
Atlantic Highly Migratory Species	0	No information.
South Pacific Albacore Troll	20	No information.
South Pacific Tuna Fisheries**	0	No information.
Western Pacific Pelagic	6	No information.
CATEGORY III		
Longline Fisheries:		
Northwest Atlantic Bottom Longline	2	None documented.
Pacific Highly Migratory Species	111	None documented in the most recent 5 years of data.
Purse Seine Fisheries:		
Pacific Highly Migratory Species*^	5	None documented.
Trawl Fisheries:		
Northwest Atlantic	4	None documented.
Troll Fisheries:		
Pacific Highly Migratory Species*	107	None documented.

List of Terms, Abbreviations, and Symbols Used in Table 3:
CA—California; GMX—Gulf of Mexico; HI—Hawaii; OR—Oregon; WA—Washington; WNA—Western North Atlantic;
*Fishery is an extension/component of an existing fishery operating within U.S. waters listed in Table 1 or 2. The number of permits listed in Table 3 represents only the number of permits for the high seas component of the fishery;
**These gear types are not authorized under the Pacific HMS FMP (2004), the Atlantic HMS FMP (2006), or without a South Pacific Tuna Treaty license (in the case of the South Pacific Tuna fisheries). Because HSFCA permits are valid for 5 years, permits obtained in past years exist in the HSFCA permit database for gear types that are now unauthorized. Therefore, while HSFCA permits exist for these gear types, it does not represent effort. In order to land fish species, fishers must be using an authorized gear type. Once these permits for unauthorized gear types expire, the permit-holder will be required to obtain a permit for an authorized gear type; and
^The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of marine mammal species and/or stocks killed or injured in U.S. waters component of the fishery, minus species and/or stocks that have geographic ranges exclusively in coastal waters, because the marine mammal species and/or stocks are also found on the high seas and the fishery remains the same on both sides of the EEZ boundary. Therefore, the high seas components of these fisheries pose the same risk to marine mammals as the components of these fisheries operating in U.S. waters.

TABLE 4—FISHERIES AFFECTED BY TAKE REDUCTION TEAMS AND PLANS

Take reduction plans	Affected fisheries
Atlantic Large Whale Take Reduction Plan (ALWTRP)—50 CFR 229.32	*Category I* Mid-Atlantic gillnet. Northeast/Mid-Atlantic American lobster trap/pot. Northeast sink gillnet. *Category II* Atlantic blue crab trap/pot. Atlantic mixed species trap/pot. MA mixed species trap/pot. Northeast anchored float gillnet. Northeast drift gillnet. Southeast Atlantic gillnet. Southeastern U.S. Atlantic shark gillnet.* Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot.^
Bottlenose Dolphin Take Reduction Plan (BDTRP)—50 CFR 229.35	*Category I* Mid-Atlantic gillnet. *Category II* Atlantic blue crab trap/pot. Chesapeake Bay inshore gillnet fishery. Mid-Atlantic haul/beach seine. Mid-Atlantic menhaden purse seine. NC inshore gillnet. NC long haul seine. NC roe mullet stop net. Southeast Atlantic gillnet. Southeastern U.S. Atlantic shark gillnet. Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl.^ Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot.^ VA pound net.

TABLE 4—FISHERIES AFFECTED BY TAKE REDUCTION TEAMS AND PLANS—Continued

Take reduction plans	Affected fisheries
False Killer Whale Take Reduction Plan (FKWTRP)—50 CFR 229.37 ..	*Category I* HI deep-set longline. *Category II* HI shallow-set longline.
Harbor Porpoise Take Reduction Plan (HPTRP)—50 CFR 229.33 (New England) and 229.34 (Mid-Atlantic).	*Category I* Mid-Atlantic gillnet. Northeast sink gillnet.
Pelagic Longline Take Reduction Plan (PLTRP)—50 CFR 229.36	*Category I* Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline.
Pacific Offshore Cetacean Take Reduction Plan (POCTRP)—50 CFR 229.31.	*Category II* CA thresher shark/swordfish drift gillnet (≥14 in mesh).
Atlantic Trawl Gear Take Reduction Team (ATGTRT)	*Category II* Mid-Atlantic bottom trawl. Mid-Atlantic mid-water trawl (including pair trawl). Northeast bottom trawl. Northeast mid-water trawl (including pair trawl).

List of Symbols Used in Table 4:
* Only applicable to the portion of the fishery operating in U.S. waters; and
^ Only applicable to the portion of the fishery operating in the Atlantic Ocean.

Classification

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule would not have a significant economic impact on a substantial number of small entities. Any entity with combined annual fishery landing receipts less than $11 million is considered a small entity for purposes of the Regulatory Flexibility Act. Under the size standard, all entities subject to this action were considered small entities; thus, they all would continue to be considered small under the new standards.

Under existing regulations, all individuals participating in Category I or II fisheries must register under the MMPA and obtain an authorization certificate. The authorization certificate authorizes the taking of non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Additionally, individuals may be subject to a TRP and requested to carry an observer. NMFS has estimated that up to approximately 55,502 fishing vessels, most with annual revenues below the SBA's small entity thresholds, may operate in Category I or II fisheries. As fishing vessels operating in Category I or II fisheries, they are required to register with NMFS. The MMPA registration process is integrated with existing state and Federal licensing, permitting, and registration programs. Therefore, individuals who have a state or Federal fishing permit or landing license, or who are authorized through another related state or Federal fishery registration program, are currently not required to register separately under the MMPA or pay the $25 registration fee. Through this integrated process, registration under the MMPA, including the $25 registration fee, is only required for vessels participating in a Category I or II non-permitted fishery. All Category I and II fisheries listed on the 2022 proposed LOF are permitted through state or Federal processes, and registration under the MMPA is covered through the integrated process. Therefore, this proposed rule would not impose any direct costs on small entities.

The MMPA requires any vessel owner or operator participating in a fishery listed on the LOF to report to NMFS, within 48 hours of the end of the fishing trip, all marine mammal incidental mortalities and injuries that occur during commercial fishing operations. These marine mammal mortalities and injuries are reported using a postage-paid, Office of Management and Budget (OMB) approved form (OMB Control Number 0648–0292). This postage-paid form requires less than 15 minutes to complete and can be dropped in any mailbox, faxed, emailed, or completed online within 48 hours of the vessels return to port. Therefore, record keeping and reporting costs associated with this LOF are minimal and would not have a significant impact on a substantial number of small entities.

If a vessel is requested to carry an observer, vessels will not incur any direct economic costs associated with carrying that observer. As a result of this certification, an initial regulatory flexibility analysis is not required and none has been prepared. In the event that reclassification of a fishery to Category I or II results in a TRP, economic analyses of the effects of that TRP would be summarized in subsequent rulemaking actions.

This proposed rule contains existing collection-of-information (COI) requirements subject to the Paperwork Reduction Act and would not impose additional or new COI requirements. The COI for the registration of individuals under the MMPA has been approved by the OMB under OMB Control Number 0648–0293 (0.15 hours per report for new registrants). The requirement for reporting marine mammal mortalities or injuries has been approved by OMB under OMB Control Number 0648–0292 (0.15 hours per report). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the COI. Send comments regarding these reporting burden estimates or any other aspect of the COI, including suggestions for reducing burden, to NMFS (see **ADDRESSES**). You may also submit comments on these or any other aspects of the collection of information at *www.reginfo.gov/public/do/PRAMain.*

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a COI, subject to the requirements of the Paperwork Reduction Act, unless that COI displays a currently valid OMB control number.

This proposed rule has been determined to be not significant for the purposes of Executive Orders 12866 and 13563.

In accordance with the Companion Manual for NOAA Administrative Order (NAO) 216–6A, NMFS preliminarily

determined that publishing this proposed LOF qualifies to be categorically excluded from further NEPA review, consistent with categories of activities identified in Categorical Exclusion G7 (''Preparation of policy directives, rules, regulations, and guidelines of an administrative, financial, legal, technical, or procedural nature, or for which the environmental effects are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or on a case-by-case basis'') of the Companion Manual and we have not identified any extraordinary circumstances listed in Chapter 4 of the Companion Manual for NAO 216–6A that would preclude application of this categorical exclusion. If NMFS takes a management action, for example, through the development of a TRP, NMFS would first prepare an Environmental Impact Statement or Environmental Assessment, as required under NEPA, specific to that action.

This proposed rule would not affect species listed as threatened or endangered under the ESA or their associated critical habitat. The impacts of numerous fisheries have been analyzed in various biological opinions, and this proposed rule will not affect the conclusions of those opinions. The classification of fisheries on the LOF is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, through the development of a TRP, NMFS would consult under ESA section 7 on that action.

This proposed rule would have no adverse impacts on marine mammals and may have a positive impact on marine mammals by improving knowledge of marine mammals and the fisheries interacting with marine mammals through information collected from observer programs, stranding and sighting data, or take reduction teams.

This proposed rule would not affect the land or water uses or natural resources of the coastal zone, as specified under section 307 of the Coastal Zone Management Act.

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Muto, M.M., V.T. Helker, B.J. Delean, N.C. Young, J.C. Freed R.P. Angliss, P.L. Boveng, J.M. Breiwick, B.M. Brost, M.F. Cameron, P.J. Clapham, J.L. Crance, S.P. Dahle, M.E. Dahlheim, B.S. Fadely, M.C. Ferguson, L.W. Fritz, K.T. Goetz, R.C. Hobbs, Y.V. Ivashchenko, A.S. Kennedy, J.M. London, S.A. Mizroch, R.R. Ream, E.L. Richmond, K.E.W. Shelden, K.L. Sweeney, R.G. Towell, P.R. Wade, J.M. Waite, and Alexandre N. Zerbini. 2021. Alaska Marine Mammal Stock Assessments 2020. U.S. Department of Commerce, NOAA Tech. Memo. NMFS–AFSC–421. 398 p.

Young, N.C., B.J. Delean, V.T. Helker, J.C. Freed, M.M. Muto, K. Savage, S. Teerlink, L.A. Jemison, K. Wilkinson, and J.E. Jannot. 2020. Human-caused mortality and injury of NMFS-managed Alaska marine mammal stocks, 2014–2018. U.S. Dep. Commer., NOAA Tech. Memo.NMFS–AFSC–413, 142 p.

Dated: July 30, 2021.

Samuel D. Rauch, III,

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

[FR Doc. 2021–16653 Filed 8–6–21; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 86, No. 150
Monday, August 9, 2021

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 3, 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 September 8, 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 Safety and Inspection Service

Title: Public Health Inspection System.

OMB Control Number: 0583–0153.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 et. seq.), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, et. seq.), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031). These statues mandate that FSIS protect the public by ensuring that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

Need and Use of the Information: FSIS uses a Web-based system that supports FSIS inspection operations and facilitates industry members' application for inspection, export, and import of meat, poultry, and egg products. Industry members use FSIS forms in the Public Health Information System (PHIS). Industry can submit some of these forms through a series of screens in PHIS; other forms are available in PHIS only as electronic forms. Paper forms will also be available to firms that do not wish to use PHIS. To submit information through PHIS, firms' employees will need to register for a USDA eAuthentication account with Level 2 access. To not collect the information would inhibit ability of FSIS to ensure that meat, poultry, and egg products are wholesome, unadulterated, and properly labeled and packaged.

Description of Respondents: Business or other for-profit.

Number of Respondents: 6,294.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 115,550.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–16882 Filed 8–6–21; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0011]

Addition of the Republic of Croatia, the Republic of Senegal, and the People's Democratic Republic of Algeria to the List of Regions Affected With Highly Pathogenic Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we added the Republic of Croatia, the Republic of Senegal, and the People's Democratic Republic of Algeria to the list of regions that the Animal and Plant Health Inspection Service considers to be affected by highly pathogenic avian influenza (HPAI). These actions follow our imposition of HPAI-related restrictions on avian commodities originating from or transiting the Republic of Croatia, the Republic of Senegal, and the People's Democratic Republic of Algeria, as a result of the confirmation of HPAI in the Republic of Croatia, the Republic of Senegal, and the People's Democratic Republic of Algeria.

DATES: The Republic of Croatia, the Republic of Senegal, and the People's Democratic Republic of Algeria were added to the list of regions APHIS considers to be affected with HPAI, effective respectively on November 25, 2020; January 12, 2021; and February 10, 2021.

FOR FURTHER INFORMATION CONTACT: For further information regarding HPAI in the Republic of Croatia, contact Dr. Michael T. Ray, Regionalization Evaluation Services, Strategy and Policy, APHIS Veterinary Services, 920 Main Campus Drive, Venture II, Raleigh, NC 27606; phone: (919) 855–7225; email: *ASKRegionalization@usda.gov*. For further information regarding HPAI in the Republic of Senegal or the People's Democratic Republic of Algeria, contact Dr. John Grabau, Regionalization Evaluation Services, APHIS Veterinary Services, 920 Main Campus Drive, Venture II, Raleigh, NC 27606; phone: (919) 855–7738; email: *ASKRegionalization@usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to

below as the regulations) govern the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including Newcastle disease and highly pathogenic avian influenza (HPAI). The regulations prohibit or restrict the importation of live poultry, poultry meat, and other poultry products from regions where these diseases are considered to exist.

Section 94.6 of the regulations contains requirements governing the importation into the United States of carcasses, meat, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from regions of the world where HPAI exists or is reasonably believed to exist. HPAI is an extremely infectious and potentially fatal form of avian influenza in birds and poultry that, once established, can spread rapidly from flock to flock. The Animal and Plant Health Inspection Service (APHIS) maintains a restrictions list of regions it considers affected with HPAI of any subtype on the APHIS website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/animal-health-status-of-regions.*

APHIS receives notice of HPAI outbreaks from veterinary officials of the exporting country, from the World Organization for Animal Health (OIE),[1] or from other sources the Administrator determines to be reliable.

On November 18, 2020, the veterinary authorities of the Republic of Croatia reported to the OIE an HPAI occurrence in that country. On November 25, 2020, after confirming that HPAI occurred in commercial birds or poultry, APHIS added the Republic of Croatia to the list of regions where HPAI exists. On that same date, APHIS issued an import alert notifying stakeholders that effective November 21, 2020, APHIS imposed restrictions on the importation of poultry, commercial birds, other types of birds (research, performing), ratites, any avian hatching eggs, unprocessed avian products and byproducts, and certain fresh poultry products from the Republic of Croatia to mitigate risk of HPAI introduction into the United States.

On January 7, 2021, the veterinary authorities of the Republic of Senegal reported to the OIE an HPAI occurrence in that country. On January 12, 2021, after confirming that the HPAI occurred in commercial birds or poultry, APHIS added the Republic of Senegal to the list of regions where HPAI exists. On that same date, APHIS issued an import alert notifying stakeholders that effective December 30, 2020, APHIS imposed restrictions on the importation of poultry, commercial birds, other types of birds (research, performing), ratites, any avian hatching eggs, unprocessed avian products and byproducts, and certain fresh poultry products from the Republic of Senegal to mitigate risk of HPAI introduction into the United States.

On February 8, 2021, the veterinary authorities of the People's Democratic Republic of Algeria reported to the OIE an HPAI occurrence in that country. On February 10, 2021, after confirming that the HPAI occurred in commercial birds or poultry, APHIS added the People's Democratic Republic of Algeria to the list of regions where HPAI exists. On that same date, APHIS issued an import alert notifying stakeholders that effective January 26, 2021, APHIS imposed restrictions on the importation of poultry, commercial birds, other types of birds (research, performing), ratites, any avian hatching eggs, unprocessed avian products and byproducts, and certain fresh poultry products from the People's Democratic Republic of Algeria to mitigate risk of HPAI introduction into the United States.

With the publication of this notice, we are informing the public that we added: The Republic of Croatia to the list of regions APHIS considers affected with HPAI of any subtype, effective November 25, 2020; the Republic of Senegal to the list of regions APHIS considers affected with HPAI of any subtype, effective January 12, 2021; and the People's Democratic Republic of Algeria to the list of regions APHIS considers affected with HPAI of any subtype, effective February 10, 2021. This notice serves as an official record and public notification of these actions.

Congressional Review Act

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

Authority: 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 23rd day of July 2021.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–16941 Filed 8–6–21; 8:45 am]

BILLING CODE 3410–34–P

[1] The World Organization for Animal Health internationally follows a British English spelling of ''organisation'' in its name; also, it was formerly the Office International des Epizooties, or OIE, an acronym still in usage.

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority; Public Combined Board and Board Committees Meeting

AGENCY: First Responder Network Authority (FirstNet Authority), National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce.

ACTION: Announcement of meeting.

SUMMARY: The FirstNet Authority Board will convene an open public meeting of the Board and Board Committees.

DATES: August 18, 2021; 11:00 a.m. to 1:00 p.m. Eastern Standard Time (EST); Washington, DC.

ADDRESSES: The public meeting will be held at the W Hotel located at 515 15th Street NW, Washington, DC 20004. Due to restrictions on the number of people who can be present in the room, members of the public will not be able to attend in person but may listen to the meeting and view the presentation by visiting the URL: *https://stream2.sparkstreetdigital.com/20210818-firstnet.html*. If you experience technical difficulty, please contact *support@sparkstreetdigital.com*. WebEx information can also be found on the FirstNet Authority website (*FirstNet.gov*).

FOR FURTHER INFORMATION CONTACT:

General information: Janell Smith, (202) 257–5929, *Janell.Smith@FirstNet.gov*.

Media inquiries: Ryan Oremland, (571) 665–6186, *Ryan.Oremland@FirstNet.gov*.

SUPPLEMENTARY INFORMATION:

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1401 *et seq.*) (Act) established the FirstNet Authority as an independent authority within NTIA. The Act directs the FirstNet Authority to ensure the building, deployment, and operation of a nationwide interoperable public safety broadband network. The FirstNet Authority Board is responsible for making strategic decisions regarding the operations of the FirstNet Authority.

Matters to be Considered: The FirstNet Authority will post a detailed

agenda for the Combined Board and Board Committees Meeting on *FirstNet.gov* prior to the meeting. The agenda topics are subject to change. Please note that the subjects discussed by the Board and Board Committees may involve commercial or financial information that is privileged or confidential, or other legal matters affecting the FirstNet Authority. As such, the Board may, by majority vote, close the meeting only for the time necessary to preserve the confidentiality of such information, pursuant to 47 U.S.C. 1424(e)(2).

Other Information: The public Combined Board and Board Committees Meeting is accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Janell Smith at (202) 257–5929 or email: *Janell.Smith@FirstNet.gov* at least five (5) business days (August 11) before the meeting.

Records: The FirstNet Authority maintains records of all Board proceedings. Minutes of the Combined Board and Board Committees Meeting will be available on *FirstNet.gov*.

Dated: August 3, 2021.

Janell Smith,

Board Secretary, First Responder Network Authority.

[FR Doc. 2021–16873 Filed 8–6–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–56–2021]

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

BMW Manufacturing Company, LLC (BMW MC) submitted a notification of proposed production activity to the FTZ Board for its facility in Spartanburg, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 28, 2021.

BMW MC already has authority to produce gasoline and diesel-powered motor vehicles, gasoline-powered hybrid plug-in electric motor vehicles, motor vehicle bodies, stamped body parts, and lithium-ion batteries within Subzone 38A. The current request would add finished products and a foreign status component to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status component and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt BMW MC from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, BMW MC would be able to choose the duty rates during customs entry procedures that apply to motor vehicle door assemblies and motor vehicle hatch assemblies (duty rate 2.5%). BMW MC would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The component sourced from abroad is curved thin film transistor liquid crystal displays (duty-free). The request indicates that the component may be subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 20, 2021.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

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

Dated: August 3, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–16910 Filed 8–6–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–084]

Certain Quartz Surface Products From the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2018–2020

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

SUMMARY: The Department of Commerce (Commerce) finds that all companies subject to this administrative review are part of the China-wide entity because they did not file a separate rate application (SRA) or a separate rate certification (SRC). The period of review is November 20, 2018, through June 30, 2020.

DATES: Applicable August 9, 2021.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Luberda, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2185.

SUPPLEMENTARY INFORMATION:

Background

On April 6, 2021, Commerce published the *Preliminary Results* of this administrative review of the antidumping duty order on certain quartz surface products (quartz surface products) from the People's Republic of China (China) [1] in the **Federal Register** and invited parties to comment.[2] On May 5, 2021, we received a case brief from importers Unique Stone Concepts LLC, Cosmos Granite (West), and Cosmos Granite (South East) (Unique Stone and Cosmos Granite).[3] On May 10, 2021, we received a rebuttal brief from the petitioner, Cambria Company LLC.[4] Commerce addressed comments from both parties in the Issues and Decision Memorandum accompanying this notice.[5] Commerce conducted this

[1] *See Certain Quartz Surface Products from the People's Republic of China: Antidumping and Countervailing Duty Orders,* 84 FR 33053 (July 11, 2019) (*Order*).

[2] *See Quartz Surface Products from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Rescission of Antidumping Duty Administrative Review, in Part; 2019–2020,* 86 FR 17772 (April 6, 2021) (*Preliminary Results*).

[3] *See* Unique Stone and Cosmos Granite's Letter, ''Administrative Case Brief,'' dated May 5, 202.

[4] *See* Petitioner's Letter, ''Certain Quartz Surface Products from the People's Republic of China: Petitioners' Rebuttal Brief,'' dated May 10, 2021.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Administrative Review of

administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The scope of the order covers certain quartz surface products. For a full description of the merchandise covered by the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in the administrative review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we made no changes to the *Preliminary Results* of this administrative review.

Final Results of Review

We continue to find that no companies subject to this review have demonstrated their eligibility for separate rate status, and, therefore, all companies subject to this review are part of the China-wide entity. Because we are not conducting a review of the China-wide entity, the China-wide entity's entries are not subject to the review, and the rate applicable to the China-wide entity is not subject to change.[6] The China-wide entity rate remains 326.15 percent.[7]

Disclosure

Normally, Commerce discloses the calculations used in its analysis to parties in a review within five days of the date of publication of the notice of final results, in accordance with 19 CFR 351.224(b). However, in this case, there are no calculations on the record to disclose.

Assessment Rates

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). Because we determined that all companies under review are not eligible for a separate rate and are part of the China-wide entity, we will instruct CBP to apply an *ad valorem* assessment of 326.15 percent to all entries of subject merchandise during the POR that were producer and/or exported by the following companies: Dava Industry Co., Ltd.; Deyuan Panmin International Limited; Guangzhou Hercules Quartz Stone Co., Ltd.; Heshan City Nande Stone Co., Ltd.; and Xiamen Deyuan Panmin Trading Co., Ltd.

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

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed Chinese or non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity (*i.e.,* 326.15 percent); and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant 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.

Notification Regarding Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of 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

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(l), 751(a)(2)(B), and 777(i) of the Act.

Dated: August 2, 2021.

Christian Marsh,

Acting Assistant Secretary, Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues
Comment 1: Provisional Measures Cap
Comment 2: Assessment Rate for Importers
V. Recommendation

[FR Doc. 2021–16911 Filed 8–6–21; 8:45 am]

BILLING CODE 3510–DS–P

Quartz Surface Products from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65970 (November 4, 2013).

[7] *See Order,* 84 FR at 33054.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–815]

Oil Country Tubular Goods From Ukraine: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that producer/exporter Interpipe sold subject merchandise in the United State at prices below normal value during the July 10, 2019, through June 30, 2020 period of review (POR). We invite interested parties to comment on these preliminary results.

DATES: Applicable August 9, 2021.

FOR FURTHER INFORMATION CONTACT: Lauren Caserta, 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) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

On July 16, 2019, Commerce published the antidumping duty (AD) order on oil country tubular goods (OCTG) from Ukraine in the **Federal Register**.[1] On December 8, 2020, pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), Commerce initiated an AD administrative review of the *Order*.[2] During the course of this administrative review, Interpipe [3] responded to Commerce's AD questionnaire and supplemental questionnaires. On February 11, 2021, Commerce extended the deadline for issuing the preliminary results of this review.[4] For further details, *see* the Preliminary Decision Memorandum.[5]

Scope of the Order

The product covered by this *Order* is certain OCTG from Ukraine. For a full description of the scope, *see* the Preliminary Decision Memorandum.[6]

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Constructed export price has been calculated in accordance with section 772 of the Act and normal value was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Preliminary Results of the Review

Commerce preliminarily determines that the following weighted-average dumping margin exists for the period July 10, 2019, through June 30, 2020:

Exporter or producer	Weighted-average dumping margin (percent)
Interpipe Europe S.A./Interpipe Ukraine LLC/PJSC Interpipe Niznedneprovsky Tube Rolling Plant (aka Interpipe NTRP)/LLC Interpipe Niko Tube	30.19

Disclosure and Public Comment

Commerce intends 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.[7]

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.[8] Parties who submit case or rebuttal briefs in this proceeding are requested to submit with each argument: (1) A statement if the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Executive summaries should be limited to five pages total, including footnotes. Case and rebuttal briefs should be filed using ACCESS [10] and must be served on interested parties.[11]

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. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.[12] Parties should confirm the date, time, and location of the hearing by telephone two days before the scheduled date.

All hearing requests must be filed electronically using ACCESS.[13] An electronically-filed request must be received successfully in its entirety by 5:00 p.m. Eastern Time within 30 days of the date of publication of this notice in the **Federal Register**.[14] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[15]

Assessment Rates

Upon completion of the administrative review, pursuant to section 751(a)(2)(A) of the Act, 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. If the weighted-average dumping margin for Interpipe (*i.e.,* the sole individually-examined respondent in this review) is

[1] *See Termination of the Suspension Agreement on Certain Oil Country Tubular Goods from Ukraine, Rescission of Administrative Review, and Issuance of Antidumping Duty Order,* 84 FR 33918 (July 16, 2019) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 78990 (December 8, 2020).

[3] As stated in our Preliminary Decision Memorandum, Commerce continues to treat Interpipe Europe S.A.; Interpipe Ukraine LLC; PJSC Interpipe Niznedneprovsky Tube Rolling Pipe (aka Interpipe NTRP); and LLC Interpipe Niko Tube as a single entity. *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Oil Country Tubular Goods from Ukraine, 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* Memorandum, ''Oil Country Tubular Goods from Ukraine: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review, 2019–2020,'' dated February 11, 2021.

[5] *See* Preliminary Decision Memorandum.

[6] *Id.*

[7] *See* 19 CFR 351.224(b).

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

[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] *See generally* 19 CFR 351.303.

[11] *See* 19 CFR 351.303(f).

[12] *See* 19 CFR 351.310(d).

[13] *See generally* 19 CFR 351.303.

[14] *See* 19 CFR 351.310(c).

[15] *See Temporary Rule.*

not zero or *de minimis* (*i.e.,* greater than or equal to 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 the review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[16] If a respondent's weighted-average dumping margin is zero or *de minimis* in the final results of the 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.'' [17]

For entries of subject merchandise during the POR produced by Interpipe for which the producer did not know its 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 intermediated company (or companies) involved in the transaction.[18]

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

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise 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 Interpipe 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 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, then 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 7.47 percent, the rate established in the investigation of this proceeding.[19] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to 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 351.221(b)(4).

Dated: August 2, 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. Affiliation and Collapsing
V. Discussion of the Methodology
VI. Constructed Export Price
VII. Normal Value
VIII. Currency Conversion
IX. Recommendation

[FR Doc. 2021–16912 Filed 8–6–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–079]

Cast Iron Soil Pipe From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2018–2020

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that cast iron soil pipe (soil pipe) from the People's Republic of China (China) was sold in the United States at less than normal value (NV) during the period of review (POR) August 31, 2018, through April 30, 2020. We invite interested parties to comment on these preliminary results.

DATES: Applicable August 9, 2021.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2243.

SUPPLEMENTARY INFORMATION:

Background

On July 10, 2020, Commerce published a notice of initiation of an administrative review of the antidumping duty order on soil pipe from China.[1] This administrative review covers one company, Yuncheng Jiangxian Economic Development Zone HengTong Casting Co., Ltd. (HengTong).

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

[17] *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*).

[18] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[19] *See Order,* 84 FR at 33919.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 41540 (July 10, 2020); *see also Cast Iron Soil Pipe from the People's Republic of China: Antidumping Duty Order,* 84 FR 19035 (May 3, 2019) (*Order*).

On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[2] On March 22, 2021, Commerce extended the deadline for the preliminary results to July 30, 2021.[3]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as an Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Scope of the Order

The product covered by this order is soil pipe from China. For a full description of the scope, *see* the Preliminary Decision Memorandum.

Separate Rate

Commerce preliminary determines that information placed on the record by HengTong demonstrates that HengTong is entitled to separate rate status. For additional information, *see* the Preliminary Decision Memorandum.

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[5] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review and the weighted-average dumping margin determined for the China-wide entity (*i.e.,* 235.93 percent) is not subject to change as a result of this review.[6] For additional information, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated export price in accordance with section 772 of the Act. Because China is a non-market economy country within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act.

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

Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margin exists for the period August 31, 2018, through April 31, 2020:

Exporter	Weighted-Average Dumping Margin (percent)
Yuncheng Jiangxian Economic Development Zone HengTong Casting Co., Ltd (aka HengTong Casting Co., Ltd.)	31.48

Disclosure and Public Comment

Commerce intends to disclose the calculations performed for these preliminary results to interested parties within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b). Commerce will announce the briefing schedule to interested parties at a later date. Rebuttal briefs, the content of which is limited to issues raised in case briefs, may be filed no later than seven days after the date established for filing case briefs.[7] 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.[8] Case and rebuttal briefs should be filed using ACCESS [9] and must be served on interested parties.[10] Executive summaries should be limited to five pages total, including footnotes. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety through Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date and time of the hearing two days before the scheduled date.

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

Assessment Rates

Upon completion of this administrative review, Commerce will determine, and United States Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[12]

If HengTong's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the examined sales to that importer to the total entered value of those sales,[13] in accordance with 19 CFR 351.212(b)(1). Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.

Where an exporter's weighted-average dumping margin is zero or *de minimis,*

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[3] *See* Memorandum, ''Cast Iron Soil Pipe from the People's Republic of China: Extension of Deadline for Preliminary Results of the 2018–2020 Antidumping Duty Administrative Review,'' dated March 22, 2021.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Cast Iron Soil Pipe from the People's Republic of China; 2018–2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[6] *See Order,* 84 FR at 19036.

[7] *See* 19 CFR 351.309(d).

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

[9] *See generally* 19 CFR 351.303.

[10] *See* 19 CFR 351.303(f).

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

[12] *See* 19 CFR 351.212(b).

[13] As noted in the Preliminary Decision Memorandum, we intend to modify the entered value used in the calculation of our assessment instructions to CBP so as to capture the full amount of antidumping duties due on imports of HengTong's merchandise. *See* Preliminary Decision Memorandum at Section V; *see also* Memorandum, ''Cast Iron Soil Pipe from the People's Republic of China: Analysis of HengTong for the Preliminary Results,'' dated concurrently with this notice.

or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[14]

For entries that were not reported in the U.S. sales data submitted by HengTong, Commerce will instruct CBP to liquidate such entries at the rate for the China-wide entity.[15]

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**.[16] If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For HengTong, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis,* then cash deposit rate will be zero); (2) for previously examined China and non-China exporters not listed above that at the time of entry are eligible for a separate rate based on a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate at the time of entry, the cash deposit rate will be that for the China-wide entity (*i.e.,* 235.93 percent); and (4) for all non-China exporters of subject merchandise which at the time of entry are not eligible for a separate rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

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

[15] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

[16] *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).

Notification to Importers

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

Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 351.221(b)(4).

Dated: July 30, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Assessment for HengTong's U.S. Sales and Entries of Subject Merchandise
VI. Recommendation

[FR Doc. 2021–16913 Filed 8–6–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–853]

Standard Steel Welded Wire Mesh From Mexico: Antidumping Duty Order

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

SUMMARY: Based on the affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing an antidumping duty (AD) order on standard steel welded wire mesh (wire mesh) from Mexico.

DATES: Applicable August 9, 2021.

FOR FURTHER INFORMATION CONTACT: Melissa Kinter or Alice Maldonado, 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) 482–1413 or (202) 482–4682, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on June 23, 2021, Commerce published its affirmative final determination in the less-than-fair-value (LTFV) investigation of wire mesh from Mexico.[1] On July 30, 2021, the ITC notified Commerce of its final affirmative determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of wire mesh from Mexico.[2]

Scope of the Order

The merchandise covered by this order is wire mesh from Mexico. For a complete description of the scope of the order, *see* the appendix to this notice.

Antidumping Duty Order

On July 30, 2021, in accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured by reason of imports of wire mesh from Mexico.[3] Therefore, Commerce is issuing this AD order in accordance with sections 735(c)(2) and 736 of the Act. Because the ITC determined that imports of wire mesh from Mexico are materially injuring a U.S. industry, unliquidated entries of such merchandise from Mexico, which are entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

As a result of the ITC's final affirmative determination, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price or constructed export price of the merchandise for all relevant entries of wire mesh from Mexico. For entries of wire mesh from Mexico, the cash deposits for estimated antidumping duties have been adjusted for export subsidies found in the final determination of the companion

[1] *See Standard Steel Welded Wire Mesh from Mexico: Final Determination of Sales at Less-Than-Fair-Value Investigation,* 86 FR 32891 (June 23, 2021).

[2] *See* ITC's Letter, ''Notification of ITC Final Determinations,'' dated July 30, 2021.

[3] *Id.*

countervailing duty (CVD) investigation.[4] Antidumping duties will be assessed on unliquidated entries of wire mesh from Mexico entered, or withdrawn from warehouse, for consumption on or after February 1, 2021, the date of publication of the *Preliminary Determination,*[5] but will not include entries occurring after the expiration of the provisional measures period and before publication in the **Federal Register** of the ITC's injury determination, as further described below.

Continuation of Suspension of Liquidation

In accordance with section 736 of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of wire mesh from Mexico as described in the appendix to this notice which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination in the **Federal Register**. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the amount as indicated below. Accordingly, effective on the date of publication in the **Federal Register** of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the cash deposit for estimated antidumping duties based on the *ad valorem* cash deposit rates listed below.[6] The relevant all-others rate applies to all producers or exporters not specifically listed, as appropriate.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins for the AD order are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent) [7]
Aceromex, S.A. de C.V	23.04	22.01
Deacero S.A.P.I. de C.V	110.42	109.39
All Others	23.04	22.01

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except that Commerce may extend the four-month period to no more than six months at the request of exporters representing a significant proportion of exports of the subject merchandise. At the request of exporters that account for a significant proportion of exports of wire mesh from Mexico, we extended the four-month period to six months in the *Preliminary Determination* published on February 1, 2021.

The extended provisional measures period, beginning on the date of publication of the *Preliminary Determination,* ended on July 30, 2021. Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of wire mesh from Mexico entered, or withdrawn from warehouse, for consumption after July 30, 2021, the final day provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Notification to Interested Parties

This notice constitutes the AD order with respect to wire mesh from Mexico pursuant to section 736(a) of the Act. Interested parties can find a list of AD orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order is issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: August 3, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The merchandise covered by this investigation is uncoated standard welded steel reinforcement wire mesh (wire mesh) produced from smooth or deformed wire. Subject wire mesh is produced in square and rectangular grids of uniformly spaced steel wires that are welded at all intersections. Sizes are specified by combining the spacing of the wires in inches or millimeters and the wire cross-sectional area in hundredths of square inch or millimeters squared. Subject wire mesh may be packaged and sold in rolls or in sheets.

Subject wire mesh is currently produced to ASTM specification A1064/A1064M, which covers carbon-steel wire and welded wire reinforcement, smooth and deformed, for concrete in the following seven styles:

1. 6X6 W1.4/W1.4 or D1.4/D1.4
2. 6X6 W2.1/W2.1 or D2.1/D2.1
3. 6X6 W2.9/W2.9 or D2.9/D2.9
4. 6X6 W4/W4 or D4/D4
5. 6X12 W4/W4 or D4/D4
6. 4X4 W2.9/W2.9 or D2.9/D2.9
7. 4X4 W4/W4 or D4/D4

The first number in the style denotes the nominal spacing between the longitudinal wires and the second number denotes the nominal spacing between the transverse wires. In the first style listed above, for example, ''6X6'' denotes a grid size of six inches by six inches. ''W'' denotes the use of smooth wire, and ''D'' denotes the use of deformed wire in making the mesh. The number following the W or D denotes the nominal cross-sectional area of the transverse and longitudinal wires in hundredths of a

[4] *See Standard Steel Welded Wire Mesh from Mexico: Final Affirmative Countervailing Duty Determination,* 86 FR 10034 (February 18, 2021) (*CVD Final Determination*).

[5] *See Standard Steel Welded Wire Mesh from Mexico: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and, Extension of Provisional Measures,* 86 FR 7710 (February 1, 2021) (*Preliminary Determination*).

[6] *See* section 736(a)(3) of the Act.

[7] In the companion CVD investigation, Commerce calculated a 1.03 percent export subsidy rate for Aceromex, S.A. de C.V. (Aceromex) and for all other producers and exporters under the program ''Eighth Rule Permit Program.'' *See CVD Final Determination,* and accompanying Issues and Decision Memorandum at 10. Because we determined the LTFV all-others rate based on Aceromex's estimated weighted-average dumping margin, the export subsidy offset for all other producers and exporters is the lesser of the export subsidy rate for Aceromex and the export subsidy rate for all other producers and exporters in the CVD preliminary determination (*i.e.,* 1.03 percent). The cash deposit rate for Deacero S.A.P.I. de C.V. is equal to the petition rate (110.42 percent) adjusted for the lowest rate of export subsidies found for any company in the most recently-completed segment in the companion CVD proceeding (*i.e.,* 1.03 percent related to the Eighth Rule Permit Program).

square inch (*i.e.,* W1.4 or D1.4 is .014 square inches).

Smooth wire is wire that has a uniform cross-sectional diameter throughout the length of the wire.

Deformed wire is wire with indentations or raised transverse ribs, which results in wire that does not have a uniform cross-sectional diameter throughout the length of the wire.

Rolls of subject wire mesh are produced in the following styles and nominal width and length combinations:

Style: 6X6 W1.4/W1.4 or D1.4/D1.4 (*i.e.,* 10 gauge)
Roll Sizes:
5′ X 50′
5′ X 150′
6′ X 150′
5′ X 200′
7′ X 200′
7.5′ X 200′
Style: 6X6 W2.1/W2.1 or D2.1/D2.1 (*i.e.,* 8 gauge)
Roll Sizes:
5′ X 150′
Style: 6X6 W2.9/W2.9 or D2.9/D2.9 (*i.e.,* 6 gauge)
Roll Sizes:
5′ X 150′
7′ X 200′

All rolled wire mesh is included in scope regardless of length.

Sheets of subject wire mesh are produced in the following styles and nominal width and length combinations:

Style: 6X6 W1.4/W1.4 or D1.4/D1.4 (*i.e.,* 10 gauge)
Sheet Size:
3′6″ X 7′
4′ X 7′
4′ X 7′6″
5′ X 10′
7′ X 20′
7′6″ X 20′
8′ X 12′6″
8′ X 15′
8′ X 20′
Style: 6X6 W2.1/W2.1 or D2.1/D2.1 (*i.e.,* 8 gauge)
Sheet Size:
5′ X 10′
7′ X 20′
7′6″ X 20′
8′ X 12′6″
8′ X 15′
8′ X 20′
Style: 6X6 W2.9/W2.9 or D2.9/D2.9 (*i.e.,* 6 gauge)
Sheet Size:
3′6″ X 20′
5′ X 10′
7′ X 20′
7′6″ X 20′
8′ X 12′6″
8′ X 15′
8′ X 20′
Style: 6X12 W4/W4 or D4/D4 (*i.e.,* 4 gauge)
Sheet Size:
8′ X 20′
Style: 4X4 W2.9/W2.9 or D2.9/D2.9 (*i.e.,* 6 gauge)
Sheet Size:
5′ X 10′
7′ X 20′
7′6″ X 20′
8′ X 12′6″
8′ X 12′8″
8′ X 15′
8′ X 20′
Style: 4X4 W4/W4 or D4/D4 (*i.e.,* 4 gauge)
Sheet Size:
5′ X 10′
8′ X 12′6″
8′ X 12′8″
8′ X 15′
8′ X 20′

Any product imported, sold, or invoiced in one of these size combinations is within the scope.

ASTM specification A1064/A1064M provides for permissible variations in wire gauges, the spacing between transverse and longitudinal wires, and the length and width combinations. To the extent a roll or sheet of welded wire mesh falls within these permissible variations, it is within this scope.

ASTM specification A1064/A1064M also defines permissible oversteeling, which is the use of a heavier gauge wire with a larger cross-sectional area than nominally specified. It also permits a wire diameter tolerance of ± 0.003 inches for products up to W5/D5 and ± 0.004 for sizes over W5/D5. A producer may oversteel by increasing smooth or deformed wire diameter up to two whole number size increments on Table 1 of A1064. Subject wire mesh has the following actual wire diameter ranges, which account for both oversteeling and diameter tolerance:

W/D No.	Maximum oversteeling No.	Diameter range (inch)
1.4 (*i.e.,* 10 gauge)	3.4	0.093 to 0.211.
2.1 (*i.e.,* 8 gauge)	4.1	0.161 to 0.231.
2.9 (*i.e.,* 6 gauge)	4.9	0.189 to 0.253.
4.0 (*i.e.,* 4 gauge)	6.0	0.223 to 0.280.

To the extent a roll or sheet of welded wire mesh falls within the permissible variations provided above, it is within this scope.

In addition to the tolerances permitted in ASTM specification A1064/A1064M, wire mesh within this scope includes combinations where:

1. A width and/or length combination varies by ± one grid size in any direction, *i.e.,* ± 6 inches in length or width where the wire mesh's grid size is ''6X6''; and/or

2. The center-to-center spacing between individual wires may vary by up to one quarter of an inch from the nominal grid size specified.

Length is measured from the ends of any wire and width is measured between the center-line of end longitudinal wires.

Additionally, although the subject wire mesh typically meets ASTM A1064/A1064M, the failure to include certifications, test reports or other documentation establishing that the product meets this specification does not remove the product from the scope. Wire mesh made to comparable foreign specifications (*e.g.,* DIN, JIS, *etc.*) or proprietary specifications is included in the scope.

Excluded from the scope is wire mesh that is galvanized (*i.e.,* coated with zinc) or coated with an epoxy coating. In order to be excluded as galvanized, the excluded welded wire mesh must have a zinc coating thickness meeting the requirements of ASTM specification A641/A641M. Epoxy coating is a mix of epoxy resin and hardener that can be applied to the surface of steel wire.

Merchandise subject to this investigation are classified under Harmonized Tariff Schedule of the United States (HTSUS) categories 7314.20.0000 and 7314.39.0000. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2021–16982 Filed 8–6–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB293]

Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel

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

ACTION: Notice of public webinars/conference calls.

SUMMARY: NMFS will hold a 3-day Atlantic Highly Migratory Species (HMS) Advisory Panel (AP) meeting in September 2021. The intent of the HMS AP meeting is to consider options for the conservation and management of Atlantic HMS. The meeting is open to the public.

DATES: The AP meeting will be held by webinar and conference call from 8:30 a.m. to 4 p.m. on Wednesday, September 8; from 8:30 a.m. to 4 p.m. on Thursday, September 9; and from 8:30 a.m. to 12 p.m. on Friday, September 10.

ADDRESSES: The meetings will be accessible via conference call and webinar. Conference call and webinar access information are available at: *https://www.fisheries.noaa.gov/event/september-2021-hms-advisory-panel-meeting.*

Participants are strongly encouraged to log/dial in 15 minutes prior to the meeting. NMFS will show the presentations via webinar and allow public comment during identified times on the agenda.

FOR FURTHER INFORMATION CONTACT: Peter Cooper at (301) 427–8503 or *Peter.Cooper@noaa.gov.*

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments are implemented by regulations at 50 CFR part 635.

The Magnuson-Stevens Act requires the establishment of APs and requires NMFS to consult with and consider the comments and views of AP members during the preparation and implementation of FMPs or FMP amendments. 16 U.S.C. 1854(g)(1)(A)–(B). NMFS meets with the HMS AP approximately twice each year to consider potential alternatives for the conservation and management of Atlantic tunas, swordfish, billfish, and shark fisheries, consistent with the Magnuson-Stevens Act.

For this meeting, we anticipate discussing:

- Bluefin tuna fisheries management, including multiple sessions dedicated to Draft Amendment 13;
- The progress regarding a Report to Congress on an ''assessment of fishing interference'' by sharks and dolphins on commercial, charter, and recreational fishing in the Gulf of Mexico and South Atlantic as directed by the 2021 Appropriations Act Joint Explanatory Statement;
- The HMS best scientific information available (BSIA) framework draft document;
- The progress regarding spatial management models and considerations;
- Gear considerations and pelagic and demersal indicator species lists; and
- A plan to establish term limits for HMS AP members.

Additional information on the meetings and a copy of the draft agenda will be posted prior to the meeting at: *https://www.fisheries.noaa.gov/event/september-2021-hms-advisory-panel-meeting.*

Dated: August 3, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–16894 Filed 8–6–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB303]

Marine Mammals; File No. 25563

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 NMFS Alaska Fisheries Science Center, Marine Mammal Laboratory, 7600 Sand Point Way NE, Seattle, WA 98115 (Responsible Party: John Bengtson), has applied in due form for a permit to conduct research on 20 species of marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before September 8, 2021.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 25563 from the list of available applications. These documents are also 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. 25563 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or 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 Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant proposes to monitor cetacean population trends, abundance, distribution, and health in the North Pacific Ocean, the Bering, Beaufort, and Chukchi Seas, and Gulf of Maine. Researchers would study 20 species of cetaceans including endangered and threatened blue (*Balaenoptera musculus*), bowhead (*Balaena mysticetus*), Cook Inlet beluga (*Delphinapterus leucas*), fin (*Balaenoptera physalus*), gray (*Eschrichtius robustus*), humpback (*Megaptera novaeangliae*), North Pacific right (*Eubalaena japonica*), sei (*Balaenoptera borealis*), Southern Resident killer (*Orcinus orca*), and sperm (*Physeter macrocephalus*) whales. Researchers would conduct vessel and aerial (crewed and uncrewed) surveys for observations, counts, photography/videography (underwater, topside, and aerial), photogrammetry, photo-identification, biological sampling (exhaled air, feces, blubber and skin, sloughed skin, eDNA, and prey remains), invasive and non-invasive tagging, and active acoustics. Biological samples collected on the high seas would be imported to the United States. Up to nine species of pinnipeds could be unintentionally harassed during surveys. See the take tables for specific numbers and life stages requested for each species. The permit would be valid for five years.

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: August 3, 2021.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–16931 Filed 8–6–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0039]

Submission for OMB Review; Comment Request

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

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense 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 September 8, 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: Angela Duncan, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Understanding Employer Experiences Under Continuing Reserve Component Operations; OMB Control Number 0704–ESGR.

Type of Request: Regular.

Number of Respondents: 3,284.

Responses per Respondent: 1.

Annual Responses: 3,284.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 1,642 hours.

Needs and Uses: In accordance with 10 United States Code, Section 2358, the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) is required to conduct research of interest to DoD. This research of interest to DoD requires the collection and dissemination of information from employers about their views on employing members of the National Guard and Reserve (G&R). The data RAND collects via the survey vendor will be used to provide descriptive information about the experiences and views of employers with respect to employing G&R members as civilians. Findings will inform leadership of the experiences and opinions of G&R personnel and used in a review of G&R policies and programs and could be used to change the strategic communications with and outreach to civilian employers.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 2, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–16879 Filed 8–6–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0021]

Submission for OMB Review; Comment Request

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

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense 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 September 8, 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: Angela Duncan, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Active Duty Spouse Survey; OMB Control Number 0704–0604.

Type of Request: Regular.

Number of Respondents: 72,700.

Responses per Respondent: 1.

Annual Responses: 72,700.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 18,175 hours.

Needs and Uses: The DoD Survey of Active Duty Spouse Survey (ADSS) is the primary source for reliable and generalizable data on the effects of military life on military spouses and their families and the effectiveness of current programs and policies related to military families. The survey is designed to enhance understanding of how spouse and family resilience impact force readiness and retention and is also an indicator informing the effectiveness of programs and policies under the purview of DoD's Military Community and Family Policy (MC&FP) Department. Without this biennial survey, DoD would not have current data to guide limited resources to the appropriate programs, policies, and services related to military spouses, their families and ultimately Service members.

This survey provides an opportunity for military spouses to directly expand policy maker's knowledge by sharing opinions on issues that directly affect them. Success of current efforts and shortfalls in programs and policies are identified through this biennial survey. These survey results ensure decisions based on current and statistically reliable data.

The legislation authorizing the USD(P&R) to conduct these surveys is provided under 10 United States Code (U.S.C.), Sections 136, 1782 and 2358, and 37 U.S.C., Section 1008(b).

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil*.

Dated: August 2, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–16878 Filed 8–6–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–HA–0050]

Submission for OMB Review; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense 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 September 8, 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: Angela Duncan, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil*.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: TRICARE Select Enrollment, Disenrollment, and Change Form; DD Form 3043; OMB Control Number 0720–0061.

Type of Request: Extension.

Number of Respondents: 99,300.

Responses per Respondent: 1.

Annual Responses: 99,300.

Average Burden Per Response: 15 minutes.

Annual Burden Hours: 24,825.

Needs and Uses: The information collection requirement is necessary to obtain non-active duty TRICARE beneficiary's personal information needed to: (1) Complete his/her enrollment into the ''new'' TRICARE Select health plan option as created by SEC. 701. TRICARE SELECT AND OTHER TRICARE REFORM of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, (2) dis-enroll a beneficiary, or (3) change the beneficiary's enrollment (*e.g.,* address, add a dependent, report other health insurance). This information is required to ensure the beneficiary's benefits and claims are administered based on their plan of choice. Without the DD Form 3043 enrollment form, each non-active duty TRICARE beneficiary is automatically defaulted into direct care only, limiting their health care options to military hospitals and clinics. These beneficiaries would have no TRICARE coverage when using the TRICARE network of providers for services not available at their local military hospital or clinic.

Affected Public: Individuals or households.

Frequency: As required.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Julie Wise.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil*.

Dated: August 2, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–16877 Filed 8–6–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0119]

Agency Information Collection Activities; Comment Request; Income Based Repayment—Notifications

AGENCY: Federal Student Aid (FSA), 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 October 8, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0119. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208C, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

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: Income Based Repayment—Notifications.

OMB Control Number: 1845–0114.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 958,240.

Total Estimated Number of Annual Burden Hours: 76,665.

Abstract: The Higher Education Act of 1965, as amended (HEA), established the Federal Family Education Loan (FFEL) Program under Title IV, Part B. Section 493C [20 U.S.C. 1098e] of the HEA authorizes income based repayment for Part B borrowers who have a partial financial hardship. The regulations in 34 CFR 682.215(e)(2) require notifications to borrowers from the loan holders once a borrower establishes a partial financial hardship and is placed in an income based repayment (IBR) plan by the loan holder. The regulations identify information the loan holder must provide to the borrower to continue to participate in an IBR plan. This is a request for extension without change of the current information collection 1845–0114.

Dated: August 3, 2021.

Juliana Pearson,

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

[FR Doc. 2021–16887 Filed 8–6–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0120]

Agency Information Collection Activities; Comment Request; Servicemembers Civil Relief Act (SCRA): Interest Rate Limitation Request

AGENCY: Federal Student Aid (FSA), 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 October 8, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0120. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave, SW, LBJ, Room 6W208C, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

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: Servicemembers Civil Relief Act (SCRA): Interest Rate Limitation Request.

OMB Control Number: 1845–0135.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 200.

Total Estimated Number of Annual Burden Hours: 67.

Abstract: The Servicemembers Civil Relief Act (SCRA) provides that those on active duty military service are entitled to have an interest rate in excess of 6% be capped at 6% for the duration of their qualifying military service. The Department is requesting an extension of the currently approved information collection. These Federal Family Education Loan (FFEL) Program and Direct Loan Program regulations have not changed. The regulations require a loan holder to match its database against the Department of Defense's Defense Manpower Data

Center (DMDC) and automatically apply the interest rate limitation, as appropriate, to borrowers under the Servicemembers Civil Relief Act. The form in this collection would only be used in limited cases where the borrower is not found in the Defense Manpower Data Center, or does not have a copy of military orders, but still wishes to receive benefits under the SCRA.

Dated: August 3, 2021.

Juliana Pearson,

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

[FR Doc. 2021–16890 Filed 8–6–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Public Meeting on Understanding the Environmental, Health, and Local Impacts of Ethane Processing and Distribution

AGENCY: Office of Fossil Energy and Carbon Management, U.S. Department of Energy.

ACTION: Notice of virtual public meeting.

SUMMARY: The Department of Energy (DOE), Office of Fossil Energy and Carbon Management (FECM) will host a public meeting to discuss the impacts petrochemical manufacturing, pipelines, and supporting infrastructure have on environmental and health conditions in local communities and on global greenhouse gas emission targets.

DATES: The public meeting will be held on Tuesday, August 24, 2021 from 11:30 a.m. to 1:30 p.m. EST.

Location: The public meeting will be held virtually via Webex on August 24, 2021, 11:30 a.m.–1:30 p.m. EST. Those who register will be provided with the meeting link and other details.

FOR FURTHER INFORMATION CONTACT: Kevin Easley, Industry Analyst, U.S. Department of Energy, Office of Fossil Energy and Carbon Management, by email at *kevin.easley@hq.doe.gov;* or by telephone at (240) 780–1453.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to obtain data, information, and perspectives from individual stakeholders on the following topics: (1) Local environmental, health, and community impacts associated with petrochemical manufacturing, particularly from ethane crackers and pipelines; (2) health and safety risks to local communities from accidents and system failures associated with such facilities and infrastructure; (3) greenhouse gas emissions from such facilities and infrastructure; and (4) opportunities to reduce environmental and health impacts of such facilities locally and along the value chain, up to and including product exports. The public meeting discussion will inform the DOE FECM study assessing the long-term trends related to the domestic production and consumption of ethane, the export of ethane, and the opportunities for and economic benefit of investments for further domestic use, as encouraged by Congress pursuant to the Consolidated Appropriations Act, 2021, Public Law 116–260, and explanatory statement, 166 Cong. Rec. H7879, H8363 (Dec. 21, 2020). In holding this meeting, DOE is seeking individual opinions and perspectives and is not seeking to obtain or utilize consensus advice and/or recommendations from any groups or entities.

The meeting is open to the public and participation is via Webex. Please direct all media inquiries to Marc Willis, Director of Communications, Office of Fossil Energy and Carbon Management, at *FECommunications@hq.doe.gov.* Those planning to join via Webex are requested to register in advance by email to Colleen Newman (*colleen.newman@hq.doe.gov*) and provide their name, title, organization, and email address prior to the meeting. Participants are responsible for ensuring their systems are compatible with the Webex software.

Signing Authority

This document of the Department of Energy was signed on August 3, 2021, by Jennifer Wilcox, Ph.D., Acting Assistant Secretary, Office of Fossil Energy and Carbon Management, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 3, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–16880 Filed 8–6–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Fusion Energy Sciences Advisory Committee; Meeting

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee (FESAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

Monday, August 30, 2021; 11:00 a.m. to 5:30 p.m. EDT

Tuesday, August 31, 2021; 11:00 a.m. to 5:30 p.m. EDT

ADDRESSES: This meeting will be held digitally via Zoom. Instructions for Zoom, as well as any updates to meeting times or meeting agenda, can be found on the FESAC meeting website at: *https://science.osti.gov/fes/fesac/Meetings.*

FOR FURTHER INFORMATION CONTACT: Dr. Samuel J. Barish, Designated Federal Officer, Office of Fusion Energy Sciences (FES); U.S. Department of Energy; Office of Science; 1000 Independence Avenue SW; Washington, DC 20585; Telephone: (301) 903–2917, Email address: *sam.barish@science.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the fusion energy sciences program.

Tentative Agenda:

- News from the Office of Science
- FES Perspective
- Update on the FESAC Long-Range Planning Report
- Status of US ITER
- Innovation Network for Fusion Energy (INFUSE)
- Taming Plasmas and Controlling Laser Beams for Grand Challenge Applications
- Public Reusable Research (PuRe) Data Resources

- Public Comment
- Adjourn

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make an oral statement regarding any of the items on the agenda, you should contact Dr. Barish at *sam.barish@science.doe.gov* (Email). Reasonable provision will be made to include the scheduled oral statements during the Public Comment time on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for on the Fusion Energy Sciences Advisory Committee website: *http://science.energy.gov/fes/fesac/.*

Signed in Washington, DC, on August 4, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–16933 Filed 8–6–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21–30–000, RD20–4–000]

Commission Information Collection Activities (FERC–725G); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission; Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on a renewal of currently approved information collection, FERC 725G (Mandatory Reliability Standards for the Bulk-Power System: PRC Reliability Standards), which will be submitted to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collection of information are due September 8, 2021.

ADDRESSES: Send written comments on FERC–725–G to OMB through *www.reginfo.gov/public/do/PRAMain.* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902–0252) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.*

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC21–30–000) by one of the following methods:

Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

○ *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (Including Courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review'' field, select Federal Energy Regulatory Commission; click ''submit,'' and select ''comment'' to the right of the subject collection. *FERC submissions* must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov/ferc-online/overview.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–725G (Mandatory Reliability Standards for the Bulk-Power System: Regional Reliability Standard PRC standards: PRC–006–5 Automatic Underfrequency Load-Shedding (UFLS), PRC–002–2, PRC–012–2, PRC–019–2, PRC–023–4, PRC–024–1, PRC–025–2, PRC–026–1, and PRC–027–1.

OMB Control No.: 1902–0252.

Type of Request: Revisions and extension to the information collection, as discussed in Docket No. RD20–4–000.

Abstract: On August 8, 2005, Congress enacted into law the Electricity Modernization Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005).[1] EPAct 2005 added a new section 215 to the FPA, which required a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or the Commission can independently enforce Reliability Standards.[2]

The information collected by the FERC–725G is required to implement the statutory provisions of section 215 of the Federal Power Act (FPA).[2] Section 215 of the FPA buttresses the Commission's efforts to strengthen the reliability of the interstate bulk power grid.

The FERC–725G information collection currently contains the reporting and recordkeeping requirements for the following Reliability Standards: PRC–002–2, PRC–006–5, PRC–012–2, PRC–019–2, PRC–023–4, PRC–024–1, PRC–025–2, PRC–026–1, and PRC–027–1.

• PRC–002–2 Disturbance Monitoring and Reporting Requirements

The purpose is to have adequate data available to facilitate analysis of Bulk Electric System (BES) Disturb.

• PRC–006–5 Automatic Underfrequency Load Shedding

To establish design and documentation requirements for automatic Underfrequency Load Shedding (UFLS) programs to arrest declining frequency, assist recovery of frequency following underfrequency events and provide last resort system preservation measures.

• PRC–012–2 Remedial Action Schemes

To ensure that Remedial Action Schemes (RAS) do not introduce unintentional or unacceptable reliability risks to the Bulk Electric System (BES).

• PRC–019–2 Coordination of Generating Unit or Plant Capabilities, Voltage Regulating Controls, and Protection

The purpose is to verify coordination of generating unit Facility or synchronous condenser voltage

[1] Energy Policy Act of 2005, Public Law 109–58, Title XII, Subtitle A, 119 Stat. 594, 941 (codified at 16 U.S.C. 824*o*).

[2] 16 U.S.C. 824*o*(e)(3).

regulating controls, limit functions, equipment capabilities and Protection System settings.

• PRC–023–4 Transmission Relay Load-Ability

Protective relay settings shall not limit transmission load-ability; not interfere with system operators' ability to take remedial action to protect system reliability and; be set to reliably detect all fault conditions and protect the electrical network from these faults.

• PRC–024–1 Generator Frequency and Voltage Protective Relay Settings

The purpose is to ensure Generator Owners set their generator protective relays such that generating units remain connected during defined frequency and voltage excursions.

• PRC–025–2 Generator Relay Load-Ability

The purpose is to set load-responsive protective relays associated with generation Facilities at a level to prevent unnecessary tripping of generators during a system disturbance for conditions that do not pose a risk of damage to the associated equipment.

• PRC–026–1 Relay Performance During Stable Power Swings

The purpose is to ensure that load-responsive protective relays are expected to not trip in response to stable power swings during non-Fault conditions.

• PRC–027–1 Coordination of Protection Systems for Performance During Faults

The purpose is to maintain the coordination of Protection Systems installed to detect and isolate Faults on Bulk Electric System (BES) Elements, such that those Protection Systems operate in the intended sequence during Faults.

Each of these Reliability Standards have three components that impose burden upon affected industry:

- Requirements (*e.g.,* denoted in each Reliability Standard as R1, R2 . . .)
- Measures (*e.g.,* denoted in each Reliability Standard as M1, M2 . . .)
- Evidence Retention

These three components can be reviewed for the Reliability Standards in North American Electric Reliability Commission (NERC) petitions in FERC's eLibrary system (*http://www.ferc.gov/docs-filing/elibrary.asp*) or on NERC's own website (*www.nerc.com*).

Type of Respondents: Generator owners, Planning coordinators, Distribution providers, UFLS-only Distribution Providers, and transmission owners in the Northeast Power Coordinating Council (NPCC) Region.

Estimate of Annual Burden:[3] Our estimates are based on the NERC Compliance Registry Summary of Entities as of February 5, 2021. According to the NERC compliance registry, and functions as of, which indicates there are registered as GO, PC, DP and TO entities. The individual burden estimates are based on the time needed to gather data, run studies, and analyze study results to design or update the underfrequency load shedding programs. Additionally, documentation and the review of underfrequency load shedding (UFLS) program results by supervisors and management is included in the administrative estimations. These are consistent with estimates for similar tasks in other Commission approved standards.

RD20–4 (PRC–006–4)

The revisions in the proposed Reliability Standards will align these standards with the previously approved changes to the NERC registration criteria[4] by removing reference to entities[5] that are no longer registered with NERC. In proposed Reliability Standard PRC–006–4, NERC adds the UFLS-only Distribution Provider as an applicable entity. In two instances, NERC has proposed changes that will promote consistent use of the term Planning Coordinator across the Reliability Standards.[6]

The Commission's request to OMB will reflect the following:

- Addition to the burden associated with UFLS-only distribution providers to proposed (in RD–20–4) Reliability Standard PRC–006–4.[7] The petition states that the currently effective standard is applicable to planning coordinators, ''UFLS entities'' (which may include transmission owners and distribution providers that own, operate, or control UFLS equipment), and transmission owners that own certain elements. In proposed Reliability Standard PRC–006–4, NERC proposes to add the UFLS-only distribution provider as an applicable UFLS entity.[8]
- Current Reliability Standard PRC–006–5[9] (formerly PRC–006–3) (Automatic Underfrequency Load Shedding).

The following table outline net changes in burden hours and responses as a result of Docket No. RD20–4.

RD20–4 NET CHANGES FOR FERC–725G, OMB CONTROL NO. 1902–0252

PRC regional reliability standards	Average annual number[1] of respondents (1)	Average annual number of responses per respondent (2)	Average annual total number of responses (1) * (2) = (3)	Average annual burden hrs. per response (4)	Total annual burden hours
PRC–006–4 (Automatic Underfrequency Load Shedding) Reporting Requirement—program decrease[10].	−80 (TO & DP)	1	−80	47	−3,760.
PRC–006–4 (Automatic Underfrequency Load Shedding) Evidence Retention—program decrease[14].	−80 (TO & DP)	1	−80	5	−400.
PRC–006–4 (Automatic Underfrequency Load Shedding) R1–R7, R11–R15 Reporting Requirement—program increase & clarification[11].	64 (PC)	1	64	47	3,008.
PRC–006–4 (Automatic Underfrequency Load Shedding) R1–R7, R11–R15 Evidence Retention-program increase & clarification[14].	64 (PC)	1	64	5	320.

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

[4] *Order on Electric Reliability Organization Risk Based Registration Initiative and Requiring Compliance Filing,* 150 FERC ¶ 61,213 (2015); *Order on Compliance Filing,* 153 FERC ¶ 61,024 (2015).

[5] NERC's risk-based registration initiative resulted in the removal of the load-serving entity and purchasing-selling entity from the NERC compliance registry.

[6] Standards Alignment with Registration Petition at 7.

[7] The burden associated with the Commission approved standard, PRC–006–3, is included in FERC–725G.

[8] Standards Alignment with Registration Petition at 13.

[9] PRC–006–5 was approved April 1, 2021 in RM21–1 which did not trigger the PRA and therefore did not require prior OMB approval. The current version of this standard, PRC–006–5, was approved by the Commission on April 1, 2021. The only change was a revision to the regional variance for the WECC region for PRC–006–4 modifications that needs to be approved through OMB.

RD20–4 NET CHANGES FOR FERC–725G, OMB CONTROL NO. 1902–0252—Continued

PRC regional reliability standards	Average annual number [1] of respondents (1)	Average annual number of responses per respondent (2)	Average annual total number of responses (1) * (2) = (3)	Average annual burden hrs. per response (4)	Total annual burden hours
PRC–006–4 (Automatic Underfrequency Load Shedding) R8–R10 Evidence Retention—program increase & clarification [12].	478 (TO, DP, UFLS-only DP).	1	478	5	2,390.
Net Changes for FERC–725G due to RD20–4			446 (net increase).		1,558 hrs. (net increase).

The Commission estimates the annual burden and cost [13] for the information collection as follows:

IC21–30–000 RENEWAL AS EFFECTED BY RD20–4–000: MANDATORY RELIABILITY STANDARDS FOR THE BULK-POWER SYSTEM: REGIONAL MANDATORY RELIABILITY STANDARDS FOR THE BULK-POWER SYSTEM: REGIONAL RELIABILITY STANDARD PRC STANDARDS: PRC–006–5, PRC–002–2, PRC–012–2, PRC–019–2, PRC–023–4, PRC–024–1, PRC–025–2, PRC–026–1, AND PRC–027 [14]

Reliability standard & requirement	Average annual number [1] of respondents (1)	Average annual number of responses per respondent (2)	Average annual total number of responses (1) * (2) = (3)	Average annual burden hrs. & cost ($) per response (4)	Total average annual burden hours & cost ($) (rounded) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
PRC–006–5 (Current burden after net changes due to RD20–4)						
TO/DP/PC [15]	480	1	480	35 hrs.; $2,905	16,800 hrs.; $1,394,400	$2,905
Net Changes for FERC–725G due to RD20–4.			926		18,358 hrs.; $1,523,714	
PRC–023–4						
TO/GO/DP [16]	1,314	1	1,314	303 hrs.; $25,149	398,142 hrs.; $33,045,786	25,149
PC	65	1	65	212 hrs.; $17,596	13,780 hrs.; $1,143,740	17,596
PRC–025–2 [17]						
GO/TO/DP [18]	1,314	1	1,314	4 hrs.; $332	5,256 hrs.; $436,248	332
PRC–019–2						
GO/TO	1,178	1	1,178	8.9 hrs.; $664	9,424 hrs.; $782,192	664
PRC–024–1						
GO	1,003	1	1,003	8 hrs.; $664	8,024 hrs.; $665,992	664
PRC–026–1						
GO/PC/TO	1,189	1	1,189	18 hrs.; $1,494	21,402 hrs.; $1,776,366	1,494
PRC–002–2						
TO/GO/PC [19]	1,189	0.50	594.5	100 hrs.; $8,300	59,450 hrs.; $4,934,350	4,150
PRC–012–2						
RC/PC/TO/GO/DP	1,329	1	1,329	88 hrs.; $7,304	116,952 hrs.; $9,707,016	7,304

[10] The number of entities is being reduced in order to more clearly identify the applicable entities in subsequent rows in this table. As stated in the NERC Petition, ''[t]he currently effective standard is applicable to Planning Coordinators, ''UFLS entities'' (which may include Transmission Owners and Distribution Providers that own, operate, or control UFLS equipment), and Transmission Owners that own certain Elements. In proposed Reliability Standard PRC–006–4, NERC proposes to add the UFLS-Only Distribution Provider as an applicable UFLS entity, consistent with the language in Section III(b) of Appendix 5B of the NERC Rules of Procedure (Statement of Compliance Registry Criteria) that the Reliability Standards applicable to UFLS-Only Distribution Providers includes prior effective versions of the PRC–006 standard.'' The changes are not due to Docket No. RD20–4–000.

[11] The increases are not due to Docket No. RD20–4–000. They are a program increase of 64 PCs (and the corresponding hrs.) in order to correct and clarify the estimates.

[12] The program increase is due to adding 63 UFLS-only DPs due to Docket No. RD20–4–000. In addition, 415 TOs and DPs were originally estimated in FERC–725A due to Order No. 693. However, the estimates and descriptions were not clearly spelled out, so we are clarifying them. As a result, there are 315 hours (63*5 hours) and the corresponding increase of 63 respondents of program increase due to Docket No. RD20–4–000, and 2,075 hours (415*5 hours) of increase due to adjustment.

[13] The Commission staff estimates that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based on FERC's 2020 annual average of $172,329 (for salary plus benefits), the average hourly cost is $83/hour.

IC21–30–000 RENEWAL AS EFFECTED BY RD20–4–000: MANDATORY RELIABILITY STANDARDS FOR THE BULK-POWER SYSTEM: REGIONAL MANDATORY RELIABILITY STANDARDS FOR THE BULK-POWER SYSTEM: REGIONAL RELIABILITY STANDARD PRC STANDARDS: PRC–006–5, PRC–002–2, PRC–012–2, PRC–019–2, PRC–023–4, PRC–024–1, PRC–025–2, PRC–026–1, AND PRC–027 [14]—Continued

Reliability standard & requirement	Average annual number [1] of respondents	Average annual number of responses per respondent	Average annual total number of responses	Average annual burden hrs. & cost ($) per response	Total average annual burden hours & cost ($) (rounded)	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
PRC–027–1						
TO/GO/DP	1,314	1	1,314	44 hrs.; $3,652	57,816 hrs.; $4,798,728	3,652
TOTAL for FERC–725G			10,226.50		708,604 hrs.; $58,814,132	

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 3, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–16919 Filed 8–6–21; 8:45 am]

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[14] The number of respondents on this table reflect information taken from NERC Compliance Registry, while it may show a decrease from previous years the 2021 values reflect treating standards as a whole instead of by requirement which allow for aggregate values and eliminating multiple counts of the same entity within a standard.

[15] Using NERC Compliance Registration data (February 5, 2021), the number of respondents are for US unique entities and takes into account the overlap between functions of the DP = Distribution Provider, TO = Transmission Owner and PC = Planning Coordinator for a total of 480.

[16] Using NERC Compliance Registration data (February 5, 2021), the number of respondents are for US unique entities and takes into account the overlap between functions of the DP = Distribution Provider, TO = Transmission Owner and DP = Distribution Provider for a total of 1,314. The number of hours also take into account line terminal work needed to be done applicable TO, GO, or DP as per PRC–023–1 approved in Order No. 773 March 18, 2010.

[17] Reliability Standard PRC–025–2 from FERC–725G2 (OMB No. 1902–0281)– a temporary place holder is now being placed back into 725G.

[18] According to the NERC compliance registry as of February 5, 2021, NERC has registered 379 distribution providers (DP), 1,003 generator owners (GO) and 321 transmission owners (TO). However, under NERC's compliance registration program, entities may be registered for multiple functions, so these numbers incorporate some double counting. The number of unique entities responding will be approximately 994 entities registered as a transmission owner, a distribution provider, or a generator owner that is also a transmission owner and/or a distribution owner. These values reflect removing any year 1–2 costs and covers on-going cost from version PRC–025–1 and PRC–025–2.

[19] Based on the Requirements of PRC–002–2 some entities do not have to perform tasks annual so average response rate is set to 0.50.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–2573–000]

HollyFrontier Puget Sound Refining 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 HollyFrontier Puget Sound Refining 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 August 23, 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: August 3, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–16917 Filed 8–6–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–2538–000]

Minonk Stewardship Wind 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 Minonk Stewardship Wind 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 August 23, 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: August 3, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–16918 Filed 8–6–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ21–12–000]

Oncor Electric Delivery Company LLC; Notice of Filing

Take notice that on August 3, 2021, Oncor Electric Delivery Company LLC submitted its tariff filing: Oncor TFO Tariff Rate Changes, to be effective 3/26/2021.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://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.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on August 24, 2021.

Dated: August 3, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–16924 Filed 8–6–21; 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 corporate filings:

Docket Numbers: EC21–110–000.

Applicants: Hatch Solar Energy Center I, LLC, High Winds, LLC, Oliver Wind III, LLC, Osborn Wind Energy, LLC, NEP US SellCo, LLC, NEP US SellCo II, LLC, NextEra Energy Partners Acquisitions, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Hatch Solar Energy Center I LLC, et al.

Filed Date: 7/30/21.

Accession Number: 20210730–5305.

Comments Due: 5 p.m. ET 8/20/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1587–001.

Applicants: Tyr Energy, LLC.

Description: Compliance filing: Notification of Change in Status to be effective 10/4/2021.

Filed Date: 8/2/21.

Accession Number: 20210802–5104.

Comments Due: 5 p.m. ET 8/23/21.

Docket Numbers: ER20–807–001; ER20–2176–001; ER20–2177–001.

Applicants: LA3 West Baton Rouge, LLC, Helios 5 MT, LLC, Ruff Solar LLC.
Description: Notice of Change in Status of Ruff Solar LLC, et al.
Filed Date: 8/2/21.
Accession Number: 20210802–5124.
Comments Due: 5 p.m. ET 8/23/21.
Docket Numbers: ER21–2593–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2021–08–03 EIM Baseline Schedules to be effective 12/31/9998.
Filed Date: 8/3/21.
Accession Number: 20210803–5036.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2594–000.
Applicants: Alabama Power Company.
Description: Tariff Cancellation: Tri-State II Solar Project LGIA Termination Filing to be effective 8/3/2021.
Filed Date: 8/3/21.
Accession Number: 20210803–5054.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2595–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Paisley Solar Energy (Washington Solar) LGIA Filing to be effective 7/20/2021.
Filed Date: 8/3/21.
Accession Number: 20210803–5055.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2596–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Morven Solar LGIA Filing to be effective 7/20/2021.
Filed Date: 8/3/21.
Accession Number: 20210803–5056.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2597–000.
Applicants: Rockhaven Wind Project, LLC.
Description: Baseline eTariff Filing: Rockhaven Wind Project, LLC MBR Tariff to be effective 8/4/2021.
Filed Date: 8/3/21.
Accession Number: 20210803–5058.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2598–000.
Applicants: NorthWestern Corporation.
Description: NorthWestern Corporation submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, FY 2022–2023.
Filed Date: 8/3/21.
Accession Number: 20210803–5062.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2599–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Marble Solar Energy (Monroe Solar) LGIA Filing to be effective 7/20/2021.
Filed Date: 8/3/21.
Accession Number: 20210803–5063.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2600–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: L and O Power Cooperative Formula Rate to be effective 10/1/2021.
Filed Date: 8/3/21.
Accession Number: 20210803–5064.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2601–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–08–03_ATC Regulatory Liability Filing to be effective 1/1/2022.
Filed Date: 8/3/21.
Accession Number: 20210803–5067.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2602–000.
Applicants: Midcontinent Independent System Operator, Inc., Otter Tail Power Company.
Description: § 205(d) Rate Filing: 2021–08–03_SA 3679 OTP–EDF Renewables E&P (J1456) to be effective 7/29/2021.
Filed Date: 8/3/21.
Accession Number: 20210803–5070.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2603–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 334 to be effective 8/4/2021.
Filed Date: 8/3/21.
Accession Number: 20210803–5076.
Comments Due: 5 p.m. ET 8/24/21.
Docket Numbers: ER21–2604–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule FERC No. 311 to be effective 8/4/2021.
Filed Date: 8/3/21.
Accession Number: 20210803–5079.
Comments Due: 5 p.m. ET 8/24/21.

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: August 3, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–16921 Filed 8–6–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–2570–000]

TC Energy Marketing Inc.; 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 TC Energy Marketing Inc.'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 August 23, 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: August 3, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–16916 Filed 8–6–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–92–000]

Carolinas Clean Energy Business Association v. PJM Interconnection, L.L.C., Duke Energy Process, LLC; Notice of Complaint

Take notice that on July 30, 2021, pursuant to sections 206 and 306, of the Federal Power Act, 16 U.S.C. 824e and 825e, and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Carolinas Clean Energy Business Association (Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (PJM) and Duke Energy Process, LLC (DEP) seeking an order finding that the PJM and DEP's process to effectuate Affected System coordination for generation interconnection is not just and reasonable and is unduly discriminatory and preferential, requesting that the Commission order PJM and DEP to adopt specific reforms in their respective Open Access Transmission Tariff and Joint Operating Agreement and requesting fast track processing, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for Respondents in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondents' answer and all interventions, or protests must be filed on or before the comment date. The Respondents' answer, motions to intervene, and protests must be served on the Complainant.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov,* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 19, 2021.

Dated: August 3, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–16923 Filed 8–6–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21–989–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 8–1–2021 to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5002.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–990–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 8–1–2021 to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5003.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–991–000.

Applicants: Nautilus Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rates—Talos 630206–7 eff 8–1–2021 to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5005.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–992–000.

Applicants: Great Lakes Gas Transmission Limited Partnership.

Description: Compliance filing Semi-Annual Transporter's Use Report July 2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5007.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–993–000.

Applicants: Cove Point LNG, LP.

Description: Compliance filing Cove Point—2021 Report of Operational Sales and Purchases of Gas.

Filed Date: 7/30/21.

Accession Number: 20210730–5010.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–994–000.

Applicants: Dominion Energy Overthrust Pipeline, LLC.

Description: § 4(d) Rate Filing: Non-conforming TSA Amendments to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5011.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–995–000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: § 4(d) Rate Filing: EGTS—July 30, 2021 Nonconforming

Service Agreements to be effective 9/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5012.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–996–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 releases eff 8–1–2021) to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5014.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–997–000.

Applicants: Gulf South Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Marathon 51753, 51754 to Spire 54232, 54233) to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5015.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–998–000.

Applicants: Columbia Gulf Transmission, LLC.

Description: § 4(d) Rate Filing: Gulfport Non-Conforming NRA 174460 Amendment to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5016.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–999–000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Negotiated Rates—Various August 1 Capacity Releases to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5017.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1000–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20210730 Negotiated Rate to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5020.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1001–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: TETLP 2021 Rate Case Filing to be effective 9/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5191.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1002–000.

Applicants: Northwest Pipeline LLC.

Description: § 4(d) Rate Filing: Northwest Passage Service Filing to be effective 8/30/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5026.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1003–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Aug 2021 to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5035.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1004–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: § 4(d) Rate Filing: Fuel and L&U Quarterly and No Fuel Area Update to be effective 9/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5043.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1005–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—Releases eff 08–01–2021 to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5045.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1006–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Releases eff 08–01–2021 to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5061.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1007–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: REX 2021–07–30 Negotiated Rate Agreement Amendment to be effective 8/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5071.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1008–000.

Applicants: Elba Express Company, L.L.C.

Description: § 4(d) Rate Filing: Effingham/Oglethorpe Negotiated Rate Filing to be effective 9/1/2021.

Filed Date: 7/30/21.

Accession Number: 20210730–5121.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1009–000.

Applicants: Dominion Energy Overthrust Pipeline, LLC.

Description: Annual Fuel Gas Reimbursement Report of Dominion Energy Overthrust Pipeline, LLC.

Filed Date: 7/30/21.

Accession Number: 20210730–5128.

Comments Due: 5 p.m. ET 8/11/21.

Docket Numbers: RP21–1011–000.

Applicants: UGI Storage Company.

Description: Annual Report of Operational Purchases and Sales of UGI Storage Company.

Filed Date: 7/30/21.

Accession Number: 20210730–5207.

Comments Due: 5 p.m. ET 8/11/21.

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: August 3, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–16920 Filed 8–6–21; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1035; FR ID 41659]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the

information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before October 8, 2021. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1035.

Title: Part 73, Subpart F International Broadcast Stations.

Form No.: FCC Forms 309–IBFS, 310–IBFS and 311–IBFS.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals and Households.

Number of Respondents/Responses: 258 respondents; 258 responses.

Estimated Time per Response: 2–720 hours.

Frequency of Response: Recordkeeping requirement; On occasion, Semi-annual, Weekly and Annual reporting requirements.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 1, 4(i), 301, 303, 307, 308(b) 334, 336, 554 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 301, 303, 307, 308(b), 334, 336, 554, and Part 73 of the Commission's rules.

Total Annual Burden: 20,175 hours.

Annual Cost Burden: $102,720.

Privacy Act Impact Assessment: The Commission is preparing a system of records notice, FCC/IB–1 ''International Bureau Filing System,'' to cover any PII that will be added to IBFS as part of this collection. The Commission is also preparing a Privacy Impact Assessment for the system.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission (''Commission'') is requesting that the Office of Management and Budget (OMB) approve a three-year extension of the information collection titled ''Part 73, Subpart F International Broadcast Stations'' under OMB Control No. 3060–1035.

The information collected pursuant to the rules set forth in 47 CFR part 73 Subpart F is used by the Commission to assign frequencies for use by international broadcast stations, to grant authority to operate such stations, and to determine if interference or adverse propagation conditions exists that may impact the operation of such stations. If the Commission did not collect this information, it would not be in a position to effectively coordinate spectrum for international broadcasters or to act for entities in times of frequency interference or adverse propagation conditions. The orderly nature of the provision of international broadcast service would be in jeopardy without the Commission's involvement.

The full title and purpose of each application are summarized below:

1. Application for Authority to Construct or Make Changes in an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station (FCC Form 309–IBFS)—The FCC Form 309–IBFS is filed on occasion when the applicant is requesting authority to construct or make modifications to the international broadcast station.

2. Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License (FCC Form 310–IBFS)—The FCC Form 310–IBFS is filed on occasion when the applicant is submitting an application for a new international broadcast station.

3. Application for Renewal of an International or Experimental Broadcast Station License (FCC Form 311–IBFS)—The FCC Form 311–IBFS is filed by applicants who are requesting renewal of their international broadcast station licenses.

As part of and in addition to the FCC Forms 309–IBFS, 310–IBFS and 311–IBFS, this information collection includes the following collections of information:

1. 47 CFR 1.1301–1.1319 cover certifications of compliance with the National Environmental Policy Act and how the public will be protected from radio frequency radiation hazards.

2. 47 CFR 73.702(a) states that six months prior to the start of each season, licensees and permittees shall by informal written request, submitted to the Commission electronically in the International Bureau Filing System (IBFS), indicate for the season the frequency or frequencies desired for transmission to each zone or area of reception specified in the license or permit, the specific hours during which it desires to transmit to such zones or areas on each frequency, and the power, antenna gain, and antenna bearing it desires to use. Requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of section 47 CFR 73.702(a).

3. 47 CFR 73.702(b) states that two months before the start of each season, the licensee or permittee must electronically inform the Commission in IBFS as to whether it plans to operate in accordance with the Commission's authorization or operate in another manner.

4. 47 CFR 73.702(c) permits entities to file requests for changes to their original request electronically in IBFS for assignment and use of frequencies if they are able to show good cause. Because international broadcasters are assigned frequencies on a seasonal basis, as opposed to the full term of their eight-year license authorization, requests for changes need to be filed by entities on occasion.

5. 47 CFR 73.702(d) (note) states that permittees who during the process of construction wish to engage in equipment tests shall by informal written request, submitted to the Commission in IBFS not less than 30 days before they desire to begin such testing, indicate the frequencies they desire to use for testing and the hours they desire to use those frequencies.

6. 47 CFR 73.702(e) states within 14 days after the end of each season, each licensee or permittee must file a report with the Commission electronically in IBFS, stating whether the licensee or permittee has operated the number of frequency hours authorized by the seasonal schedule to each of the zones or areas of reception specified in the schedule.

7. 47 CFR 73.702(h)(2) states that International Broadcast Stations must submit sufficient antenna performance information electronically in IBFS to ensure that during the hours of 0800–1600 UTC (Coordinated Universal Time) antenna gain with reference to an

isotropic radiator in any easterly direction that would intersect any area in Region 2 shall not exceed 2.15 dBi.

8. 47 CFR 73.702(i) Note 4 specifies that seasonal requests for frequency-hours will be only for transmissions to zones or areas of reception specified in the basic instrument of authorization. Changes in such zones or areas will be made only on separate application for modification of such instruments electronically in IBFS.

9. 47 CFR 73.702(j) requires a showing of good cause made electronically in IBFS a licensee may be authorized to operate on more than one frequency at any one time to transmit any one program to a single zone or area of reception.

10. 47 CFR 73.702(m) requires a showing made electronically in IBFS that good cause exists for not having its requested number of frequency-hours reduced and that operation of its station without such reduction would be consistent with the public interest may be authorized the frequency-hours requested, when the total maximum number of frequency-hours which will be authorized to all licensees of international broadcasting stations during any one day for any season is 100.

11. 47 CFR 73.713—Program Tests—(a) Upon completion of construction of an international broadcasting station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee may request authority to conduct program tests. Such request shall be electronically filed with the FCC in the International Filing System (IBFS) at least 10 days prior to the date on which it is desired to begin such operation. All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked, program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing international broadcasting stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

12. 47 CFR 73.731 Licensing requirements.

(a) A license for an international broadcasting station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) That there is a need for the international broadcasting service proposed to be rendered.

(2) That the necessary program sources are available to the applicant to render the international service proposed.

(3) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(4) That the applicant is legally, technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(5) That the public interest, convenience and necessity will be served through the operation of the proposed station.

13. 47 CFR 73.732 Authorizations—Authorizations issued to international broadcasting stations by the Commission will be authorizations to permit the construction or use of a particular transmitting equipment combination and related antenna systems for international broadcasting, and to permit broadcasting to zones or areas of reception specified on the instrument of authorization. The authorizations will not specify the frequencies to be used or the hours of use. Requests for frequencies and hours of use will be made by electronic filing in the International Bureau Filing system (IBFS) as provided in § 73.702. Seasonal schedules, when issued pursuant to the provisions of § 73.702, will become attachments to and part of the instrument of authorization, replacing any such prior attachments.

14. 47 CFR 73.759(c)(2) states that the transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days. (This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be made electronically in the International Bureau Filing System (IBFS) in accordance with § 73.3542 of this chapter.)

15. 47 CFR 73.759(d) states that the licensee or permittee must keep records of the time and results of each auxiliary transmitter test performed at least weekly.

16. 47 CFR 73.761 states that specific authority, upon electronic filing of a formal application (FCC Form 309) therefor in the International Bureau Filing System (IBFS), is required for some changes specified in this section. Other changes, not specified in this section, may be made at any time without the authority of the Commission: Provided, that the Commission shall be immediately notified electronically in IBFS thereof and such changes shall be shown in the next application for renewal of license.

17. 47 CFR § 73.762(b) requires that licensees notify the Commission in by electronic filing in the International Bureau Filing System (IBFS) of any limitation or discontinuance of operation of not more than 10 days.

18. 47 CFR 73.762(c) states that the licensee or permittee must request by electronic filing in IBFS and receive specific authority from the Commission to discontinue operations for more than 10 days under extenuating circumstances.

19. 47 CFR 73.782 requires that licensees retain logs of international broadcast stations for two years. If it involves communications incident to a disaster, logs should be retained as long as required by the Commission.

20. 47 CFR 73.3533 Application for construction permit or modification of construction permit.

(a) Application for construction permit, or modification of a construction permit, for a new facility or change in an existing facility is to be made on the following forms:

(1) FCC Form 301, ''Application for Authority to Construct or Make Changes in an Existing Commercial Broadcast Station.''

(2) FCC Form 309, ''Application for Authority to Construct or Make Changes in an Existing International or Experimental Broadcast Stations.'' For International Broadcast Stations,

applications shall be filed electronically in the International Bureau Filing System (IBFS).

(3) [Reserved]

(4) FCC Form 340, ''Application for Authority to Construct or Make Changes in a Noncommercial Educational Broadcast Station.''

(5) FCC Form 346, ''Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station.''

(6) FCC Form 349, ''Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station.''

(7) FCC Form 318, ''Application for Construction Permit for a Low Power FM Broadcast Station.''

(b) The filing of an application for modification of construction permit does not extend the expiration date of the construction permit. Extension of the expiration date must be applied for on FCC Form 307, in accordance with the provisions of § 73.3533.

(c) In each application referred to in paragraph (a) of this section, the applicant will provide the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not already have a Registration Number, either the antenna structure owner shall file FCC Form 854 (''Application for Antenna Structure Registration'') in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance of the antenna structure is not necessary.

21. 47 CFR 73.3536(b)(2) Application for license to cover construction permit.

(a) The application for station license shall be filed by the permittee pursuant to the requirements of § 73.1620 Program tests.

(b) The following application forms shall be used:

(1)

i. Form 302–AM for AM stations, ''Application for New AM Station Broadcast License.''

ii. Form 302–FM for FM stations, ''Application for FM Station License.''

iii. Form 302–TV for television stations, ''Application for TV Station Broadcast License.''

(2) FCC Form 310, ''Application for an International or Experimental Broadcast Station License.''

(3) [Reserved]

(4) FCC Form 347, ''Application for a Low Power TV, TV Translator or TV Booster Station License.''

(5) FCC Form 350, ''Application for an FM Translator or FM Booster Station License.''

(6) FCC Form 319, ''Application for a Low Power FM Broadcast Station License.''

(c) Eligible low power television stations which have been granted a certificate of eligibility may file FCC Form 302–CA, ''Application for Class A Television Broadcast Station Construction Permit Or License.''

22. 47 CFR 73.3539 Application for renewal of license.

(a) Unless otherwise directed by the FCC, an application for renewal of license shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental broadcast station shall be filed not later than the first day of the second full calendar month prior to the expiration date of the license sought to be renewed. If any deadline prescribed in this paragraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter. For International Broadcast Stations, applications shall be filed electronically in the International Bureau Filing System (IBFS).

(b) No application for renewal of license of any broadcast station will be considered unless there is on file with the FCC the information currently required by §§ 73.3612 through 73.3615, inclusive, for the particular class of station.

(c) Whenever the FCC regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(d) Renewal application forms titles and numbers are listed in § 73.3500, Application and Report Forms.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2021–16871 Filed 8–6–21; 8:45 am]

BILLING CODE 6712–01–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 September 8, 2021.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to *BOS.SRC.Applications.Comments@bos.frb.org:*

1. *Community Bancorp of the Berkshires, MHC and Community Bancorp of the Berkshires, Inc., both of Adams, Massachusetts;* to become a mutual bank holding company and stock bank holding company, respectively, by acquiring Adams Community Bank, Adams, Massachusetts.

Board of Governors of the Federal Reserve System, August 4, 2021.

Ann Misback,

Secretary of the Board.

[FR Doc. 2021–17013 Filed 8–6–21; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice and request for comment.

SUMMARY: The FTC requests that the Office of Management and Budget (OMB) extend for three years the current Paperwork Reduction Act (PRA) clearance for information collection requirements contained in the Rules and Regulations under the Fur Products Labeling Act (Fur Rules or Rules). That clearance expires on August 31, 2021.

DATES: Comments must be received by September 8, 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 *reginfo.gov* web link is a United States Government website produced by OMB and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT: Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION:

Title: Rules and Regulations under the Fur Products Labeling Act, 16 CFR part 301.

OMB Control Number: 3084–0099.

Type of Review: Extension of a currently approved collection.

Likely Respondents: Retailers, manufacturers, processors, and importers of furs and fur products.

Frequency of Response: Third party disclosure; recordkeeping requirement.

Estimated Annual Hours Burden: 303,001 hours (50,100 hours for recordkeeping + 252,901 hours for disclosure).

Recordkeeping: 50,100 hours [950 retailers incur an average recordkeeping burden of about 18 hours per year (17,100 hours total); 75 manufacturers incur an average recordkeeping burden of about 60 hours per year (4,500 hours total); and 950 importers of furs and fur products incur an average recordkeeping burden of 30 hours per year (28,500 hours total)].

Disclosure: 252,901 hours [(214,834 hours for labeling + 67 hours for invoices + 38,000 hours for advertising)].

Estimated Annual Cost Burden: $5,194,259 (solely relating to labor costs).

Abstract: The Fur Products Labeling Act (Fur Act) [1] prohibits the misbranding and false advertising of fur products. The Fur Rules establish disclosure requirements that assist consumers in making informed purchasing decisions, and recordkeeping requirements that assist the Commission in enforcing the Rules. The Rules also provide a procedure for exemption from certain disclosure provisions under the Fur Act.

Request for Comment

On June 2, 2021, the FTC sought public comment on the information collection requirements associated with the Rule. 86 FR 29581. The Commission received no germane comments. Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rules.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2021–16956 Filed 8–6–21; 8:45 am]

BILLING CODE 6750–01–P

[1] 15 U.S.C. 69 *et seq.*

FEDERAL TRADE COMMISSION

[File No. 181 0205]

Broadcom Incorporated; Analysis of Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis of Agreement Containing Consent Order to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 8, 2021.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''Broadcom Incorporated; File No. 181 0205'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Kathleen Clair (202–326–3435), Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://*

www.ftc.gov/news-events/commission-actions.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 8, 2021. Write ''Broadcom Incorporated; File No. 181 0205'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

Due to the COVID–19 pandemic and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Broadcom Incorporated; File No. 181 0205'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing the proposed settlement. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 8, 2021. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission has accepted, subject to final approval, a consent agreement with Broadcom Incorporated. Broadcom designs, develops, and sells semiconductor components for a wide range of computing and telecommunications applications, including for set-top boxes (''STBs'') and broadband devices such as modems. (STBs and broadband devices are sometimes collectively referred to as customer premises equipment or ''CPE'' or ''CPE devices.'')

As further described below, the consent agreement contains a proposed order addressing allegations in the proposed complaint that (1) with regard to certain components used in CPE devices, Broadcom unlawfully maintained a monopoly and unreasonably restrained trade through exclusive dealing and related conduct, and (2) with regard to certain other components used in CPE devices, Broadcom unreasonably restrained trade through cross-product conditioning, all in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45.

The proposed order has been placed on the public record for 30 days in order to receive comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the consent agreement and the comments received and will decide whether it should withdraw from the consent agreement and take appropriate action or make the proposed order final.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint, the consent agreement, or the proposed order, or to modify their terms in any way. The consent agreement is for settlement purposes only and does not constitute an admission by Broadcom that the law has been violated as alleged in the complaint or that the facts alleged in the complaint, other than jurisdictional facts, are true.

II. The Complaint

The complaint makes the following allegations.

A. Background

Consumers use STBs and broadband devices in their homes to access television and internet services. Service providers such as telecommunications and cable companies supply their customers with the CPE devices needed to access television and internet services.

Broadcom makes semiconductor components that are used in CPE devices. These include a ''system on a chip'' or ''SOC,'' which is the core component directing the functions and features of a CPE device; a ''front-end'' chip, which converts incoming analog signals to digital signals to be read by the SOC; and a ''Wi-Fi'' chip, which enables a device to connect to a wireless network. Original equipment manufacturers (''OEMs'') incorporate these components into STBs and broadband devices, which they typically build to service-provider specifications and sell to service providers.

Broadcom has long been the dominant supplier of (i) SOCs for traditional ''broadcast'' STBs,[1] (ii) SOCs for DSL

[1] ''Broadcast'' STBs, sometimes referred to as ''traditional'' STBs, access television signals over a broadcast interface (*e.g.,* cable, satellite, or fiber), as distinct from ''streaming'' STBs, which access only

Continued

broadband devices, and (iii) SOCs for fiber broadband devices (the ''Monopolized Products''). In addition, Broadcom is one of few significant suppliers of (iv) Wi-Fi chips for CPE devices, (v) front-end chips for CPE devices, (vi) SOCs for ''streaming'' STBs, and (vii) SOCs for cable broadband devices (collectively, the ''Related Products,'' and together with the Monopolized Products, the ''Relevant Products'').[2] Broadcom also provides essential ongoing engineering and software support services for devices containing its components. The markets for Monopolized Products and Related Products are concentrated and have significant barriers to entry and expansion.

As early as 2016, Broadcom recognized that it faced competitive threats to its monopoly power in Monopolized Products from low-priced, nascent rivals. Broadcom understood that nascent rivals could, by working with key OEMs and service providers, become stronger, more effective competitors. Leading service providers and OEMs were seeking to lessen their dependence on Broadcom and to foster competition in CPE component markets. These customers sought component-supplier diversity for multiple reasons, including to promote competitive pricing and to ensure continuity of supply. Another factor threatening Broadcom's monopoly power was the ongoing ''cord-cutting'' trend, whereby consumers were beginning to move away from traditional ''broadcast'' (*e.g.,* cable or satellite) television service and instead to access television and other video content via a ''streaming'' internet connection. This trend threatened Broadcom because its market position was stronger in ''broadcast'' STB SOCs (where it has monopoly power) than in ''streaming'' STB SOCs.

These market conditions presented Broadcom with the incentive and opportunity to engage in anticompetitive conduct aimed at maintaining its monopoly power in markets for Monopolized Products and to use that power to weaken rivals and harm competition in markets for Related Products.

B. Broadcom's Anticompetitive Conduct

Broadcom acted to maintain its monopoly positions and unreasonably restrain competition by implementing a wide-ranging exclusivity program in which it conditioned customers' access to Monopolized Products and support services for these products on commitments to source Relevant Products from Broadcom on an exclusive or near-exclusive basis. Broadcom implemented this exclusivity program through a series of long-term contracts entered with both OEMs and service providers, and through an accompanying campaign of ad hoc threats and retaliation. As a result, sales opportunities for Broadcom's rivals were severely restricted.

Between 2016 and the present, Broadcom negotiated and entered agreements with leading OEMs pursuant to which the OEMs agreed, for contract and renewal terms spanning multiple years, to purchase, use, or bid Broadcom's Relevant Products in STBs and broadband devices on an exclusive or near-exclusive basis. In all, Broadcom entered exclusive or near- exclusive agreements with at least ten OEMs which collectively are responsible for a majority of STB and broadband device sales worldwide and even higher percentages of STB and broadband device sales in the United States. These OEMs included the largest and most capable CPE OEMs—those with the largest market shares, the most extensive engineering and design capabilities, and the strongest reputations and relationships with downstream service provider customers.

Broadcom also negotiated and entered a series of agreements with major service providers pursuant to which the service providers committed, for contract terms spanning multiple years, to use Broadcom's Relevant Products on an exclusive or near-exclusive basis for their STBs and broadband devices. As with the OEMs targeted by Broadcom, these were among the largest, most advanced, and most innovative service providers in the world—those best positioned, absent their agreements with Broadcom, to enable Broadcom's nascent competitors.

In the course of securing and policing these long-term agreements, and also of obtaining exclusive or near-exclusive business from customers with which it did not enter formal long-term agreements, Broadcom routinely employed coercive leveraging tactics grounded in its monopoly power and spanning across product categories. For example, Broadcom communicated to OEM customers that disloyalty for even a single bid involving a single Relevant Product could mean loss of favorable price and non-price terms across numerous product lines, including Monopolized Products unrelated to that specific bid. And it communicated to service providers that if a service provider did not limit its purchases from Broadcom's rivals, Broadcom would implement large increases in the fees it charged for support services on devices containing Broadcom Monopolized Products already deployed on the service providers' networks.

C. Competitive Impact of Broadcom's Conduct

Broadcom's exclusivity program weakened competitors by foreclosing them from substantial portions of the markets for Relevant Products. It raised its rivals' costs by forcing rivals competing for a design award to be prepared to compensate customers for the penalties—increased prices and/or degraded terms—that Broadcom threatened to impose on the customer as to other designs and other covered products.

Broadcom's conduct deprived rivals of opportunities to work with key OEMs and service providers, thereby degrading rivals' ability to obtain scale and commercial validation, improve their engineering capabilities, offer better products to customers, and position themselves to win business in the future. As a result, rivals diverted resources away from, divested from, and/or considered exiting markets for Monopolized Products.

By foreclosing rivals from substantial sales opportunities other than through competition on the merits, Broadcom has maintained its monopoly in the markets for Monopolized Products and has unreasonably restrained competition in the markets for all Relevant Products, in each case harming price and non-price competition, reducing innovation, and reducing customer choice.

No legitimate procompetitive efficiencies justify Broadcom's conduct or outweigh the substantial anticompetitive effects thereof. Any legitimate objectives of Broadcom's conduct could have been achieved through significantly less restrictive means.

III. Legal Analysis

Section 5 of the FTC Act prohibits unfair methods of competition, including agreements in restraint of trade prohibited by Section 1 of the Sherman Act and monopolization prohibited by Section 2 of the Sherman Act.[3] Under Section 1, a plaintiff must show (1) concerted action that (2) unreasonably restrains competition.[4] A Section 2 monopolization offense

streaming ''internet protocol'' (IP) signals, often over an internet connection.

[2] The proposed order refers to Monopolized Products and Related Products as ''Primary Products'' and ''Secondary Products,'' respectively.

[3] 15 U.S.C. 45; *see, e.g., FTC* v. *Cement Inst.,* 333 U.S. 683, 693–94 (1948).

[4] 15 U.S.C. 1; *see, e.g., Arizona* v. *Maricopa County Med. Soc.,* 457 U.S. 332, 342–43, (1982).

requires proof of ''(1) the possession of monopoly power in the relevant market and (2) the willful acquisition or maintenance of that power as distinguished from growth or development as a consequence of superior product, business acumen or historic accident.'' [5]

A. Monopolization and Restraint of Trade as to Monopolized Products

An exclusive dealing arrangement is ''an agreement in which a buyer agrees to purchase certain goods or services only from a particular seller for a certain period of time.'' [6] Exclusivity need not be expressly defined by a written contract, but can also be identified by ''look[ing] past the terms of the contract to ascertain the relationship between the parties and the effect of the agreement in the real world.'' [7] No single contract needs to require 100% exclusivity.[8] The assessment must look beyond ''formalistic distinctions'' and focus on ''market realities.'' [9]

Exclusive dealing may be unlawful where it enables a firm to maintain or enhance monopoly or market power by impairing the ability of rivals to grow into effective competitors or by depriving customers of the ability to make a meaningful choice.[10] Of particular relevance is whether exclusive dealing has ''foreclose[d] competition in such a substantial share of the relevant market so as to adversely affect competition.'' [11] Exclusive dealing may violate Section 1 or Section 2 of the Sherman Act, but is ''of special concern when imposed by a monopolist.'' [12] Thus, a Section 2 exclusive dealing claim typically requires a greater degree of market power, but a lesser degree of market foreclosure, than an exclusive dealing claim under Section 1.[13]

The factual allegations in the complaint support a finding of exclusive dealing as to the Monopolized Products in violation of Sections 1 and 2 of the Sherman Act. Broadcom has monopoly power in the sale of these products, as demonstrated by both direct and indirect evidence, including high shares of markets with significant entry barriers. And Broadcom has engaged in exclusive dealing with OEMs and service providers through both formal agreements that bar purchases of Monopolized Products from a Broadcom rival and ad hoc threats of retaliation if a customer purchases from a Broadcom rival. Broadcom's exclusive deals foreclosed substantial and competitively important portions of the markets for Monopolized Products, weakening rivals, harming competition, maintaining Broadcom's monopoly position, and resulting in reduced customer choice, higher prices, and less innovation in markets for Monopolized Products.

B. Restraint of Trade as to Related Products

In addition to harming competition in the markets for Monopolized Products, Broadcom leveraged its monopoly power in the markets for Monopolized Products to foreclose rivals and harm competition in the markets for Related Products. As it involves the interaction of two or more markets, the conduct is appropriately analyzed with reference to tying precedent. To demonstrate tying in violation of Section 1, a plaintiff must show (1) separate markets for the tying and tied products; (2) defendant's market power in the tying market; (3) the existence of a tie, and (4) that the arrangement forecloses a substantial volume of interstate commerce in the market for the tied product.[14] Coercion, or ''the seller's exploitation of its control over the tying product to force the buyer into the purchase of a tied product that the buyer either did not want at all, or might have preferred to purchase elsewhere on different terms,'' [15] is a key element in showing the existence of a tie, and can be shown using direct or circumstantial evidence.[16] Such coercion need not take the form of a threat to completely withhold the tying product; a tie may also exist where the seller offers the tying product on such terms that, under the circumstances, accepting the tying and tied products together is the only viable economic option for the buyer.[17] Finally, harm is particularly likely when the tied markets are concentrated and the tie results in substantial foreclosure in these markets.[18]

The factual allegations in the complaint support a finding of a violation of Section 1 of the Sherman Act as to the Related Products. Broadcom placed conditions on the supply and service terms associated with the Monopolized Products so as to coerce customers to source Related Products exclusively or nearly-exclusively from Broadcom. The cross-conditionality was employed in the negotiation and enforcement of relevant formal agreements and was also present in Broadcom's ad hoc threats of retaliation. As with the Monopolized Products, Broadcom's conduct has foreclosed substantial and competitively important portions of the concentrated markets for Related Products, weakening rivals, harming competition, and resulting in reduced customer choice, higher prices, and less innovation in markets for Related Products.

IV. The Proposed Order

The proposed order seeks to remedy Broadcom's anticompetitive conduct through three primary prohibitions. A core concept of the order is what is termed a ''majority share requirement,'' referring to a requirement that a customer purchase more than 50% of the customer's requirements of a given product come from Broadcom. First, the order prohibits Broadcom from entering into majority share requirements for any Monopolized Product. Second, the order prohibits Broadcom from conditioning access to Monopolized Products on a customer's agreeing to a majority share requirement for specified Related Products. Third, the order prohibits

[5] *In re McWane, Inc.,* No. 9351, 2014 WL 556261, at *11 (F.T.C. Jan. 30, 2014), *aff'd,* 783 F.3d 814 (11th Cir. 2015) (quoting *United States* v. *Grinnell Corp.,* 384 U.S. 563, 570–71 (1966)); 15 U.S.C. 2.

[6] *ZF Meritor* v. *Eaton Corp.,* 696 F.3d 254, 270 (3d Cir. 2012).

[7] *Id.* (cleaned up) (noting also that ''de facto exclusive dealing claims are cognizable under the antitrust laws.''); *see also Tampa Elec. Co.* v. *Nashville Coal Co.,* 365 U.S. 320, 326 (1961) (exclusive dealing principles apply not only to contracts that expressly require exclusivity, but also to those that have the ''practical effect'' of inducing a customer to purchase exclusively from a dominant seller).

[8] *ZF Meritor,* 696 F.3d at 270; *see also Eastman Kodak Co.* v. *Image Tech. Servs., Inc.,* 504 U.S. 451, 466–67 (1992) (''Legal presumptions that rest on formalistic distinctions rather than actual market realities are generally disfavored in antitrust law.'').

[9] *Eastman Kodak,* 504 U.S. at 466.

[10] *See, e.g., In re McWane,* 2014 WL 556261 at *19, 28.

[11] *ZF Meritor,* 696 F.3d at 270; *see also McWane,* 783 F.3d at 835.

[12] *ZF Meritor,* 696 F.3d at 271.

[13] *See, e.g., United States* v. *Microsoft Corp.,* 253 F.3d 34, 69–70 (D.C. Cir. 2001).

[14] *See, e.g., Eastman Kodak Co.* v. *Image Technical Servs., Inc.,* 504 U.S. 451, 461–62 (1992) (quoting *N. Pac. R. Co.* v. *United States,* 356 U.S. 1, 5–6 (1958) and *Fortner Enters., Inc.* v. *United States Steel Corp,* 394 U.S. 495, 503 (1969)); *United States* v. *Microsoft,* 253 F.3d 34, 85, 87 (D.C. Cir. 2001) (''[t]he core concern is that tying prevents goods from competing directly for consumer choice on their merits''); *Tic-X-Press* v. *Omni Promotions Co.,* 815 F.2d 1407, 1414 (11th Cir. 1987); *see also Viamedia, Inc.* v. *Comcast Corp.,* 951 F.3d 429, 468 (7th Cir. 2020); *Inre Sandoz Pharms. Corp.,* 115 F.T.C. 625, 629–30 (1992).

[15] *Jefferson Par. Hosp. Dist. No. 2* v. *Hyde,* 466 U.S. 2, 12 (1984).

[16] *See, e.g., Tic-X-Press,* 815 F.2d at 1418.

[17] *See, e.g., United Shoe Mach. Corp.* v. *United States,* 258 U.S. 451, 464 (1922); *Viamedia,* 951 F.3d at 470–72.

[18] *See, e.g.,* Areeda & Hovenkamp, Antitrust Law ¶ 1729; *see also* Einer Elhauge, *Tying, Bundled Discounts, and the Death of the Single Monopoly Profit Theory,* 123 Harv. L. Rev. 397, 413 (2009).

Broadcom from retaliating against a customer that refuses a prohibited majority share requirement or that purchases products from a competitor of Broadcom.

Paragraph I of the proposed order defines the key terms used in the order.

Paragraph II.A. of the proposed order prohibits Broadcom from imposing a majority share requirement on a customer's purchases of any Monopolized Product. This provision is designed to end Broadcom's exclusive dealing practices in the markets for Monopolized Products and to enable the emergence of effective competition in those markets. The prohibition applies to sales of Monopolized Products to OEMs and to U.S. service providers. The proposed order specifically includes prohibitions on Broadcom (1) conditioning the sale of a Monopolized Product on a majority share requirement for that product, (2) conditioning price terms, or non-price terms such as delivery or support terms, for a Monopolized Product on a majority share requirement for that product, (3) conditioning other payments on a majority share requirement for a Monopolized Product, or (4) providing certain types of retroactive rebates for a Monopolized Product in exchange for a majority share requirement.

The prohibitions in Paragraph II.A. are qualified by a number of provisos designed to assure that the order does not bar Broadcom from competing on the merits. The first proviso clarifies that the order does not prohibit Broadcom from fulfilling orders from a customer that, over time, chooses to purchase more than 50% of its requirements from Broadcom, provided that such purchases are not pursuant to a majority share requirement prohibited by the order. The second proviso clarifies that a customer's mere designation of Broadcom as an ''authorized'' or ''preferred'' provider does not alone establish a violation of the order. The third proviso clarifies that the order does not prohibit non-retroactive volume discounts. The fourth proviso allows Broadcom, in narrow circumstances, to enter into a majority share requirement in connection with a particular request for proposal (RFP). The proviso provides that Broadcom may agree to a single-source term in connection with an RFP covering a single device model (or a single device model and certain limited derivatives thereof) if the customer structures the RFP in this way. (In contrast, if a customer chooses to structure an RFP to split component supply for a particular device among multiple suppliers, Broadcom may not thwart this by insisting on exclusivity.) The fifth proviso enables Broadcom, in specified conditions, to agree to exclusivity terms with a customer to incent Broadcom to continue producing a product beyond its ordinary-course end of life.

Paragraph II.B of the proposed order prohibits Broadcom from using its monopoly power in a Monopolized Product to impose majority share requirements for other Monopolized Products or Related Products.

Paragraph II.C of the order prohibits Broadcom from retaliating against a customer for working with a Broadcom rival or for refusing to commit to or maintain a prohibited majority share requirement. Prohibited retaliation includes actual or threatened interference with the sale or delivery of Monopolized Products; withdrawal or modification of, or refusal to extend, relatively favorable price or non-price terms; or refusal to deal with the customer on terms generally available to other similarly situated customers.

The proposed order contains standard provisions designed to ensure compliance. Paragraph III requires Broadcom to maintain an antitrust compliance program and to provide notice to customers of the prohibitions contained in the order. Paragraphs IV through VI contain provisions regarding compliance reports, notice of changes in respondent, and access to documents and personnel.

The proposed Order's prohibitions apply to agreements with Service Providers that serve end users in the United States and to agreements with OEMs worldwide, with the exception of agreements for the sale of products intended for use in devices for end users in China. These products are excluded from the prohibitions on majority share requirements in light of distinct competitive conditions applicable to them. The term of the proposed order is ten years.

By direction of the Commission.

Joel Christie,

Acting Secretary.

[FR Doc. 2021–16655 Filed 8–6–21; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting: Advisory Board on Radiation and Worker Health (ABRWH), Subcommittee for Dose Reconstruction Reviews (SDRR), National Institute for Occupational Safety and Health (NIOSH)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Subcommittee for Dose Reconstruction Reviews (SDRR) of the Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board). This meeting is open to the public, but without a public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcomed to listen to the meeting by joining the audio conference (information below). The audio conference line has 150 ports for callers.

DATES: The meeting will be held on September 29, 2021, from 10:30 a.m. to 4:00 p.m., EDT. Written comments must be received on or before September 22, 2021.

ADDRESSES: You may submit comments by mail to: Sherri Diana, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226.

Meeting Information: Audio Conference Call via FTS Conferencing. The USA toll-free dial-in number is 1–866–659–0537; the pass code is 9933701.

FOR FURTHER INFORMATION CONTACT: Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226, Telephone: (513) 533–6800; Toll Free 1(800)CDC–INFO; Email: *ocas@cdc.gov*.

SUPPLEMENTARY INFORMATION:

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key

functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC.

The Advisory Board's charter was issued on August 3, 2001, renewed at appropriate intervals, and rechartered under Executive Order 13889 on March 22, 2020, and will terminate on March 22, 2022.

Purpose: The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class. SDRR was established to aid the Advisory Board in carrying out its duty to advise the Secretary, HHS, on dose reconstruction.

Matters To Be Considered: The agenda will include discussions on the following dose reconstruction program quality management and assurance activities: Dose reconstruction cases under review from Set 29, possibly including cases involving: Albuquerque Operations Office, Area IV of the Santa Susana Field Laboratory, Argonne National Laboratory-East, Argonne National Laboratory-West, Battelle Laboratories-King Avenue, Clarksville Modification Center, Feed Materials Production Center (FMPC), Fermi National Accelerator Laboratory, General Atomics, Hanford, Idaho National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Mound Plant, Nevada Test Site, Oak Ridge Gaseous Diffusion Plant (K–25), Oak Ridge Institute for Science and Education, Oak Ridge National Laboratory (X–10), Pacific Northwest National Laboratory, Paducah Gaseous Diffusion Plant, Pantex Plant, Portsmouth Gaseous Diffusion Plant, Rocky Flats Plant, Savannah River Site, and/or Y–12 Plant. If time permits, there may also be discussion on professional judgement in response to the April 12, 2021 SDRR report to the Advisory Board. Agenda items are subject to change as priorities dictate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–16954 Filed 8–6–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Public Comment Request; Centers for Independent Living Program Performance Report (0985–0061)

AGENCY: Administration for Community Living, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This Proposed Extension without Revision of a Currently Approved Collection (ICR Ext) solicits comments on the information collection requirements relating to the Centers for Independent Living *under* the Rehabilitation Act of 1973.

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by October 8, 2021.

ADDRESSES: Submit electronic comments on the collection of information to: Peter Nye at *OILPPRAComments@acl.hhs.gov.* Submit written comments on the collection of information to Administration for Community Living, Washington, DC 20201, Attention: Peter Nye.

FOR FURTHER INFORMATION CONTACT: Peter Nye, Administration for Community Living, Washington, DC 20024, (202) 795–7606 or *OILPPRAComments@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

In the context of ACL, IL programs are supported through funding authorized by the Rehabilitation Act of 1973, as amended (The Act). Title VII, chapter 1 of the Act states the current purpose of the program is to ''promote a philosophy of independent living including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society.''

ILS PPR and CIL PPR are being submitted separately because they are separate collections of different information from different parties. Separating these PRA processes reduces confusion and increases the Office of Independent Living Programs's (OILP's) ability to identify issues specific to CILs. This request is for CIL PPR, which is submitted annually by all CILs receiving IL Part C funds. The PPRs are used by ACL to assess grantees' compliance with title VII of the Act, and with 45 CFR 1329 of the Code of Federal Regulations and with applicable provisions of the HHS Regulations at 45 CFR part 75. The PPR serves as the primary basis for ACL's monitoring activities in fulfillment of its responsibilities under sections 706 and 722 of the Act. The PPR also enables ACL to track performance outcomes and efficiency measures of the Centers for Independent Living (CIL) programs with respect to the annual and long-term performance targets established in compliance with GPRA. The PPR is also used by ACL to design CIL and SILC training and technical assistance programs authorized by section 711A and section 721 of the Act.

ACL published a **Federal Register** Notice regarding the independent living programs information collection on February 23, 2017. Two-hundred and twenty-one individual comments were received. The responses indicated a need to make substantial changes to the collection. The current version of the CIL PPR that OILP is requesting an extension for was approved by OMB; the approval was extended and will expire on January 31, 2022. Further deliberation is needed to ensure that we appropriately address all of the concerns. OILP is proposing to extend the currently approved forms for one year while we work on a revision that addresses all the suggested changes. The proposed data collection tools may be found on the ACL website for review at *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

ACL estimates the burden of this collection of information as follows: 353 Centers for Independent Living will each complete one CIL PPR annually, and it will take an estimated 35 hours per CIL for an estimated total of 12,355 hours. This burden estimate is based partly on OILP's estimates of how long CILs probably take to find the information that PPRs ask for and partly on what CILs have told OILP about how long filling out the PPRs took.

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Centers for Independent Living	353	1	35	12,355

Dated: July 29, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–16752 Filed 8–6–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0030]

Extension of the Period Before the Food and Drug Administration Intends To Begin Enforcing the Statutory 5 Percent Limit on Out of State Distribution of Compounded Human Drug Products

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Notice; extension of the period before FDA intends to begin enforcing the statutory 5 percent limit on out of state distribution of compounded human drug products.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is extending the period for States to decide whether to sign the final standard memorandum of understanding (MOU) entitled ''Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products Between the [insert State Board of Pharmacy or Other Appropriate State Agency] and the U.S. Food and Drug Administration'' (final standard MOU) before FDA intends to begin enforcing the statutory 5 percent limit on distribution of compounded human drug products out of the State in which they are compounded in States that do not sign the final standard MOU. FDA is extending the period, which was scheduled to end on October 27, 2021, to October 27, 2022. States may sign the final standard MOU at any time, including after the period is scheduled to end on October 27, 2022.

DATES: FDA is extending the period before FDA intends to begin enforcing the statutory 5 percent limit on distribution of compounded human drug products out of the State in which they are compounded in States that do not sign the final standard MOU as of August 9, 2021.

FOR FURTHER INFORMATION CONTACT: Alexandria Fujisaki, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5169, Silver Spring, MD 20993–0002, 240–402–4078.

SUPPLEMENTARY INFORMATION: Section 503A of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 353a) describes the conditions that must be satisfied for drug products compounded by a licensed pharmacist or licensed physician in a State licensed pharmacy or a Federal facility, to be exempt from the following sections of the FD&C Act: (1) Section 501(a)(2)(B) (21 U.S.C. 351(a)(2)(B)) (concerning current good manufacturing practice (CGMP) requirements), (2) section 502(f)(1) (21 U.S.C. 352(f)(1)) (concerning the labeling of drugs with adequate directions for use), and (3) section 505 (21 U.S.C. 355) (concerning the approval of drugs under new drug applications or abbreviated new drug applications).

One of the conditions to qualify for the exemptions listed in section 503A of the FD&C Act is that (1) the drug product is compounded in a State that has entered into an MOU with FDA that addresses the distribution of inordinate amounts of compounded drug products interstate and provides for appropriate

investigation by a State agency of complaints relating to compounded drug products distributed outside such State; or (2) if the drug product is compounded in a State that has not entered into such an MOU, the licensed pharmacist, pharmacy, or physician does not distribute, or cause to be distributed, compounded drug products out of the State in which they are compounded in quantities that exceed 5 percent of the total prescription orders dispensed or distributed by such pharmacy or physician (statutory 5 percent limit) (see section 503A(b)(3)(B)(i) and (ii) of the FD&C Act).

In the **Federal Register** of October 27, 2020 (85 FR 68074), FDA announced the availability of the final standard MOU describing the responsibilities of a State Board of Pharmacy or other appropriate State agency that chooses to sign the final standard MOU in investigating and responding to complaints related to drug products compounded in such State and distributed outside such State and in addressing the interstate distribution of inordinate amounts of compounded human drug products.

In the October 27, 2020, **Federal Register** notice, FDA stated that it was providing a 365-day period for States to decide whether to sign the final standard MOU before FDA intended to begin enforcing the statutory 5 percent limit in States that do not sign the final standard MOU. Based on comments from stakeholders, it was FDA's understanding that this timeframe corresponds to a full legislative cycle for most States and would, therefore, afford sufficient time for States to modify their laws and regulations, if necessary in order to enter into the final standard MOU.

Following publication of October 27, 2020, **Federal Register** notice, FDA received requests to extend the period before FDA intends to begin enforcing the statutory 5 percent limit in States that do not sign. The requesters asserted that the time period of 365 days was insufficient to allow State governments to thoroughly evaluate the final standard MOU and modify their laws and regulations, if necessary in order to sign, because many State governments were focused on addressing concerns raised by the Coronavirus Disease 2019 (COVID–19) pandemic.

FDA has considered the requests and other relevant factors and is extending the period before FDA intends to begin enforcing the statutory 5 percent limit in States that do not sign the final standard MOU until October 27, 2022. FDA believes that an additional 1 year will allow sufficient time for States to consider the final standard MOU and modify their laws and regulations, if necessary. FDA's understanding is that emergency pandemic response activities have now begun to ease, permitting States more time to take up other issues. Accordingly, we believe a 1-year extension addresses the need that some States have expressed for additional time, without adding significant delay to FDA's implementation of the important public health protections afforded by section 503A(b)(3)(B) of the FD&C Act.

States may sign the final standard MOU at any time, including after the period is scheduled to end on October 27, 2022.

Dated: August 4, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–16937 Filed 8–6–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–3931]

Nonmetastatic Castration-Resistant Prostate Cancer: Considerations for Metastasis-Free Survival Endpoint in Clinical Trials; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Nonmetastatic Castration-Resistant Prostate Cancer: Considerations for Metastasis-Free Survival Endpoint in Clinical Trials.'' Recent approvals of several drug products for patients with nonmetastatic castration-resistant prostate cancer have been supported by randomized clinical trials demonstrating improvements in metastasis-free survival. This guidance intends to inform potential future applicants regarding the Agency's expectations for collection, analysis, and reporting of data pertaining to metastasis-free survival. This guidance finalizes the draft guidance of the same title issued on November 14, 2018.

DATES: The announcement of the guidance is published in the **Federal Register** on August 9, 2021.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–3931 for ''Nonmetastatic Castration-Resistant Prostate Cancer: Considerations for Metastasis-Free Survival Endpoint in Clinical Trials.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper

submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Julia Beaver, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2100, Silver Spring, MD 20993–0002, 240–402–0489; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm 7268, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance for industry entitled ''Nonmetastatic Castration-Resistant Prostate Cancer: Considerations for Metastasis-Free Survival Endpoint in Clinical Trials.'' Nonmetastatic castration-resistant prostate cancer (nmCRPC) is defined by rising prostate-specific antigen (PSA) despite castrate levels of testosterone and no radiographic evidence of distant metastatic disease. Despite earlier detection of localized prostate cancer and advances in surgical and radiation techniques, many patients will continue to have rising PSA after local therapy (*e.g.,* surgery, radiation) for recurrent disease and subsequent androgen deprivation therapy. Patients with nmCRPC can have a prolonged disease course following the detection of a rising PSA until documentation of distant metastases or death. Such a prolonged assessment period (in which patients may receive multiple therapies) with low death rates may make the use of overall survival impractical as a primary endpoint to support approval of products in this disease setting.

These issues were discussed at an Oncologic Drugs Advisory Committee meeting in 2011, during which the committee acknowledged that endpoints that can be measured earlier in the course of disease, such as metastasis-free survival, defined as the time from randomization to distant radiographic disease or death, would be useful in assessing the treatment effect of products in patients with nmCRPC. Additionally, the Oncologic Drugs Advisory Committee noted that the transition from nmCRPC to radiographically detectable metastatic disease (*e.g.,* bone disease or visceral disease) is a clinically relevant event that can be associated with morbidity and the need for additional medical interventions. Conversely, local progression events may be treated with local therapies, may never progress to distant disease, and may not lead to systemic morbidity. Thus, a large treatment effect on metastasis-free survival with an acceptable safety profile could demonstrate clinical benefit and support product approval.

This guidance finalizes the draft guidance of the same title issued on November 14, 2018, (83 FR 56857). Changes from the draft to the final include clarifying edits and expanding upon certain recommendations in the draft guidance.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Nonmetastatic Castration-Resistant Prostate Cancer: Considerations for Metastasis-Free Survival Endpoint in Clinical Trials.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014. The collections of information in 21 CFR parts 50 and 56 (Protection of Human Subjects and Institutional Review Boards) have been approved under OMB control number 0910–0130.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics,* or *https://www.regulations.gov.*

Dated: August 2, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–16929 Filed 8–6–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0843]

Genus Medical Technologies LLC Versus Food and Drug Administration; Request for Information and Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for information and comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing that implementation of a decision from the U.S. Court of Appeals for the District of Columbia Circuit in *Genus Med. Techs., LLC* v. *FDA,* 2021 U.S. App. Lexis 10928 (April 16, 2021) is expected to require some approved products to transition from drug status to device status. This notice provides information for stakeholders and solicits public comment to inform the Agency's deliberations about products potentially impacted by the *Genus* decision and the way in which impacted products should be transitioned from drug to device status.

DATES: Submit either electronic or written information and comments by October 8, 2021.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 8, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 8, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0843 for ''Genus Medical Technologies LLC v. Food and Drug Administration; Request for Information and Comments.'' Received comments, those received in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Alexandra Lucas, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–0230, *Drug_Device_Transition_Inquiry@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On April 16, 2021, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision in *Genus Med. Techs., LLC* v. *FDA,* 2021 U.S. App. Lexis 10928 (April 16, 2021). The U.S. Government has decided not to appeal this decision.

At issue in the *Genus* litigation was FDA's regulatory classification of certain barium sulfate contrast imaging agents as drugs. Barium sulfate contrast imaging agents are used to improve visualization of the gastrointestinal tract in radiographic diagnostic studies. They meet the definition of *drug* in section 201(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 321(g)) because they are articles intended for use in the diagnosis of disease. In its January 10, 2019, designation letter for Genus's barium sulfate contrast imaging agents, FDA explained that it has regulated barium sulfate contrast imaging agents as drugs even though they also appear to meet the definition of *device* in section 201(h) of the FD&C Act. Although FDA has generally regulated products that meet the *device* definition under the device authorities of the FD&C Act, we have regulated as drugs certain types of products that meet the *drug* definition and may also meet the *device* definition. FDA's classification of all contrast imaging agents, including barium

sulfate contrast agents, as drugs allowed us to regulate them consistently under the same authority in the Center for Drug Evaluation and Research (CDER) and was intended to be consistent with a previous court decision, *Bracco Diagnostics, Inc.* v. *Shalala,* 963 F. Supp. 20 (D.D.C. 1997).

In the *Genus* litigation, both the District Court and the Court of Appeals, as a matter of statutory interpretation, disagreed with FDA's view that the Agency had discretion to regulate products meeting the *device* definition as *drugs.* The Court of Appeals determined that FDA cannot classify as a drug any product that meets the definition of *device,* stating ''[e]xcepting combination products, . . . devices must be regulated as devices and drugs—if they do not also satisfy the device definition—must be regulated as drugs.''

II. Discussion

A. Product Classification Decisions Going Forward

FDA has issued guidance on its approach to classification decisions for drugs and devices. (See FDA's guidance for industry and FDA staff ''Classification of Products as Drugs and Devices & Additional Product Classification Issues'' (September 2017), available at *https://www.fda.gov/media/80384/download*.) That guidance reviews the definitions of the terms *drug* and *device* found in section 201(g) and (h) of the FD&C Act, respectively. Both definitions include similar ''intended use'' clauses, with drugs including ''articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals . . . and articles (other than food) intended to affect the structure or any function of the body of man or other animals'' and devices including certain articles ''intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals . . . or [articles] intended to affect the structure or any function of the body of man or other animals.'' A medical product meets the *device* definition if it (1) is an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, and (2) does not achieve its primary intended purposes through chemical action within or on the body, and (3) is not dependent upon being metabolized for the achievement of its primary intended purposes.

Going forward, in accordance with *Genus,* FDA intends to regulate products that meet both the *device* and *drug* definition as devices, except where the statute indicates that Congress intended a different classification, and we further intend to bring previously classified products into line with the *Genus* decision. Accordingly, FDA will examine product classifications, paying particular attention to those products that have been regulated as drugs even though they may satisfy the device definition. We expect the determining factor in many cases to be whether the product achieves its primary intended purposes through chemical action within or on the body or is dependent upon being metabolized for the achievement of its primary intended purposes. Historically, FDA has not always examined these factors in determining how to regulate certain types of medical products—*e.g.,* imaging agents, which are discussed further below—because the Agency believed it had discretion to regulate such products as drugs even if they met the device definition. In determining product classification in the future, FDA will consider these factors. FDA will also examine whether other statutory provisions—beyond the *drug* and *device* definitions—indicate Congress intended a type of product to be regulated under either the drug or device authorities.

B. Imaging Agents

Some medical imaging techniques can depend solely on an imaging device to produce and display images. These techniques include ultrasound, computerized tomography (CT), magnetic resonance imaging (MRI), and traditional radiology. However, imaging agents are sometimes used in conjunction with these imaging devices to provide image enhancement. For example, with CT and MRI, the addition of an imaging agent may improve the visualization of tissues, organs, and physiologic processes in part by increasing the relative difference of imaging signal intensities in adjacent regions of the body. In other cases, such as radiopharmaceutical imaging, including single photon emission computerized tomography and positron emission computerized tomography, the device alone cannot produce a usable image, and it is necessary to administer an imaging agent to the patient before using the imaging device.

For the past two decades, FDA has generally regulated the imaging agents used in these procedures as drugs without consideration of whether they appear to achieve their primary intended purposes through chemical action within or on the body or whether they are dependent upon metabolization for the achievement of their primary intended purposes. Following the *Genus* decision, we intend to reexamine whether individual imaging agents meet the device definition, including whether they achieve their primary intended purposes through chemical action within or on the body or are dependent upon being metabolized for the achievement of their primary intended purposes. As noted above, we intend to reexamine other product categories as well, as appropriate.

C. Product Transition Issues

Implementation of the *Genus* decision will require FDA to transition some approved products from drug status to device status. FDA will aim to effect necessary product transitions in a way that does not disrupt the supply of these important medical products or place undue burden on manufacturers or on the healthcare delivery system. Some operational issues raised by product transitions necessitated by *Genus* are discussed briefly below.

1. Categories of Products Implicated by *Genus*

Stakeholders are invited to submit comments regarding categories of products currently regulated as drugs that may be required to transition to device status under *Genus*. Comments are also welcome regarding statutory provisions other than the *drug* and *device* definitions that may indicate Congressional intention regarding the appropriate regulatory pathway (*i.e.,* drug or device) for certain types of products.

2. Transition Process

FDA currently anticipates that it will publish in a future **Federal Register** notice a list of approved drug products that we tentatively determine should transition to device status under *Genus*. Stakeholders would then have an opportunity to comment on those tentative determinations before classification determinations are made.

3. Transition Timing

We recognize that there are differences between the drug regulatory requirements and the device regulatory requirements and that sponsors of transitioning marketed products will need time to transition from compliance with one to the other. For example, sponsors of transitioning products may need to update labeling, bring facilities into compliance with quality system regulations, prepare for device inspections, and come into compliance

with other statutory and regulatory provisions that pertain to devices. Therefore, stakeholders are invited to submit comments on timelines necessary for this transition and how FDA can facilitate this transition in a way that does not disrupt the supply of these important medical products or place undue burden on manufacturers or on the healthcare delivery system.

4. User Fee Transitions

CDER assesses user fees for certain new drug applications (NDAs) and products approved under those NDAs under the Prescription Drug User Fee Amendments (PDUFA). CDER also assesses user fees for certain abbreviated new drug applications (ANDAs) and products approved under those ANDAs under the Generic Drug User Fee Amendments (GDUFA). The PDUFA and GDUFA user fee programs both include specific fees assessed annually for certain marketed approved products.

In the case of PDUFA, with certain exceptions or exemptions, annual prescription drug program fees are assessed for each strength of a prescription drug identified in an approved NDA, as of October 1 of each fiscal year (FY), provided the product is included in the ''Prescription Drug Product List'' (the ''active section'') of *Approved Drug Products with Therapeutic Equivalence Evaluations* (commonly known as the ''Orange Book'').

In the case of GDUFA, annual GDUFA program fees are assessed with respect to approved ANDAs, and fee amounts are tiered based on the number of approved ANDAs owned by an entity (including its affiliates) as of October 1 of each fiscal year. GDUFA also includes an annual facility fee for each facility referenced in an approved ANDA as a producer of an active pharmaceutical ingredient or finished dosage form covered by the ANDA.

FDA does not anticipate that the identification and transitioning of products from drug status to device status pursuant to the *Genus* decision will be completed before October 1, 2021. Persons assessed an annual fee with respect to a product identified in an approved NDA or ANDA as of that date should pay the assessed FY 2022 fees by the due date to avoid being placed on the arrears list and incurring other penalties associated with failure to pay user fees by the due date. Payors of the annual FY 2022 fee with respect to a product that the payor believes should transition to device status under *Genus* are encouraged to request refunds of user fees attributable to those products. FDA anticipates that, for approved products that transition from drug status to device status under the process described above, refund requests for PDUFA and GDUFA fees that are received on time under section 736(i) or 744B(m) of the FD&C Act (21 U.S.C. 379h(i) or 379j–42(m)), respectively, will be granted. This would include requests for refund of the FY 2022 prescription drug program fees assessed under PDUFA, or FY 2022 generic drug applicant program fees assessed under GDUFA that may result in a lower fee tier for an ANDA holder, as well as any GDUFA facility fees for a facility referenced in one or more ANDAs that will transition, if that facility is not also reported in other ANDAs that will not transition. Under PDUFA, to qualify for consideration for a refund, a written request must be submitted to FDA not later than 180 calendar days after the fee is due (see section 736(i) of the FD&C Act). Under GDUFA, to qualify for a return of a fee, a written request justifying the return must be submitted within 180 calendar days from the date of the fee payment (see section 744B(m) of the FD&C Act).

More information about PDUFA and GDUFA fees and the submission of refund requests is available on FDA's website at *https://www.fda.gov/industry/fda-user-fee-programs/prescription-drug-user-fee-amendments* (PDUFA) and *https://www.fda.gov/industry/fda-user-fee-programs/generic-drug-user-fee-amendments* (GDUFA).

5. Determining Drug or Device Status

FDA intends to establish a process for the orderly and efficient determination of which products currently regulated as drugs must be regulated as devices under *Genus*. We encourage sponsors of potentially affected products to comment on this notice, await the publication of our future notice identifying products that we have tentatively determined should transition to device status, and, in the meantime, reach out to FDA with time-sensitive questions.

FDA has established the following contact point for all questions concerning the *Genus* decision and transition activities: *Drug_Device_Transition_Inquiry@fda.hhs.gov*.

Dated: August 2, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–16944 Filed 8–6–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–0868]

Development and Submission of Near Infrared Analytical Procedures; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Development and Submission of Near Infrared Analytical Procedures.'' This guidance provides recommendations to applicants to aid the development, validation, and use of near infrared (NIR)-based analytical procedures in evaluating the identity, strength, quality, purity, and potency of drug substances and drug products. The recommendations apply to new drug applications (NDAs), abbreviated new drug applications (ANDAs), and supplemental NDAs and ANDAs for small molecule drugs. The principles in this guidance also apply to drug substances and drug products covered in Type II drug master files. This guidance finalizes the draft guidance of the same title issued on March 31, 2015.

DATES: The announcement of the guidance is published in the **Federal Register** on August 9, 2021.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–D–0868 for ''Development and Submission of Near Infrared Analytical Procedures.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Eugenia Nashed, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4154, Silver Spring, MD 20993–0002, 301–796–1723.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Development and Submission of Near Infrared Analytical Procedures.'' This guidance provides recommendations to applicants to aid the development, validation, and use of NIR-based analytical procedures in evaluating the identity, strength, quality, purity, and potency of drug substances and drug products. The recommendations apply to NDAs, ANDAs, and supplemental NDAs and ANDAs for small molecule drugs. The principles in this guidance also apply to drug substances and drug products covered in Type II drug master files. FDA intends to issue recommendations specific to NIR methods used for biological products under biologics license applications in a future revision to this guidance. Specifically, this guidance, among other things, (1) addresses the development and submission of NIR analytical procedures used during and for the manufacture and analysis of pharmaceuticals (including raw materials, in-process materials and intermediates, drug substances, and finished products); (2) provides recommendations to manufacturers for applying the concepts described in the guidance for industry entitled ''PAT—A Framework for Innovative Pharmaceutical Development, Manufacturing, and Quality Assurance'' (*https://www.fda.gov/media/71012/download*) and the International Council for Harmonisation guidance for industry entitled ''Q2(R1) Validation of Analytical Procedures: Text and Methodology'' (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/q2-r1-validation-analytical-procedures-text-and-methodology*) to NIR analytical procedures that use chemometric models; and (3) describes the type of information that should be submitted about NIR analytical procedures in applications.

This guidance pertains only to the development and validation of NIR analytical procedures and does not provide recommendations concerning the setup, qualification, maintenance, or calibration of NIR instruments. Although this guidance specifically addresses NIR spectroscopy, this guidance's concepts of validation can be applied to other multivariate analytical technics, including, for example, Raman.

This guidance finalizes the draft guidance entitled ''Development and Submission of Near Infrared Analytical Procedures'' issued on March 31, 2015 (80 FR 17057). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include updates to reflect Agency regulatory experience and technological advancements in the industry, as well as management of NIR procedures over the life cycle of the products.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on the development and submission of NIR analytical procedures. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance.

The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 314 for NDAs and in 21 CFR parts 314 and 601 for annual reports, ANDAs, and supplements to applications have been approved under OMB control numbers 0910–0001 and 0910–0338, respectively. The collections of information in 21 CFR part 211 for current good manufacturing practices for finished pharmaceuticals and medical gases have been approved under OMB control number 0910–0139.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs* or *https://www.regulations.gov.*

Dated: August 2, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–16930 Filed 8–6–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR19–319: NIDDK Central Repositories Non-Renewable Sample Access (X01) Review.

Date: September 13, 2021.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Najma S. Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7349, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: August 4, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–16901 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; T32/T35 Review January 2022 Council.

Date: October 20, 2021.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Anita H. Undale, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–827–7428, *anita.undale@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 4, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–16951 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council, September 09, 2021, 10:00 a.m. to September 10, 2021, 12:45 p.m., National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on June 02, 2021, FR Doc 2021–11516, 86 FR 29592.

The meeting notice is amended to change the meeting time from September 9–10, 2021, 10:00 a.m. to 1:45 p.m. To September 9–10, 2021, 10:00 a.m. to 12:45 p.m. The meeting is partially Closed to the public.

Dated: August 4, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–16952 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special

Emphasis Panel; NIAID 2021 DMID Omnibus BAA (HHS–NIH–NIAID–BAA2021–01) Research Area 002: Development of Therapeutic Products for Biodefense, Anti-Microbial Resistant (AMR) Infections and Emerging Infectious Diseases-Bacterial Therapeutics.

Date: September 1–3, 2021.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Patricia A. Gonzales Hurtado, Ph.D., Scientific Review Officer, Scientific Review Program, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71A, Rockville, MD 20852, 240–627–3556, *Patricia.Gonzales@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 4, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–16903 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Mentored Clinical Scientist Research Career Development Award (Parent K08 Independent Clinical Trial Not Allowed).

Date: August 31, 2021.

Time: 3:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F58, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mario Cerritelli, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F58, Rockville, MD 20852, 240–669–5199, *cerritem@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 4, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–16904 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: August 31, 2021.

Open: 9:30 a.m. to 1:45 p.m.

Agenda: Discussion of Program Policies and Issues.

Place: National Institutes of Health, 6701 Democracy Blvd., Democracy I, Suite 800, Bethesda, MD 20892–4872, *http://videocast.nih.gov* (Virtual Meeting).

Virtual Access: The meeting will be videocast and can be accessed from the NIH Videocast *http://videocast.nih.gov* Please note, the link to the videocast meeting will be posted within a week of the meeting date. Any member of the public may submit written comments no later than 15 days after the meeting.

Closed: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Blvd., Democracy I, Suite 800, Bethesda, MD 20892–4872 (Virtual Meeting).

Contact Person: Melinda Nelson, Director, Office of Extramural Operations, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Grants Management Branch, 45 Center Drive, Natcher Building, Room 5A49, Bethesda, MD 20892, (301) 594–3535, *mn23z@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: July 28, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–16942 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Inclusion Enrollment Report Form Conversion to Common Form, Office of the Director (OD)

AGENCY: National Institutes of Health, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this 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.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Tawanda Abdelmouti, Program Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 805–C, Bethesda, Maryland 20892, or call a non-toll-free number 301–435–0978 or Email your request, including your address to *ProjectClearanceBranch@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on April 22, 2021, page 21324 (86 FR 21234) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. Office of the Director, Office of Extramural Research (OER), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Inclusion Enrollment Form Conversion to Common Form—NEW, 0925–XXXX, Expiration Date XX/XX/XXXX, Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: NIH's Office of Extramural Research (OER) Office of Policy and Extramural Research Administration (OPERA) is converting the Inclusion Enrollment Report form to allow its use by the Department of Defense (DoD). The Inclusion Enrollment Report is used for all applications involving NIH-defined clinical research. This form is used to report both planned and cumulative (or actual) enrollment, and describes the sex/gender, race, and ethnicity of the study participants.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 194,574.

ESTIMATED ANNUALIZED BURDEN HOURS

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Inclusion enrollment form	64,858	1	3	194,574
Total		64,858		194,574

Dated: July 30, 2021.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2021–17037 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; AD Risk Factors.

Date: September 8, 2021.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Nijaguna Prasad, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301–496–9667, *nijaguna.prasad@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 4, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–16950 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; PHS Applications and Pre-Award Related Reporting (Office of the Director)

AGENCY: National Institutes of Health, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this 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.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Ms. Mikia P. Currie, Program Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland 20892, or call a non-toll-free number 301–435–0941 or Email your request, including your address to *ProjectClearance Branch@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on April 12, 2021, pages 18992–18993 (86 FR 18992) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The Office of the Director (OD), Office of Policy and Extramural Research Administration (OPERA), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Public Health Service (PHS) Applications and Pre-Award Reporting Requirements, Revision, OMB 0925–0001, Expiration Date 2/28/2023, Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: This collection is being revised to omit the Inclusion Enrollment Report form, which is being converted to a Common form to include the Department of Defense (DoD). The Inclusion Enrollment Report is used for all applications involving NIH-defined clinical research. This form is used to report both planned and cumulative (or actual) enrollment, and describes the sex/gender, race, and ethnicity of the study participants. Starting in January 2022, NIH will require will applicants and recipients to provide their Unique Entity Identifier (UEI) instead of the Data Universal Number System (DUNS) number. Also, the application forms will be updated to align with the *Grants.gov* updated Country and State lists. NIH also anticipates adding an optional field to the end of our forms and applications to get a more accurate assessment of the time it takes our applicants to complete the various forms and applications. This collection also continues to includes PHS applications and pre-award reporting requirements: PHS 398 [paper] Public Health Service Grant Application forms and instructions; PHS 398 [electronic] PHS Grant Application component forms and agency specific instructions used in combination with the SF424 (R&R); PHS Fellowship Supplemental Form and agency specific instructions used in combination with the SF424 (R&R) forms/instructions for Fellowships [electronic]; PHS 416–1 Ruth L. Kirschstein National Research Service Award Individual Fellowship Application Instructions and Forms used only for a change of sponsoring institution application [paper]; Instructions for a Change of Sponsoring Institution for NRSA Fellowships (F30, F31, F32 and F33) and non-NRSA Fellowships; PHS 416–5 Ruth L. Kirschstein National Research Service Award Individual Fellowship Activation Notice; and PHS 6031 Payback Agreement. The PHS 398 (paper and electronic are currently approved under 0925–0001. All forms expire 2/28/2023. Post-award reporting requirements are simultaneously consolidated under 0925–0002 and include the Research Performance Progress Report (RPPR). The PHS 398 and SF424 applications are used by applicants to request Federal assistance funds for traditional investigator-initiated research projects and to request access to databases and other PHS resources. The PHS 416–1 is used only for a change of sponsoring institution application. PHS Fellowship Supplemental Form and agency specific instructions is used in combination with the SF424 (R&R) forms/instructions for Fellowships and is used by individuals to apply for direct research training support. Awards are made to individual applicants for specified training proposals in biomedical and behavioral research, selected as a result of a national competition. The PHS 416–5 is used by individuals to indicate the start of their NRSA awards. The PHS 6031 Payback Agreement is used by individuals at the time of activation to certify agreement to fulfill the payback provisions. Clinical trials are complex and challenging research activities. Oversight systems and tools are critical for NIH to ensure participant safety, data integrity, and accountability of the use of public funds. NIH has been engaged in a multi-year effort to examine how clinical trials are supported and the level of oversight needed. The collection of more structured information in the PHS applications and pre-award reporting requirements will facilitate NIH's development of data systems to facilitate oversight of clinical trials as well as understand where gaps in the research portfolio may exist. In addition, some of the data collected here will ultimately be accessible to investigators to pre-populate certain sections of forms when registering their trials with *ClinicalTrials.gov.*

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2,023,454.

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
PHS 398—Paper				
PHS 398/424—Electronic	4,247	1	35	148,645
PHS Assignment Request Form	37,120	1	30/60	18,560
PHS 398 Cover Page Supplement	74,239	1	1	74,239
PHS 398 Modular Budget	56,693	1	1	56,693
PHS 398 Training Budget	1,122	1	2	2,244
PHS 398 Training Subaward Budget Attachment(s) Form	561	1	90/60	842
PHS 398 Research Plan	70,866	1	10	708,660
PHS 398 Research Training Program Plan	1,122	1	10	11,220

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Data Tables	1,515	1	4	6,060
PHS 398 Career Development Award Supplemental Form	2,251	1	10	22,510
PHS Human Subjects and Clinical Trial Information	54,838	1	13	712,894
Biosketch (424 Electronic)	80,946	1	2	161,892
PHS Fellowship Supplemental Form (includes F reference letters)	6,707	1	12.5	83,838
Biosketch (Fellowship)	6,707	1	2	13,414
416–1	29	1	10	290
PHS 416–5	6,707	1	5/60	559
PHS 6031	6,217	1	5/60	518
VCOC Certification	6	1	5/60	1
SBIR/STTR Funding Agreement Certification	1,500	1	15/60	375
Total	.....	413,393	.....	2,023,454

Dated: July 30, 2021.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2021–17031 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be held as a virtual meeting and is open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: September 9–10, 2021.

Open: September 9, 2021, 12:00 p.m. to 5:00 p.m.

Agenda: The agenda will include opening remarks, administrative matters, NICHD Director's Report, and other business of the Council.

Place: National Institutes of Health, Building 31, 31 Center Drive, C-Wing, Conference Room 6, Bethesda, MD 20892 (Virtual Meeting).

Closed: September 10, 2021, 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, C-Wing, Conference Room 6, Bethesda, MD 20894 (Virtual Meeting).

Contact Person: Ms. Lisa Neal, Committee Management Officer, Committee Management Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6701B Rockledge Drive, Room 2208, Bethesda, MD 20892, (301) 204–1830, *lisa.neal@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Individuals will be able to view the meeting via NIH Videocast. Select the following link for Videocast access instructions: *http://www.nichd.nih.gov/about/advisory/nachhd/Pages/virtual-meeting.aspx.*

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/advisory/council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 4, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–16914 Filed 8–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Meeting of the Substance Abuse and Mental Health Services Administration's National Advisory Council

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given of the meeting on August 30, 2021 of the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Advisory Council (SAMHSA NAC). The meeting is open to the public and can only be accessed virtually. Agenda with call-in information will be posted on the SAMHSA website prior to the meeting at: *https://www.samhsa.gov/about-us/advisory-councils/meetings.* The meeting will include remarks and discussion with the new Assistant Secretary for Mental Health and Substance Use; updates on SAMHSA priorities; follow up on topics related to the previous SAMHSA NAC meeting; new grant opportunities and initiatives, and a council discussion on clinical trends and emerging national issues with SAMHSA NAC members.

DATES: August 30, 2021, 1:00 p.m. to approximately 5:00 p.m. (EDT)/Open.

ADDRESSES: The meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT: Carlos Castillo, Committee Management

Officer and Designated Federal Official, SAMHSA National Advisory Council, 5600 Fishers Lane, Rockville, Maryland 20857 (mail), Telephone: (240) 276–2787, Email: *carlos.castillo@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION: The SAMHSA NAC was established to advise the Secretary, Department of Health and Human Services (HHS), and the Assistant Secretary for Mental Health and Substance Use, SAMHSA, to improve the provision of treatments and related services to individuals with respect to substance use and to improve prevention services, promote mental health, and protect legal rights of individuals with mental illness and individuals who are substance users.

Interested persons may present data, information, or views orally or in writing, on issues pending before the Council. Written submissions must be forwarded to the contact person no later than seven days before the meeting. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations must notify the contact person by August 23, 2021. Up to three minutes will be allotted for each presentation, and as time permits.

To obtain the call-in number, access code, and/or web access link; submit written or brief oral comments; or request special accommodations for persons with disabilities, please register on-line at: *https://snacregister.samhsa.gov/MeetingList.aspx,* or communicate with SAMHSA's Committee Management Officer, CAPT Carlos Castillo.

Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council's website at *http://www.samhsa.gov/about-us/advisory-councils/,* or by contacting Carlos Castillo.

Council Name: Substance Abuse and Mental Health Services Administration, National Advisory Council.

Authority: Public Law 92–463.

Dated: July 30, 2021.

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2021–16891 Filed 8–6–21; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R3–ES–2020–0111; FXES11130300000–201–FF03E00000]

Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for the Poweshiek Skipperling

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and request for public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the draft recovery plan for the Poweshiek skipperling, a butterfly species. We request review and comment on this draft recovery plan from local, State, and Federal agencies, and the public.

DATES: We must receive comments by September 8, 2021.

ADDRESSES:

Document availability: The draft recovery plan, along with any comments and other materials that we receive, will be available for public inspection at *http://www.regulations.gov* in Docket No. FWS–R3–ES–2020–0111.

Submitting Comments: You may submit comments by one of the following methods:

- *Internet: http://www.regulations.gov.* Search for and submit comments on Docket No. FWS–R3–ES–2020–0111.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R3–ES–2020–0111; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Availability of Public Comments under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Shauna Marquardt, by phone at 952–252–0092, via email at *shauna_marquardt@fws.gov,* or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of the draft recovery plan for the endangered Poweshiek skipperling (*Oarisma poweshiek*) for public review and comment. The Poweshiek skipperling is a small prairie butterfly most often found in remnants of native prairies and fens. The draft recovery plan includes objective, measurable criteria and management actions as may be necessary for removal of the species from the Federal List of Endangered and Threatened Wildlife. We request review and comment on this draft recovery plan from local, State, and Federal agencies, and the public.

Recovery Planning

Section 4(f) of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Also pursuant to section 4(f) of the Act, a recovery plan must, to the maximum extent practicable, include (1) a description of site-specific management actions as may be necessary to achieve the plan's goals for the conservation and survival of the species; (2) objective, measurable criteria that, when met, would support a determination under section 4(a)(1) that the species should be removed from the List of Endangered and Threatened Species; and (3) estimates of the time and costs required to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal.

Species Background

The Poweshiek skipperling once ranged throughout the upper Midwest, from Illinois and Iowa in the south, to Michigan in the east, to North Dakota and South Dakota in the west, and southern Manitoba in the north. Currently, populations of the Poweshiek skipperling are known to occur in Michigan and Manitoba, Canada, and possibly in Wisconsin.

It is not known exactly what led to the decline in the species; however, populations are likely influenced by degradation and destruction of habitat through conversion of native prairie to cropland or development; ecological succession to woody vegetation; encroachment of invasive species; past and present fire, haying, or grazing management that degraded or destroyed the species' habitats; flooding; and, groundwater depletion, alteration, and contamination. Additionally, biocide use may have direct or indirect effects on Poweshiek skipperlings, compounding the effects of habitat curtailment. The remaining populations of the Poweshiek skipperling are small and isolated, and thus they are vulnerable to the effects of small population dynamics, further compounding the effects of other stressors.

Under the Act, the Service added the Poweshiek skipperling to the Federal List of Endangered and Threatened Wildlife as an endangered species on October 23, 2014 (79 FR 63671).

Recovery Criteria

The draft recovery criteria are summarized below. For the recovery strategy, management actions, and estimated time and costs associated with recovery, refer to the Draft Recovery Plan for the Poweshiek Skipperling (see **ADDRESSES** for document availability).

The ultimate recovery goal is to remove the Poweshiek skipperling from the Federal List of Endangered and Threatened Wildlife (''delist'') by ensuring the long-term viability of the species in the wild. In the recovery plan, we define the following criteria for reclassification (''downlisting'' from endangered to threatened) and delisting based on the best available information on the species.

Downlisting Criteria

To downlist the Poweshiek skipperling, the following criteria should be achieved:

1. Conservation Unit 1 (Southeastern Manitoba, Northwestern Minnesota, and Northeastern North Dakota) Criteria: 6 healthy populations, with at least two populations in each of Canada and the United States.

2. Conservation Unit 2 (Southeastern North Dakota, Central and Southwestern Minnesota, Northeastern South Dakota, and Central and Northern Iowa) Criteria: 23 healthy populations distributed throughout the unit.

3. Conservation Unit 3 (Southeastern Wisconsin and Northeastern Illinois) Criteria: 2 healthy populations.

4. Conservation Unit 4 (Michigan) Criteria: 5 healthy populations.

A healthy Poweshiek skipperling population is demographically, genetically, and physically robust and occupies large areas of high-quality remnant prairie habitat.

Delisting Criteria

To delist the Poweshiek skipperling, the following criteria should be achieved:

1. Downlisting criteria have been met.

2. Threats and causes of decline have been reduced or eliminated, and mechanisms are in place that provide a high level of certainty that the downlisting criteria will continue to be met into the foreseeable future.

Availability of Public Comments

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.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Sean Marsan,

Acting Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2021–16908 Filed 8–6–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLHQ310000.L13100000.PP0000; OMB Control No. 1004–0185]

Agency Information Collection Activities; Onshore Oil and Gas Leasing, and Drainage Protection

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.

DATES: Interested persons are invited to submit comments on or before October 8, 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 1004–0185 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 Jennifer Spencer by email at *j35spenc@blm.gov,* or by telephone at 307–775–6261. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR 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, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, the BLM invites the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps the BLM assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

The BLM is especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency 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 response.

Comments that you submit in response to this notice are a matter of public record. The BLM 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 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: The BLM collects information to monitor and enforce compliance with drainage protection and other requirements pertaining to Federal and Indian oil and gas leasing and operations (except on the Osage Reservation). OMB Control Number

1004–0185 is currently scheduled to expire on December 31, 2021. This request is for OMB to renew this OMB control number for an additional three years.

There are no program or policy changes proposed with this renewal request. However, the BLM is projecting that the estimated burden for this OMB control number will be adjusted downward. The BLM plans to request a reduction of approximately 5,241 annual burden hours (from 42,936 to 37,695) and $2,526,933 annual non-hour burden cost (from $3,278,348 to $751,415). These adjustments are a result of a projected reduction in the number of respondents to the collections of information under OMB control number 1004–0185 (from 19,711 to 9,131).

Title of Collection: Onshore Oil and Gas Leasing, and Drainage Protection (43 CFR parts 3100, 3120, and 3150, and subpart 3162).

OMB Control Number: 1004–0185.

Form Numbers: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Holders of onshore oil and gas lease and public lands and Indian lands (except on the Osage Reservation), operators of such leases, and holders of operating rights on such leases.

Total Estimated Number of Annual Respondents: 9,131.

Total Estimated Number of Annual Responses: 9,132.

Estimated Completion Time per Response: Varies from 1 hour to 24 hours per response, depending on activity.

Total Estimated Number of Annual Burden Hours: 37,695.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: 'On occasion,' except for the activity titled ''Option statement,'' which is required twice a year.

Total Estimated Annual Non-hour Burden Cost: $751,415.

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 A. King,

Information Collection Clearance Officer.

[FR Doc. 2021–16875 Filed 8–6–21; 8:45 am]

BILLING CODE 4310–84–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1194]

Certain High-Density Fiber Optic Equipment and Components Thereof; Commission's Final Determination Finding a Violation of Section 337; Issuance of a General Exclusion Order and Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930, as amended, in this investigation and has issued a general exclusion order prohibiting the importation of infringing high-density fiber optic equipment and components thereof and cease and desist orders directed against Respondents Leviton Manufacturing Co., Inc. (''Leviton''), Panduit Corporation (''Panduit''), and FS.com Inc. (''FS'').

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 24, 2020, based on a complaint filed on behalf of Corning Optical Communications LLC (''Corning'') of Charlotte, North Carolina. 85 FR 16653 (Mar. 24, 2020). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain high-density fiber optic equipment and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,020,320 (''the '320 patent''); 10,120,153 (''the '153 patent''); 8,712,206 (''the '206 patent''); 10,094,996 (''the '996 patent''); and 10,444,456 (''the '456 patent''). *Id.* The complaint further alleged that a domestic industry exists. *Id.* The Commission's notice of investigation named the following as respondents: Total Cable Solutions, Inc. (''TCS'') of Springboro, Ohio; Legrand North America, LLC (''Legrand'') of West Hartford, Connecticut; AFL Telecommunications Holdings LLC (''AFL Holdings'') of Duncan, South Carolina; Huber+Suhner AG of Herisau, Switzerland; Huber + Suhner, Inc. of Charlotte, North Carolina; Shenzhen Anfkom Telecom Co., Ltd. d/b/a Anfkom Telecom (''Anfkom'') of Shenzhen, China; Shanghai TARLUZ Telecom Tech. Co., Ltd. d/b/a TARLUZ (''TARLUZ'') of Shanghai, China; Wulei Technology Co., Ltd. d/b/a Bonelinks (''Wulei Bonelinks'') of Shenzhen, China; FS of New Castle, Delaware; Leviton of Melville, New York; Panduit of Tinley, Illinois; The LAN Wirewerks Research Laboratories Inc. d/b/a Wirewerks (''Wirewerks'') of Quebec, Canada; and The Siemon Company (''Siemon'') of Watertown, Connecticut. *Id.* The notice of investigation also named the Office of Unfair Import Investigations (''OUII'') as a party. *Id.* at 16654.

Respondent Legrand was terminated from the investigation based on withdrawal of the allegations in the complaint pursuant to Commission Rule 210.21(a), 19 CFR 210.21(a). *See* Order No. 5 (Apr. 16, 2020); *unreviewed by* Comm'n Notice (May 7, 2020). The complaint and notice of investigation were amended to substitute AFL Telecommunications LLC for respondent AFL Holdings. 85 FR 44923 (July 24, 2020). Thereafter, Respondent AFL Telecommunications LLC was terminated from the investigation based on a settlement agreement. *See* Order No. 27 (Oct. 20, 2020), *unreviewed by* Comm'n Notice (Nov. 2, 2020). Respondents Huber+Suhner AG, Huber + Suhner, Inc., Anfkom, TARLUZ, and Wulei Bonelinks (collectively, ''Defaulting Respondents'') were found in default pursuant to Commission Rule 210.16, 19 CFR 210.16. *See* Order Nos. 7 & 8 (June 9, 2020), *unreviewed by* Comm'n Notice (June 22, 2020); Order No. 13 (Aug. 21, 2020), *unreviewed by* Comm'n Notice (Sep. 15, 2020). Respondent TCS was terminated from the investigation based on a consent order. *See* Comm'n Notice (Sept. 28, 2020). Accordingly, Respondents Panduit, Leviton, Siemon, FS, and Wirewerks (collectively, ''Active

Respondents'') remain active in the investigation.

As a result of termination of all asserted claims of the '996 patent and certain other asserted claims, *see* Order No. 11 (July 29, 2020), *unreviewed by* Comm'n Notice (Aug. 13, 2020); Order No. 18 (Sept. 14, 2020), *unreviewed by* Comm'n Notice (Oct. 14, 2020); and Order No. 19 (Oct. 2, 2020), *unreviewed by* Comm'n Notice (Oct. 27, 2020), claims 1 and 3 of the '320 patent; claims 11, 12, 14–16, 19, 21, 27, and 28 of the '456 patent; claims 9, 16, 23, and 26 of the '153 patent; and claims 22 and 23 of the '206 patent remain asserted in the investigation.

A prehearing conference and evidentiary hearing were held in this investigation from October 21–26, 2020.

On March 23, 2021, the administrative law judge (''ALJ'') issued a final initial determination (''ID''), finding a violation of section 337 with respect to claims 1 and 3 of the '320 patent; claims 11, 12, 14–16, 19, 21, 27, and 28 of the '456 patent; claims 9, 16, 23, and 26 of the '153 patent; and claims 22 and 23 of the '206 patent. The ALJ also issued a Recommended Determination on Remedy and Bonding (''RD''). The RD recommends that should the Commission find a violation of section 337, that the Commission issue a general exclusion order, cease and desist orders, and impose a bond during the period of Presidential review.

On April 5, 2021, OUII and Respondent Leviton each filed a petition for review of the ID. That same day, Respondents FS, Panduit, Wirewerks, and Siemon (collectively, ''Joint Respondents'') also filed a joint petition for review. On April 13, 2021, OUII, Leviton, and Corning each filed a response to the petitions.

On May 24, 2021, the Commission determined to review the ID in part. Notice at 3–6 (May 24, 2021) (''Notice of Review''), *published at* 86 FR 28890–893 (May 28, 2021). Specifically, the Commission determined to review: (1) The ID's finding that the importation requirement of section 337 is met with respect to the accused products of Respondents Leviton, Panduit, and Siemon; (2) the ID's interpretation of the ''width of the front side of [the] fiber optic module'' limitation in the asserted claims of the '456 patent, and the associated infringement findings; (3) the ID's construction of ''a front opening'' in the asserted claims of the '206 patent, and the associated infringement findings; (4) the ID's finding that Leviton directly infringes the asserted claims of the '320 and '456 patents; (5) the ID's findings on indirect infringement of the asserted claims of the '320, '456, and/or '153 patents by Respondents Leviton, Panduit, FS, and Siemon; and (6) the ID's finding that Corning has satisfied the economic prong of the domestic industry requirement under section 337(a)(3)(B) and (C). The Commission solicited briefing on remedy, the public interest, and bonding, as well as on specific issues concerning importation, infringement, and the domestic industry requirement.

On June 7, 2021, the parties filed initial submissions in response to the Commission's Notice of Review. On June 14, 2021, the parties filed replies to each other's submissions. In addition, the Commission received comments from the parties on the public interest pursuant to Commission Rule 210.50(a)(4), 19 CFR 210.50(a)(4). The Commission also received comments from Defaulting Respondents Huber+Suhner AG and Huber + Suhner, Inc. in response to the Commission's notice soliciting public interest comments, 86 FR 22067–68 (Apr. 26, 2021).

Having reviewed the record of the investigation, including the final ID and the parties' submissions, the Commission has found a violation of section 337 as to claims 1 and 3 of the '320 patent; claims 11, 12, 14–16, 19, 21, 27, and 28 of the '456 patent; claims 9, 16, 23, and 26 of the '153 patent; and claims 22 and 23 of the '206 patent. Specifically, the Commission affirms with modifications the ID's finding that Respondents Leviton, Panduit, and Siemon satisfy the importation requirement. FS and Wirewerks did not contest importation before the ALJ. With regard to claim construction, the Commission determines to: (1) Adopt OUII's proposed construction for the ''width of the front side of [the] fiber optic module'' limitation in claims 12 and 28 of the '456 patent and find that the accused products meet this limitation under the proper construction; and (2) adopt Corning's proposed construction for the ''front opening'' limitation in the asserted claims of the '206 patent and find that the accused products meet this limitation under the proper construction. The Commission affirms with modifications the ID's finding that the imported article(s) of Respondents Panduit, Siemon, and FS are respectively used by their customers to directly infringe the asserted claims of the '320, '456, and '153 patents at their inducement, and the imported articles of Respondent Leviton are used by its customers to directly infringe the asserted claims of the '320 and '456 patents at Leviton's inducement. Further, the Commission affirms the ID's finding of no contributory infringement by Respondents Leviton, Panduit, and Siemon, and takes no position on the ID's finding of no contributory infringement by FS. Still further, the Commission takes no position on the ID's finding that Leviton directly infringes the asserted claims of the '320 and '456 patents. Finally, the Commission affirms with modifications the ID's finding that Corning has satisfied the economic prong of the domestic industry requirement under section 337(a)(3).

The Commission has determined that the appropriate remedy is: (1) A general exclusion order prohibiting the entry of infringing high-density fiber optic equipment and components thereof; and (2) cease and desist orders directed to Respondents Leviton, Panduit, and FS. The Commission has determined that the public interest factors do not preclude issuance of the general exclusion order or the cease and desist orders. The Commission has determined that a bond as set forth in the orders is required during the period of Presidential review. 19 U.S.C. 1337(j)(3).

The investigation is terminated. The Commission's reasoning in support of its determinations is set forth more fully in its opinion. The Commission's orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

The Commission vote for this determination took place on August 3, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

While temporary remote operating procedures are in place in response to COVID–19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

By order of the Commission.

Issued: August 3, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–16897 Filed 8–6–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–NEW]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; New Information Collection; Authorization for Release of Information—ATF Form 8620.56

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until September 8, 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 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

Type of Information Collection: New collection.

The Title of the Form/Collection: Authorization for Release of Information.

The agency form number, if any, and the applicable component of the Department sponsoring the collection:

Form number: ATF Form 8620.56.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: Individuals or households.

Other: None.

Abstract: The Authorization for Release of Information—ATF Form 8620.56 will be used to determine if a candidate complies with personnel security requirements and is suitable for Federal or contractor employment at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An estimated 2,000 respondents will use the form annually, and it will take each respondent approximately 5 minutes to complete their responses.

An estimate of the total public burden (in hours) associated with the collection: The estimated annual public burden associated with this collection is 167 hours, which is equal to 2,000 (# of respondents) * .0833333 (5 minutes).

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, Mail Stop 3E.405A, Washington, DC 20530.

Dated: August 3, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–16876 Filed 8–6–21; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On August 2, 2021, the Department of Justice lodged a proposed consent decree with the United States District Court for the Western District of Pennsylvania in the lawsuit entitled *United States and Pennsylvania Department of Environmental Protection* v. *Libertas Copper, LLC, d/b/a Hussey Copper,* Civil Action No. 2:21–cv–01016–WSS.

This is a civil action brought by the United States, on behalf of the U.S. Environmental Protection Agency, and the Commonwealth of Pennsylvania, Department of Environmental Protection (''PADEP''), against Defendant Libertas Copper, LLC, d/b/a Hussey Copper, alleging violations of the Clean Water Act, the Pennsylvania Clean Streams Law, and Defendant's National Pollutant Discharge Elimination System permit. The complaint alleges that, between 2011 and the present, Libertas Copper discharged wastewater and storm water that caused oil sheens and contained pollutants—including copper, chromium, nickel, oil and grease, lead, pH, total suspended solids, and zinc—from its Leetsdale, Pennsylvania, copper-smelting facility to the Ohio River in violation of federal and state law.

Under the proposed Consent Decree, Libertas Copper would be required to implement significant measures designed to prevent future violations. These include the development and implementation of operational documents and a maintenance program designed to ensure effective collection, pretreatment, and treatment of wastewater; a third-party environmental audit; ongoing internal environmental inspections; violation response requirements; training; and auditing and implementation of an environmental management system. In addition, Defendant will pay a civil penalty of $861,500, to be split evenly between the United States and PADEP.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and Pennsylvania Department of Environmental Protection* v. *Libertas Copper, LLC, d/b/a Hussey Copper,* D.J. Ref. No. 90–5–1–1–12068. All comments must be submitted no later than thirty (30) days after the publication date of this notice.

Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $15.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–16892 Filed 8–6–21; 8:45 am]

BILLING CODE 4410–15–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–424 and 50–425; NRC–2021–0086]

Southern Nuclear Operating Company, Inc; Vogtle Electric Generating Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemptions; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued exemptions from certain portions of the acceptance criteria for emergency core cooling systems to allow the use of a risk-informed methodology in lieu of a deterministic methodology to evaluate the effects of debris in containment following a loss-of-coolant accident for the Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle), located in Burke County, Georgia. The exemptions are in response to a request dated August 17, 2020, as supplemented by letters dated December 17, 2020, and February 15, 2021, from the Southern Nuclear Operating Company, Inc. (SNC, the licensee).

DATES: The exemptions were issued on July 30, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0086 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0086. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *Attention*: The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John G. Lamb, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3100, email: *John.Lamb@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemptions is attached.

Dated: August 3, 2021.

For the Nuclear Regulatory Commission.

John G. Lamb,

Senior Project Manager, Plant Licensing Branch 2–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket Nos. 50–424 and 50–425

Southern Nuclear Operating Company, Inc. Vogtle Electric Generating Plant, Units 1 and 2 Exemptions

I. Background

Southern Nuclear Operating Company, Inc. (SNC, the licensee) is the holder of Renewed Facility Operating License Nos. NPF–68 and NPF–81, which authorize operation of Vogtle Electric Generating Plant (Vogtle), Units 1 and 2, respectively. The licenses provide, among other things, that the facility is subject to all applicable rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect. The facility consists of two pressurized-water reactors (PWRs) located in Burke County, Georgia.

In 1996, the NRC identified Generic Safety Issue (GSl)-191 associated with the effects of debris accumulation on PWR sump performance during design-basis accidents (Agencywide Documents Access and Management System (ADAMS) Accession No. ML030160807). As part of the actions to resolve GSl-191, the NRC issued Generic Letter (GL) 2004–02, ''Potential Impact of Debris Blockage on Emergency Recirculation during Design Basis Accidents at Pressurized-Water Reactors,'' dated September 13, 2004 (ADAMS Accession No. ML042360586), to holders of operating licenses for PWRs. In GL 2004–02, the NRC staff requested that these licensees perform an evaluation of the emergency core cooling system (ECCS) and the containment spray system (CSS) recirculation functions considering the potential for debris-laden coolant to be circulated by the ECCS and the CSS after a loss-of-coolant accident (LOCA) or high-energy line break inside containment and, if appropriate, take additional actions to ensure system function. The GL required that these licensees provide a written response to the NRC, pursuant to title 10 of the *Code of Federal Regulations* (10 CFR) section 50.54(f), describing the results of their evaluation and any modifications made, or planned, to ensure that the ECCS and the CSS remain functional.

II. Request/Action

By letter dated August 17, 2020 (ADAMS Accession No. ML20230A346), as supplemented by letters dated December 17, 2020, and February 15, 2021 (ADAMS Accession Nos. ML20352A228 and ML21046A094, respectively), SNC requested for the NRC to grant exemptions under 10 CFR 50.12, ''Specific exemptions,'' from certain requirements in 10 CFR 50.46, ''Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors,'' for Vogtle, Units 1 and 2. The request for exemptions from SNC relates to using a specific risk-informed methodology to evaluate the effects of debris on long-term core cooling in lieu of a deterministic methodology.

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security and (2) special circumstances are present. Under 10 CFR 50.12(a)(2)(ii), special circumstances are present when application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. Under 10 CFR 50.12(a)(2)(iii), special circumstances are present when compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

SNC submitted a request for exemptions under 10 CFR 50.12 for Vogtle, Units 1 and 2 from certain requirements of 10 CFR 50.46(a)(1) as it relates to using specific deterministic methodology to evaluate the effects of debris generated from breaks on long-term core cooling. SNC stated that the scope of the requested exemptions applies to all debris effects addressed in the risk-informed element of the Vogtle methodology described in SNC's July 2018 submittal responding to GL 2004–02 (ADAMS Accession Nos. ML18193B163 and ML18193B165). SNC stated that the addressed debris effects are those associated with breaks that potentially generate and transport debris amounts that exceed the Vogtle-specific analyzed debris limit.

SNC is requesting exemptions related to these breaks to allow evaluation of the debris effects using a risk-informed methodology in lieu of a deterministic methodology. The licensee stated that the key elements of the exemption request are that (1) the exemptions will apply only to the effects of debris as described in Enclosures 2 and 3 of the submittal dated July 2018 and (2) the exemptions will apply to any breaks that can generate and transport debris that is not bounded by Vogtle-specific analyzed debris limits, provided that the delta core damage frequency (ΔCDF) and delta large early release frequency (ΔLERF) remain within the acceptance guidelines identified as Region III in Regulatory Guide (RG) 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' Revision 3, dated January 2018 (ADAMS Accession No. ML17317A256).

By letter dated September 30, 2019, ''Final Staff Evaluation for Vogtle Electric Generating Plant, Units 1 and 2, Systematic Risk-Informed Assessment of Debris Technical Report'' (ADAMS Accession No. ML19120A469), the NRC staff found that the subject technical report enclosed with SNC's July 2018 submittal was acceptable for use in plant-specific licensing applications for Vogtle in accordance with the limitations and conditions section and applicability provided in the enclosed NRC staff evaluation. Except for downstream effects—fuel and vessel, and licensing basis, the NRC staff concluded that the technical report contained sufficient information to address the information requested in GL 2004–02.

The NRC staff performed an integrated review of the risk-informed approach proposed to be used in lieu of a deterministic methodology by the requested exemptions, considering the five key principles of risk-informed decision-making set forth in RG 1.174. The five key principles are: (1) The proposed change meets the current regulations unless it is explicitly relates to a requested exemption; (2) the proposed change is consistent with the defense-in-depth philosophy; (3) the proposed change maintains sufficient safety margins; (4) when proposed changes result in an increase in risk, the increases should be small and consistent with the intent of the Commission's policy statement on safety goals for the operations of nuclear power plants (51 FR 30028); and (5) the impact of the proposed change should be monitored using performance measurement strategies.

The NRC staff finds that the proposed risk-informed approach meets the five key principles in RG 1.174. The proposed risk-informed approach is consistent with the defense-in-depth philosophy, maintains sufficient safety margins, and is monitored using performance measurement strategies. The proposed risk-informed approach also explicitly relates to a requested exemption. Finally, the Vogtle risk evaluation results show that the risk associated with post-accident debris effects is within RG 1.174, Region Ill acceptance guidelines as a ''Very Small Change,'' and, therefore, is consistent with the intent of the Commission's policy statement on safety goals for the operations of nuclear power plants.

A. The Exemptions Are Authorized by Law

The exemptions to use a risk-informed methodology would allow SNC to show compliance with 10 CFR 50.46(a)(1) when considering debris in containment generated and transported during a postulated LOCA. This regulation was promulgated under Section 161 of the Atomic Energy Act of 1954, as amended (AEA), and this regulation is consistent with the Commission's authority under Section 161 of the AEA. Because the application of a risk-informed methodology to show compliance with 10 CFR 50.46 would not violate the AEA or the Commission's regulations, the exemptions are authorized by law.

B. The Exemptions Present No Undue Risk to the Public Health and Safety

The provisions of 10 CFR 50.46 establish criteria for the ECCS performance. SNC submitted a request for exemptions under 10 CFR 50.12 for Vogtle, Units 1 and 2 from certain requirements of 10 CFR 50.46(a)(1) as it relates to using specific deterministic methodology to evaluate the effects of debris generated from breaks on long-term core cooling. The licensee justified its requested exemptions by stating that they are consistent with the purpose of the requirements in that the use of the proposed risk-informed approach would account for the effects of debris on the ECCS cooling performance and would support a high probability of successful ECCS performance, based on the risk results meeting the acceptance guidelines of RG 1.174. Additionally, the licensee stated that the Vogtle, Units 1 and 2 risk quantification showed that the changes in ΔCDF and ΔLERF are below the threshold for RG 1.174, Region Ill, ''Very Small Changes,'' without significant plant modifications. The licensee stated that the proposed

risk-informed approach would provide an equivalent level of assurance for sump performance without incurring significant cost and occupational dose associated with removing, replacing, or reinforcing insulation in containment.

The NRC staff finds that the risk associated with the requested exemptions is consistent with the guidance in RG 1.174 for the use of probabilistic risk assessment and with the Commission's policy statement on safety goals for the operations of nuclear power plants; therefore, the requested exemptions present no undue risk to the public health and safety.

C. The Exemptions Are Consistent With the Common Defense and Security

The requested exemptions would allow the use of a risk-informed methodology to allow SNC to resolve a generic safety concern for PWRs associated with the potential clogging of the ECCS and CSS strainers during certain design-basis events. The proposed change would be adequately controlled by safety acceptance criteria and technical specification requirements and is not related to security issues. Because the common defense and security is not impacted by the requested exemptions, the requested exemptions are consistent with the common defense and security.

D. Special Circumstances Are Present

The requested exemptions from 10 CFR 50.46(a)(1) would allow SNC to use a risk-informed methodology in lieu of a deterministic methodology to show conformance with the ECCS and CSS performance criteria accounting for debris in containment for LOCAs. In its request, SNC cited the special circumstances criteria of 10 CFR 50.12(a)(2)(ii) and (iii) and stated that application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule and that compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

The licensee stated that the intent of 10 CFR 50.46(a)(1) is to ensure that ECCS cooling performance design requirements imposed by 10 CFR 50.46 are determined by a rigorous method that provides a high level of confidence in ECCS performance. SNC stated that its proposed risk-informed approach accounts for the effects of debris on the ECCS cooling performance and supports a high probability of successful ECCS performance based on the risk results meeting the acceptance guidelines of RG 1.174.

The licensee also stated that in order to meet a deterministic threshold value for sump debris loads, the debris sources in containment would need to be significantly reduced. SNC stated that the amount of radiological exposure received during the removal and/or modification of insulation from the Vogtle, Units 1 and 2 containments is dependent on the scope of the changes. The licensee stated that the expected total dose for replacing insulation in Vogtle, Units 1 and 2 is estimated generically to be about 200 roentgen equivalent man (rem) (100 rem per unit) based on the South Texas Project pilot submittal.

The licensee concluded that the special circumstances described in 10 CFR 50.12(a)(2)(ii) and (iii) would apply to its requested exemptions.

The NRC staff evaluated the exemption request and summarized its evaluation of the proposed risk-informed approach in a safety evaluation (ADAMS Accession No. ML20268A070). Since 10 CFR 50.46(a)(1) requires a deterministic approach, an exemption is an appropriate means to grant the licensee relief to use an alternative, risk-informed approach. The underlying purpose of the regulation is to protect the public health and safety in the event of a LOCA by establishing criteria for the ECCS. In its safety evaluation, the NRC staff concluded, in part, that the licensee adequately demonstrated that the change in risk attributable to debris in postulated LOCAs is very small. The NRC staff also concluded that the licensee's proposal for demonstrating compliance with the ECCS and the CSS performance requirements meets the risk acceptance guidelines in RG 1.174, because the approach is related to a permissible exemption request, is consistent with defense-in-depth philosophy, maintains sufficient safety margins, results in a small increase in risk, and the impact of the approach is monitored by the licensee using performance measurement strategies. Therefore, the NRC staff finds that the licensee's use of the proposed risk-informed approach to consider the impacts of debris meets the underlying intent of 10 CFR 50.46 to ensure that a licensee demonstrates that the ECCS and the CSS will provide adequate cooling for the reactor core and containment, as well as containment atmosphere cleanup, following postulated design-basis accidents.

The NRC staff also finds that the licensee demonstrated that using the required deterministic approach as opposed to the proposed risk-informed approach would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

Based on the above, the NRC staff concludes that the special circumstances described in 10 CFR 50.12(a)(2)(ii) and (iii) are present for the requested exemptions.

E. Environmental Considerations

The regulations in 10 CFR 51.21, ''Criteria for and identification of licensing and regulatory actions requiring environmental assessments,'' generally provide that NRC licensing and regulatory actions require an environmental assessment (EA) except those identified in 10 CFR 51.20(b) as requiring an environmental impact statement, those identified in 10 CFR 51.22(c) as categorical exclusions, and those identified in 10 CFR 51.22(d) as other actions not requiring environmental review. These regulations also provide that the NRC may, in special circumstances, prepare an EA on an action covered by a categorical exclusion. Typically, exemptions are identified in 10 CFR 51.22(c) as categorical exclusions; however, because the requested exemptions propose a novel risk-informed approach to the requirements in 10 CFR 50.46(a)(1), the NRC staff determined that special circumstances were present and prepared an EA. As discussed in the EA and the associated Finding of No Significant Impact published in the **Federal Register** on April 7, 2021, 2021 (86 FR 18076) and in accordance with 10 CFR 51.31(a), the Commission has determined that granting the requested exemptions will not have a significant effect on the quality of the human environment.

IV. Conclusion

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, that the requested exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security and that special circumstances are present. Therefore, the Commission hereby grants SNC's request for exemptions under 10 CFR 50.12 for Vogtle, Units 1 and 2, from 10 CFR 50.46(a)(1) to allow the use of a risk-informed methodology in lieu of a deterministic methodology

to show conformance with the ECCS and CSS performance criteria accounting for debris in containment for LOCAs.

V. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./**Federal Register** citation
SNC letter, ''Exemption Request and License Amendment Request for a Risk-Informed Resolution to GSI–191,'' dated August 17, 2020.	ML20230A346
SNC letter, ''Response to Request for Additional Information Regarding Risk-Informed Resolution to GSI–191,'' dated December 17, 2020.	ML20352A228
SNC letter, ''Supplement to Request for Exemption to Support Risk-Informed Resolution to Generic Letter 2004–02,'' dated February 15, 2021.	ML21046A094
NRC Generic Letter 2004–02, ''Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors,'' dated September 13, 2004.	ML042360586
Regulatory Guide 1.174, Revision 3, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' dated January 2018.	ML17317A256
NRC Safety Evaluation, Vogtle, Units 1 and 2—Amendments for a Risk-Informed Resolution to GSI–191, dated July 30, 2021.	ML20268A070
SNC Letter ''Vogtle Electric Generating Plant—Units 1 & 2, Supplemental Response to NRC Generic Letter 2004–02,'' dated July 10, 2018.	ML18193B163 and ML18193B165
NRC letter, ''Final Staff Evaluation for Gotle Electric Generating Plant, Units 1 and 2, Systematic Risk-Informed Assessment of Debris Tenical Report,'' dated September 30, 2019.	ML19120A469
NRC, ''Safety Goals for the Operations of Nuclear Power Plants; Policy Statement; Republication,'' dated August 21, 1986	51 FR 30028

Dated: July 30, 2021.

For the Nuclear Regulatory Commission.

/RA/

Caroline L. Carusone,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–16899 Filed 8–6–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331; NRC–2020–0148]

NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Post-Shutdown Decommissioning Activities Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of comment period.

SUMMARY: On June 19, 2020, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on the post-shutdown decommissioning activities report (PSDAR) for the Duane Arnold Energy Center (DAEC). The PSDAR, which includes the site-specific decommissioning cost estimate (DCE), provides an overview of NextEra Energy Duane Arnold, LLC's (NEDA or the licensee's) planned decommissioning activities, schedule, projected costs, and environmental impacts for DAEC. The public comment period closed on October 19, 2020, was reopened on October 26, 2020, closed again on February 19, 2021, was reopened on March 5, 2021, and will currently close on August 19, 2021. The NRC has decided to extend the public comment period for a third time to provide additional time for members of the public to develop and submit their comments, as well as to allow time for an in-person public meeting on the PSDAR. The NRC will hold a public meeting to discuss the PSDAR's content and receive comments once restrictions associated with the Coronavirus Disease 2019 public health emergency are lifted, and will notice this meeting in a separate **Federal Register** notice.

DATES: The comment period for the document published on June 19, 2020 (85 FR 37116) has been extended. Comments should be filed no later than December 20, 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; 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–2020–0148. 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: Marlayna V. Doell, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3178; email: *Marlayna.Doell@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0148 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–2020–0148.
- *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. (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2020–0148 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On June 19, 2020, the NRC solicited comments on the PSDAR dated April 2, 2020, including the site-specific DCE for DAEC (ADAMS Accession No. ML20094F603). The purpose of the original **Federal Register** notice (85 FR 37116; June 19, 2020) was to inform the public of a meeting to discuss and accept comments on the PSDAR and DCE. The public comment period closed on October 19, 2020, was reopened on October 26, 2020 (85 FR 67780), to account for the restrictions associated with the Coronavirus Disease 2019 public health emergency, closed again on February 19, 2021, was reopened on March 5, 2021 (86 FR 12990), and will currently close on August 19, 2021.

The NRC has decided to once again extend the public comment period on this document until December 20, 2021, to provide additional time for members of the public to develop and submit their comments, as well as to allow time for an in-person public meeting on the DAEC PSDAR. The NRC will hold a public meeting to discuss the PSDAR's content and receive comments once restrictions associated with the Coronavirus Disease 2019 public health emergency are lifted. Members of the public interested in attending this meeting should monitor the NRC's Public Meeting Schedule website at *https://www.nrc.gov/pmns/mtg* for additional information.

Dated: August 4, 2021.

For the Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–16898 Filed 8–6–21; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–120 and CP2021–122]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 11, 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:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2021–120 and CP2021–122; *Filing Title:* USPS Request to Add Parcel Select Contract 47 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 3, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 11, 2021.

This Notice will be published in the Federal Register.

Erica A. Barker,

Secretary.

[FR Doc. 2021–16949 Filed 8–6–21; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92556; File No. SR–BOX–2021–14]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change in Connection With the Proposed Commencement of Operations of Boston Security Token Exchange LLC

August 3, 2021.

On June 7, 2021, BOX Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change in connection with the proposed commencement of operations of Boston Security Token Exchange LLC as a facility of the Exchange. The proposed rule change was published for comment in the **Federal Register** on June 24, 2021.[3] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is August 8, 2021.

The Commission hereby is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates September 22, 2021, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–BOX–2021–14).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–16885 Filed 8–6–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92206 (June 17, 2021), 86 FR 33402.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–61, OMB Control No. 3235–0073]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Form S–3

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget request for extension of the previously approved collection of information discussed below.

Form S–3 (17 CFR 239.13) is used by issuers to register securities pursuant to the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form S–3 provides investors with material information to make investment decisions regarding securities offered to the public. Form S–3 takes approximately 467.4195 hours per response and is filed by approximately 1,647 issuers annually. We estimate that 25% of the 647.4195 hours per response (116.8548 hours) is prepared by the issuer for a total annual reporting burden of 192,460 hours (116.8548 hours per response × 1,647 responses).

An agency may conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 4, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–16906 Filed 8–6–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–058, OMB Control No. 3235–0065]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Form S–1

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') this request for an extension of the previously approved collection of information discussed below.

Form S–1 (17 CFR 239.11) is used by domestic issuers who are not eligible to use other forms to register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information. Form S–1 takes approximately 653.5436 hours per response and is filed by approximately 894 respondents. We estimate that 25% of the 653.5436 hours per response (163.3859 hours) is prepared by the registrant for a total annual reporting burden of 146,067 hours (163.3859 hours per response × 894 responses).

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 public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular

information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 4, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–16905 Filed 8–6–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92555; File No. SR–BOX–2021–07]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt BOX Rule 7670 To Establish a Virtual Trading Floor on BOX

August 3, 2021.

I. Introduction

On April 16, 2021, BOX Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish a virtual trading floor on the Exchange. The proposed rule change was published for comment in the **Federal Register** on May 5, 2021.[3] On June 16, 2021, pursuant to Section 19(b)(2) of the 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] On July 20, 2021, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change.[6] This order approves the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1 [7]

On March 20, 2020, the Exchange closed its physical Trading Floor located in Chicago, Illinois, as a result of precautions taken with respect to COVID–19, and operated in an all-electronic configuration until May 4, 2020, when the Exchange reopened its physical Trading Floor.[8] According to the Exchange, due to the uncertainty regarding the ongoing pandemic, it proposes to adopt Rule 7670, which would permit the Exchange to conduct open outcry trading virtually. Specifically, proposed Rule 7670(a)(1) would allow the Exchange to activate an audio and video communication program to serve as a ''Virtual Trading Floor'' during regular trading hours in the event the physical Trading Floor becomes inoperable.[9]

According to the proposal, the Exchange would create a ''Virtual Trading Pit'' where each Participant authorized to access the Virtual Trading Floor and enters the Virtual Trading Pit will be visible, and may speak, to all other Participants in the Virtual Trading Pit.[10] Any Floor Market Maker authorized to act on the physical Trading Floor will receive access to the Virtual Trading Pit on the Virtual Trading Floor and will have an appointment to trade all classes.[11] The Exchange believes that its proposal will allow the same communication capabilities Participants generally have on the physical Trading Floor so that they may conduct open outcry trading on the Virtual Trading Floor in the same manner as they do on the physical Trading Floor.[12]

All rules related to open outcry trading will apply to open outcry trading on the Virtual Trading Floor in the same manner as they apply on the physical Trading Floor, except that proposed Rule 7670(a)(1)(A)–(G) will also apply to trading on the Virtual Trading Floor as follows.

Proposed Rule 7670(a)(1)(A) lists certain terms in the Rules related to open outcry trading on the physical Trading Floor that will be deemed to refer to corresponding terms related to open outcry trading on the Virtual Trading Floor. Specifically:

- References in the Rules to the ''Floor,'' ''Trading Floor,'' and ''Exchange Floor'' (and any other terms with the same meaning) will be deemed to refer to the ''Virtual Trading Floor;''
- References in the Rules to the ''Pit'' and the ''Crowd Area'' (and any other terms with the same meaning) will be deemed to refer to the ''Virtual Trading Pit'' or the ''Virtual Trading Crowd;'' and
- The term ''In-crowd Floor Participant'' will be deemed to mean a Floor Market Maker or a Floor Brooker representing an order in the Virtual Trading Pit on the Virtual Trading Floor.

Pursuant to proposed Rule 7670(a)(1)(B), access to the Virtual Trading Floor will be limited to Floor Participants, Clerks, Exchange employees, and any other persons the Exchange authorizes admission to the Virtual Trading Floor.[13] The Exchange will provide access to the Virtual Trading Floor to Participants the Exchange already has approved to perform a Trading Floor function (including Floor Brokers and Floor Market Makers).[14] According to the proposed Rule, each authorized individual will receive one log-in to the Virtual Trading Floor, and the Exchange will track which individuals participate on the Virtual Trading Floor, including when they log-in and log-out.[15] The Exchange represents that access to the Virtual Trading Floor will be

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 91714 (April 29, 2021), 86 FR 24119.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 92192, 86 FR 32989 (June 23, 2021). The Commission designated August 3, 2021, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] In Amendment No. 1, the Exchange: (1) Amends the proposed rule text to specify that Floor Brokers would be required to enter their orders into the electronic blotter at the same time they open outcry the order to the Virtual Trading Crowd (as defined below); (2) makes revisions and technical corrections to the proposed rule text for consistency and to more clearly reflect the description of the proposed rule change; (3) makes technical corrections and revisions to the description of the proposed rule change for readability and consistency; and (4) provides additional detail to certain aspects of the description of the proposed rule change. Amendment No. 1 is available on the Commission's website at: *https://www.sec.gov/comments/sr-box-2021-07/srbox202107-9086236-246706.pdf.*

[7] All defined terms not defined herein are defined in the BOX Rules.

[8] *See* Amendment No. 1, *supra* note 6, at 3–4.

[9] According to the Exchange, if the physical Trading Floor becomes inoperable and the Exchange does *not* make a Virtual Trading Floor available, the Exchange will continue to operate in an electronic-only environment; open outcry trading will not be available while the physical Trading Floor facility is inoperable. *See* proposed Rule 7670(a).

[10] *See* Amendment No. 1, *supra* note 6, at 6.

[11] *See id.* at 8.

[12] *See id.* at 6.

[13] *See* proposed Rule 7670(a)(1)(B).

[14] *See* Amendment No. 1, *supra* note 6, at 7–8.

[15] *See id.* at 8–9.

substantially similar to access to the physical Trading Floor.[16]

Pursuant to proposed Rule 7670(a)(1)(C), Floor Participants may use any equipment to access the Virtual Trading Floor and will not need to register devices they use while on the Virtual Trading Floor.[17] According to the Exchange, it will identify the Participant organization of each Participant in the Virtual Trading Pit, and the Exchange will not require Floor Participants and Clerks to display badges on the Virtual Trading Floor.[18] Floor Participants, however, will be required to inform the Exchange of the IP address that will be used to access the Virtual Trading Floor, which the Exchange states will allow it to create a secure network available only to approved IP addresses. According to the Exchange, the Exchange will deny any outside (and not previously approved) connections from entering the Virtual Trading Floor and will secure the virtual trading environment and limit access only to Participants approved by the Exchange.[19] The Exchange will disable the ability of Participants to record the Virtual Trading Floor through the communication program and states that, pursuant to Rule 7660(i), Floor Participants will not be allowed to record any activities on the Trading Floor.[20]

Pursuant to proposed Rule 7670(a)(1)(E), the Exchange will require Floor Brokers to enter their orders into an electronic blotter at the same time the Floor Broker announces an order to the Virtual Trading Crowd.[21] And pursuant to proposed Rule 7670(a)(1)(D), the Exchange may determine to require any Floor Market Maker or Floor Broker in the Virtual Trading Pit that attempts to trade against an order represented for execution to express its bid or offer in a chat available in the Virtual Trading Pit.[22] Chats will be visible to all participants in the Virtual Trading Pit and will not be permitted directly between individual Participants.[23] The Exchange states that it would require Participants to utilize the chat function if BOX Trading Floor Officials determine that increased volume or activity in the Virtual Trading Crowd warrants mandatory use of the chat feature to maintain a fair and orderly market.[24] Further, pursuant to proposed Rule 7670(a)(1)(G), the Exchange will retain records of the chats, Participant logs, electronic blotter, and any other records related to the Virtual Trading Floor that are subject to the Exchange's record retention obligations under the Act.

Finally, pursuant to proposed Rule 7670(a)(1)(F), the Exchange proposes that Floor Market Maker quotes will be considered firm in the event the Floor Market Maker is disconnected from the Virtual Trading Floor and the parties have a Meeting of the Minds with respect to the terms of the transaction.[25] In the event that a Floor Market Maker is disconnected from the Virtual Trading Crowd, a Floor Market Maker quote would not be considered firm if the quote was provided and the parties did not have a Meeting of the Minds with respect to the terms of the transaction.[26]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act,[27] and the rules and regulations thereunder applicable to a national securities exchange.[28] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[29] 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.

As discussed above, the Exchange proposes to adopt rules to enable a Virtual Trading Floor for open outcry trading if the physical Trading Floor becomes inoperable. According to the Exchange, this would allow the Exchange, when the physical Trading Floor becomes inoperable, to more closely replicate open outcry trading virtually than is currently feasible in an all-electronic trading environment. For example, according to the Exchange, the proposal would help to facilitate the execution of larger orders and high-risk and complicated strategies that benefit from human interactions.[30] The proposed rule change would provide an environment in which human interactions would be available despite the inoperability of the physical Trading Floor. As a result, by continuing to provide access to open outcry trading when the physical Trading Floor becomes inoperable, the Exchange believes its proposal removes impediments to a free and open market and will ultimately benefit investors, particularly those executing high-risk and complex trading strategies.

The Exchange states that, although the proposed rule change would allow the Exchange to make a Virtual Trading Floor available, the Exchange retains the discretion not to activate the Virtual Trading Floor if the physical Trading Floor becomes inoperable. In making the determination to move to an all-electronic environment, the Exchange will evaluate the factor(s) that caused the physical Trading Floor to become inoperable to determine if it warrants activating the Virtual Trading Floor.[31]

The Commission finds that the proposed implementation of rules to

[16] *See id.* at 7. The Exchange states that, currently, admission to the physical Trading Floor is limited to Floor Participants, Exchange employees, Clerks employed by Floor Participants and registered with the Exchange, Exchange visitors that receive authorized admission to the Trading Floor pursuant to Exchange policy, and any other persons that the Exchange authorizes admission to the Trading Floor. *See id.*

[17] *See* proposed Rule 7670(a)(1)(C). The Exchange represents that Rule 7660 (Communications and Equipment) will otherwise apply in the same manner to the Virtual Trading Floor as it does to the physical Trading Floor (to the extent the context requires). *See* Amendment No. 1, supra note 6, at 9.

[18] *See* proposed Rule 7670(a)(1)(B); Amendment No. 1, *supra* note 6, at 8 n.7.

[19] *See* Amendment No. 1, *supra* note 6, at 9 n.8.

[20] *See id.* at 13 n.16.

[21] *See* proposed Rule 7670(a)(1)(E). The electronic blotter will contain a running list of unexecuted orders that have been represented by Floor Brokers on the Virtual Trading Floor.

[22] *See* proposed Rule 7670(a)(1)(D). The Exchange states that the chat functionality will be available to Virtual Trading Floor Participants at all times. *See* Amendment No. 1, *supra* note 6, at 11 n.11.

[23] *See* proposed Rule 7670(a)(1)(D).

[24] *See* Amendment No. 1, *supra* note 6, at 9–10. The Exchange believes that the chat tool and electronic blotter functionality will benefit Virtual Trading Crowd participants due to the limitations of communication software (such as limitations on how many people may be heard at the same time in the Virtual Trading Pit or potential buffering or echoing). *See id.* at 10–11.

[25] *See* proposed Rule 7670(a)(1)(F). According to the Exchange's proposal, a ''Meeting of the Minds'' means the contra-side(s) verbally confirmed participation in the trade.

[26] A Floor Market Maker on the physical Trading Floor that experiences issues with internet connection, makes an error, or otherwise is unaware of recent news in a particular option, would be held to a quote verbalized in open outcry. *See* Amendment No. 1, *supra* note 6, at 12.

[27] 15 U.S.C. 78f.

[28] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[29] 15 U.S.C. 78f(b)(5).

[30] *See* Amendment No. 1, *supra* note 6, at 16–17.

[31] Such factors, may include, but are not limited to, the anticipated duration, cause, and nature of the condition, burden on Floor Participants, and whether the condition that caused the inoperability of the physical Trading Floor is affecting the Exchange's operations broadly in a way that makes operating the Virtual Trading Floor difficult or impossible. *See id.* at 5.

permit a Virtual Trading Floor if the physical Trading Floor becomes inoperable is consistent with the Act. The Commission believes that the proposal is reasonably designed to facilitate open outcry trading when circumstances restrict in person human interaction on the physical Trading Floor. The Exchange notes that it has conducted meetings with Floor Participants in which the Exchange presented the functionality of the Virtual Trading Floor and has made the Virtual Trading Floor available for testing so that the Exchange will be ready to implement the Virtual Trading Floor if necessary. The Exchange further notes that it has received positive feedback from Floor Participants regarding the Virtual Trading Floor and has committed to continue to make updates as necessary and appropriate in response to comments.[32] As a result, the Commission finds that the Virtual Trading Floor is reasonably designed to allow continuous access to open outcry trading, which may remove impediments to a free and open market and may ultimately benefit investors, particularly those facilitating executions of large orders and complex trading strategies.

Additionally, the design of the Virtual Trading Floor to closely replicate the physical Trading Floor could help facilitate a more seamless rollout of the Virtual Trading Floor to Floor Participants and thus help remove impediments to a free and open market if the physical Trading Floor becomes unavailable. The Virtual Trading Floor could help provide Floor Participants the ability to interact in a substantially similar way as they do on the physical Trading Floor. Furthermore, the proposed chat functionality and electronic blotter, which are functionality not otherwise available on the physical Trading Floor, are reasonably designed to create a virtual environment that promotes fair and orderly markets by providing Floor Participants with additional tools to communicate information to one another to the extent necessary given the potential inherent limitations of communication software.

Finally, the Commission finds that the design of the Virtual Trading Floor could help prevent fraudulent and manipulative acts and practices, and promote just and equitable principles of trade by requiring that the current Rules and regulatory requirements apply in substantially the same manner as open outcry trading on the physical Trading Floor. Specifically, the Exchange represents that all Rules related to open outcry trading on the physical Trading Floor will apply to open outcry trading on the Virtual Trading Floor.[33] Floor Participants participating in a Virtual Trading Crowd will be subject to the same regulatory requirements on the Virtual Trading Floor as they are on the physical Trading Floor, including those set forth in the Rule Series 3000 and 4000.[34] Orders represented in the Virtual Trading Crowd must be systematized and represented, and transactions reported, in the same manner as on the physical Trading Floor.[35] Therefore, according to the Exchange, the audit trail for open outcry trading on the Virtual Trading Floor will capture the same information that it does for open outcry trading on the physical Trading Floor.[36] Further, according to the Exchange, the Regulatory Division will be able to utilize preexisting Trading Floor surveillances to surveil for the activity occurring on the Virtual Trading Floor, and Regulatory Staff will always be present on the Virtual Trading Floor.[37] Moreover, the Exchange represents that it will retain records of the chats, Participant logs, electronic blotter, and any other records related to the Virtual Trading Floor consistent with the Exchange's record retention obligations under the Act.[38]

IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 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–BOX–2021–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–BOX–2021–07. The file numbers 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 publicly available. All submissions should refer to File No. SR–BOX–2021–07 and should be submitted on or before August 30, 2021.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause for approving the proposed rule change, as amended by Amendment No. 1, prior to the 30th day after the date of publication of notice in the **Federal Register**. As described above, in Amendment No. 1, the Exchange: (1) Amends the proposed rule text to specify that Floor Brokers would be required to enter their orders into the electronic blotter at the same time they open outcry the order to the Virtual Trading Crowd; (2) makes revisions and technical corrections to the proposed rule text for consistency and to more clearly reflect the description of the proposed rule change; (3) makes technical corrections and revisions to the description of the proposed rule change for readability and consistency; and (4) provides additional detail to certain aspects of the description of the proposed rule change.[39] The Commission believes that the changes made in Amendment No. 1 do not raise any material or novel regulatory issues,

[32] *See id.* at 15.

[33] *See id.* at 6.

[34] *See id.* at 14.

[35] *See id.*

[36] *See id.*

[37] *See id.* at 14–15.

[38] *See id.* at 12–13.

[39] *See* Amendment No. 1, *supra* note 6.

and they provide further clarity to and consistency within the proposal. Accordingly, the Commission finds good cause for approving the proposed rule change, as amended, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.[40]

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[41] that the proposed rule change, as modified by Amendment No. 1 (SR–BOX–2021–07), be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[42]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–16884 Filed 8–6–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, August 12, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: August 5, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–17001 Filed 8–5–21; 11:15 am]

BILLING CODE 8011–01–P

SELECTIVE SERVICE SYSTEM

Form Submitted to the Office of Management and Budget for Extension of Clearance

AGENCY: Selective Service System.

ACTION: Notice.

SUMMARY: The following form has been submitted to the Office of Management and Budget (OMB) for extension of clearance without change in compliance with the Paperwork Reduction Act.

SUPPLEMENTARY INFORMATION:

SSS Form 1

Title: The Selective Service System Registration Form.

Purpose: Is used to register men and establish a data base for use in identifying manpower to the military services during a national emergency.

Respondents: All 18-year-old males who are United States citizens and those male immigrants residing in the United States at the time of their 18th birthday are required to register with the Selective Service System.

Frequency: Registration with the Selective Service System is a one-time occurrence.

Burden: A burden of two minutes or less on the individual respondent.

Copies of the above identified form can be obtained upon written request to the Selective Service System, Operations Directorate, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425. Written comments and recommendations for the proposed extension of clearance without change of the form should be sent within 30 days of the publication of this notice to the Selective Service System, Operations Directorate, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

Thomas T. Devine,

Deputy Associate Director for Operations.

[FR Doc. 2021–16802 Filed 8–6–21; 8:45 am]

BILLING CODE 8015–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2021–0028]

Public Availability of Social Security Administration Fiscal Year (FY) 2019 Service Contract Inventory

AGENCY: Social Security Administration.

ACTION: Notice of public availability of FY 2019 Service Contract inventories.

SUMMARY: In accordance with the Consolidated Appropriations Act of 2010, we are publishing this notice to advise the public of the availability of the FY 2019 Service Contract inventory. This inventory provides information on FY 2019 service contract actions over $25,000. We organized the information by function to show how we distribute contracted resources throughout the agency. We developed the inventory in accordance with guidance issued on December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/service-contract-inventory-guidance.pdf.* You can access the inventory and summary of the inventory on our homepage at the following link: *http://www.socialsecurity.gov/sci.*

FOR FURTHER INFORMATION CONTACT: Ronnetta Mason, Office of Budget, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401. Phone (410) 597–1955, email *Ronnetta.Mason@ssa.gov.*

Michelle King,

Deputy Commissioner, for Budget, Finance, and Management.

[FR Doc. 2021–16940 Filed 8–6–21; 8:45 am]

BILLING CODE 4191–02–P

[40] 15 U.S.C. 78s(b)(2).

[41] *Id.*

[42] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Request to Medical Examiners on the National Registry of Certified Medical Examiners Regarding Submission of Examination Results

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Transportation (DOT).

ACTION: Request for examination results.

SUMMARY: FMCSA requests that medical examiners (MEs), by September 30, 2021, submit results of physical qualification examinations conducted during the National Registry of Certified Medical Examiners (National Registry) outage from December 1, 2017, through August 13, 2018. During the outage, FMCSA encouraged MEs to continue conducting physical qualification examinations and instructed MEs to submit examination results to the National Registry when upload functionality was restored. The upload functionality was fully restored on August 13, 2018, but a significant number of healthcare professionals have not uploaded the results from examinations conducted during the National Registry outage. FMCSA requests that the examiners in question upload the information.

DATES: Medical examiners should submit the results from examinations conducted between December 1, 2017, and August 13, 2018, to the Agency by September 30, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; telephone (202) 366–4001; *fmcsamedical@dot.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Enacted in 2005 and amended in 2012, 49 U.S.C. 31149 authorizes the National Registry program. Among other statutory mandates, section 31149 directed the Secretary, acting through FMSCA, to establish the National Registry and to require MEs to transmit electronically certain information about completed medical examination results of commercial motor vehicle (CMV) drivers (section 31149(c)(1)(E), (d)(1)). To implement the requirements of section 31149, FMCSA issued a final rule in 2012 establishing the National Registry (77 FR 24104 (Apr. 20, 2012)). This rule also required MEs to submit a CMV Driver Medical Examination Results Form, MCSA–5850, to FMCSA for each physical examination conducted during the previous month for any driver who is required to be examined by an ME listed on the National Registry. This rule was amended in 2015 to require MEs to report results of all CMV drivers' physical examinations conducted (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight local time of the next calendar day following the examination, beginning on June 22, 2018 (80 FR 22790 (Apr. 23, 2015); 80 FR 35577 (Jun. 22, 2015)).

II. National Registry Outage

In December 2017, an incident occurred that caused the Agency to take the National Registry system offline. Unfortunately, during the outage, MEs were not able to access their National Registry accounts to upload results of examinations conducted. MEs were encouraged to continue conducting physical qualification examinations and issuing Medical Examiner's Certificates to qualified CMV drivers. MEs were also informed that they should segregate all examinations completed during the outage and be prepared to upload them to the National Registry system when it is back online and operating normally.

III. National Registry Reporting Functionality Restored

The functionality for MEs to submit results of examinations to the National Registry was restored on June 22, 2018. The functionality for Medical Examiner Administrative Assistants (MEAAs) and Third Party Organizations (TPOs) to submit results of examinations on behalf of MEs to the National Registry was restored on August 13, 2018. Therefore, MEs were instructed to resume submitting results of examinations conducted either through their National Registry account or by using their designated MEAAs or TPOs, in accordance with 49 CFR 391.43(g)(5)(i)(B) and (5)(ii).

Although the functionality to enter results of examinations conducted had been restored, FMCSA was concerned that the temporary National Registry system would not be able to handle the usual daily activity together with the additional activity for results from examinations conducted during the time the National Registry was offline. Therefore, on June 27, 2018, FMCSA sent an email to all MEs explaining that FMCSA was not requiring MEs to immediately upload results of the examinations conducted during the National Registry outage and that it would provide an extended period to upload results of examinations conducted during the National Registry outage. The Agency explained that, in an effort to limit the time burden on MEs, it would ensure that MEs have ample time to upload results of these examinations.

IV. Request for Examination Results

Due to continued improvements to the National Registry system, FMCSA is no longer concerned about the increased activity of uploading results of examinations that occurred during the National Registry outage. FMCSA is aware that while many MEs have submitted results of examinations conducted while the National Registry was offline, others still have not done so. FMCSA estimates that approximately 14,000 MEs still have examinations results to upload. This includes MEs who were certified and actively uploading results of examinations conducted on December 1, 2017, when the National Registry was taken offline, who have successfully migrated their National Registry account, and who have been using the interim National Registry system. This activity demonstrates that they have continued to conduct physical qualification examinations, but may not have uploaded results of any examinations conducted between the outage period of December 1, 2017, and August 13, 2018. Therefore, FMCSA requests that MEs who have not yet submitted results of examinations conducted during the National Registry outage, between December 1, 2017, and August 13, 2018, report the outstanding results to the National Registry through their National Registry account or by a designated MEAA or TPO no later than September 30, 2021. FMCSA makes this request to ensure, to the greatest extent possible, that results of all examinations conducted during the outage are reported to the National Registry.

Meera Joshi,

Deputy Administrator.

[FR Doc. 2021–16955 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0151]

Request for Comments of a Previously Approved Information Collection: Request for Waiver of Service Obligation, Request for Deferment of Services Obligation, Application for Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on April 7, 2021.

DATES: Comments must be submitted on or before September 8, 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: Danielle Bennett (202) 366–5296, Office of Maritime Labor and Training, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Request for Waiver of Service Obligation, Request for Deferment of Services Obligation, Application for Review.

OMB Control Number: 2133–0510.

Type of Request: Renewal of a Previously Approved Information Collection.

Background: This information collection is essential for determining if a student or graduate of the United States Merchant Marine Academy (USMMA) or subsidized student or graduate of a State maritime academy has a waivable situation preventing them from fulfilling the requirements of a service obligation contract signed at the time of their enrollment in a Federal maritime training program. It also permits the Maritime Administration (MARAD) to determine if a graduate, who wishes to defer the service obligation to attend graduate school, is eligible to receive a deferment. Their service obligation is required by law.

Respondents: U.S. Merchant Marine Academy students and and graduates and subsidized students and graduates.

Affected Public: Individuals or Households.

Total Estimated Number of Responses: 11.

Frequency of Collection: Annually.

Estimated Time per Respondent: 30 minutes.

Total Estimated Number of Annual Burden Hours: 5.30.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–16946 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0036]

Denial of Motor Vehicle Defect Petition, DP21–001

AGENCY: National Highway Traffic Safety Administration, (NHTSA), Department of Transportation.

ACTION: Denial of a petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition, DP21–001, submitted by Mr. Derek Colvin to NHTSA (the ''agency'') by a letter dated November 20, 2020. The petition requests that the agency initiate a safety defect investigation into an alleged defect in the reversing light system experienced in certain Model Year (MY) 2013 Porsche 911 Carrera manual transmission vehicles (the ''subject vehicles''). As the driver shifts the gear into reverse, the reversing light fails to illuminate. After conducting a technical review of: (1) The consumer complaint submitted by the petitioner; (2) consumer complaint information in NHTSA's database; and (3) information provided by Porsche in response to our Information Request letter regarding reversing light failure to illuminate and complaints received by Porsche, NHTSA's Office of Defect Investigations (ODI) has concluded that no further investigation of the issue raised by the petition is warranted and the agency, accordingly, has denied the petition.

FOR FURTHER INFORMATION CONTACT: Mr. Lemeola Kamanya, Vehicle Defect Division A, Office of Defects Investigation, NHTSA 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–6065. Email: *lemeola.kamanya@dot.gov.*

SUPPLEMENTARY INFORMATION:

1. Introduction

Interested persons may petition NHTSA requesting that the agency initiate an investigation to determine whether a motor vehicle or item of replacement equipment does not comply with an applicable motor vehicle motor vehicle safety standard or contains a defect that relates to motor vehicle safety. 49 U.S.C. 30162(a)(2); 49 CFR 552.1. Upon receipt of a properly filed petition, the agency conducts a technical review of the petition, material submitted with the petition and any additional information. 49 U.S.C. 30162(a)(2); 49 CFR 552.6. The technical review may consist solely of a review of information already in the possession of the agency or it may include the collection of information from the motor vehicle manufacturer and/or other sources. After conducting the technical review and considering appropriate factors, which may include, but are not limited to, the nature of the complaint, allocation of agency resources, agency priorities, the likelihood of uncovering sufficient evidence to establish the existence of a defect and the likelihood of success in any necessary enforcement litigation, the agency will grant or deny the petition. *See* 49 U.S.C. 30162(a)(2); 49 CFR 552.8.

2. Defect Petition Background Information

In a letter dated November 20, 2020, Mr. Derek Colvin (the petitioner) requested that NHTSA initiate a safety defect investigation into reversing light failure experienced by operators of model year (MY) 2013 Porsche 911 Carrera manual transmission vehicles as the driver engages the reverse gear. Mr. Colvin based his request on his own experience. NHTSA has based its decision on a review of the material cited by the petitioner, information submitted by Porsche in response to our Information Request letter and other pertinent information in NHTSA's databases.

3. Summary of the Petition

The petitioner reported that his MY 2013 Porsche 911 Carrera vehicle equipped with the ZF-sourced seven-speed manual transmission experienced

failure of the reverse lights to illuminate when shifting the vehicle into reverse. The petitioner described the fault as detachment of the actuator inside the manual transmission. This led to a failure of the actuator to make contact with the reversing light switch which is threaded into the transmission from the outside.

4. Office of Defects Investigation Analysis

The reversing lights provide a warning to other drivers and pedestrians when the vehicle is reversing. The reversing lights also provide some illumination for the driver when reversing at night. Failure of the reversing lights can cause an increased hazard to the vehicle, its occupants, surrounding vehicles and nearby pedestrians.

As of April 14, 2021, NHTSA has identified only one consumer complaint alleging a failure of the reversing lights in NHTSA's database. This complaint was received from the petitioner. Neither NHTSA nor Porsche have received any allegations of crashes or injuries associated with the failure of the reversing lights to illuminate.

Porsche determined that the reversing lights on the MY 2012–2015 Porsche Carrera vehicles were becoming inoperative due to the failure of the transmission side actuation mechanism. Porsche determined the weld between the shift rod and the stopper plate was below manufacturing specifications in some vehicles due to production weld process variations. Porsche modified production weld specifications to improve the strength and consistency of the weld joint between the shift rod and stopper plate.

In January 2021, Porsche initiated a Service Action (228/20) on MY 2012–2015 Porsche Carrera vehicles with active notification of potentially affected customers to remedy the reversing light failure in the affected vehicles. Warranty coverage on the affected components has been extended to 15 years from the new vehicle delivery date with unlimited mileage. Porsche will replace the transmission in the affected vehicles with a new transmission with the modified weld specifications for the shift rod-stopper plate joint. NHTSA believes there is a high likelihood that many affected vehicles will be remedied with this action.

After thoroughly assessing the material submitted by the petitioner, information already in NHTSA's possession, information submitted by Porsche in response to an Information Request letter and the potential risks to safety implicated by the petitioner's allegation, as well as Service Action (228/20) initiated by Porsche offering extended warranty coverage, NHTSA does not believe that a formal investigation is warranted. After full consideration of appropriate factors, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Joseph Kolly,

Acting, Associate Administrator for Enforcement.

[FR Doc. 2021–16926 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0105]

Denial of Motor Vehicle Defect Petition, DP19–004

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: On September 19, 2019, Mr. Roger Hogan (the petitioner) submitted a defect petition to NHTSA's Office of Defects Investigation (ODI). The petition requested that the Agency investigate and recall certain Toyota Prius, Prius PHV, Camry Hybrid and Avalon Hybrid vehicles for a brake actuator solenoid valve wear condition that is currently covered under Toyota Customer Support Programs (CSPs) ZJB and ZKK (subject CSPs). NHTSA opened Defect Petition DP19–004 to evaluate the petitioner's request. Subsequently the petitioner informed NHTSA that he was withdrawing the petition. Since the petitioner has withdrawn the petition, we are denying the petition as moot.

FOR FURTHER INFORMATION CONTACT: Mr. Kareem Habib, Vehicle Defects Division—D, Office of Defects Investigation, NHTSA, 1200 New Jersey Ave. SE, Washington, DC 20590 (telephone 202–366–8703).

SUPPLEMENTARY INFORMATION: By letter dated September 19, 2019, Mr. Roger Hogan (the petitioner) submitted a petition requesting that the Agency investigate and recall certain Toyota Prius, Prius PHV, Camry Hybrid and Avalon Hybrid vehicles for a brake actuator solenoid valve wear condition that is currently covered under Toyota Customer Support Programs ZJB and ZKK (subject CSPs). Interested persons may petition NHTSA requesting that the agency initiate an investigation to determine whether a motor vehicle or item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a defect that relates to motor vehicle safety (49 U.S.C. 30162(a)(2); 49 CFR 552.1). Upon receipt of a properly filed petition, the Agency conducts a technical review of the petition, material submitted with the petition and any additional information (49 CFR 552.6). After conducting the technical review and considering appropriate factors, which may include, but are not limited to, the nature of the complaint, allocation of Agency resources, Agency priorities, the likelihood of uncovering sufficient evidence to establish the existence of a defect, and the likelihood of success in any necessary enforcement litigation, the Agency will grant or deny the petition. *See* 49 CFR 552.8.

The petition alleged that Toyota conducted safety recalls D0H and K0L (NHTSA recalls 13V–235 and 19V–544) to remedy safety defects in the same component covered by the subject CSPs and that Toyota should also recall the subject vehicles. In support, the petition identified 117 NHTSA complaints (subject complaints) allegedly related to the subject CSP condition, including 60 reported crashes.[1]

On September 30, 2019, ODI opened Defect Petition DP19–004 to evaluate the petitioner's request for an investigation. The petitioner subsequently notified the Agency that he was withdrawing his petition. Because the petitioner has withdrawn the petition, we are denying the petition as moot.

NHTSA is authorized to issue an order requiring notification and remedy of a defect if the Agency's investigation shows a defect in the design, construction, or performance of a motor vehicle that presents an unreasonable risk to safety. 49 U.S.C. 30102(a)(9), 30118. Because the petitioner has with withdrawn the petition, the petition is denied as moot. This action does not constitute a finding by NHTSA that a safety-related defect does not exist. The Agency notes that it is not required to receive a defect petition prior to opening a defect investigation and will take further action if warranted by future circumstances.

[1] Because the petition is moot, ODI has not confirmed that the complaints identified in the petition relate to the CSP condition as alleged by the petitioner.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Joseph Kolly,

Acting, Associate Administrator for Enforcement.

[FR Doc. 2021–16927 Filed 8–6–21; 8:45 am]

BILLING CODE 4910–59–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board of Directors Meeting

TIME AND DATE: August 12, 2021, from 12:00 p.m. to 3:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and screensharing. Any interested person may call 877–853–5247 (US toll free), 888–788–0099 (US toll free), +1 929–205–6099 (US toll), or +1 669–900–6833 (US toll), Conference ID 995 6487 9014, to participate in the meeting. The website to participate via Zoom meeting and screenshare is *https://kellen.zoom.us/j/99564879014.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Action

The proposed Agenda will be reviewed, and the Board will consider adoption.

Ground Rules

➢ Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the June 8, 2021 UCR Board Meeting—UCR Board Chair

For Discussion and Possible Action

Draft Minutes of the June 8, 2021 Board meeting will be reviewed. The Board will consider action to approve.

V. Report of the Federal Motor Carrier Safety Administration (FMCSA)—FMCSA Representative

The FMCSA will provide a report on any relevant activity.

VI. Updates Concerning UCR Legislation—UCR Board Chair

The UCR Board Chair will call for any updates regarding UCR legislation since the last Board meeting.

VII. Chief Legal Officer Report—UCR Chief Legal Officer

The UCR Chief Legal Officer will provide an update on all relevant legal matters regarding the UCR.

VIII. UCR Pilot Projects 2021/2022—UCR Executive Director and DSL Transportation Services, Inc.

For Discussion and Possible Action

The UCR Executive Director and DSL Transportation Services, Inc., will lead a discussion regarding potential pilot projects that UCR may pursue to optimize registration compliance. The Board may take action to proceed with one or more pilot projects on the same or amended terms as recommended by the UCR Finance Subcommittee. The UCR Finance Subcommittee recommends the Board proceed with the pilot projects.

IX. 2022 UCR Planned Meeting Schedule—UCR Executive Director

The UCR Executive Director will present the proposed meeting schedule of the Board and the UCR Subcommittees and facilitate a discussion regarding telephonic and in-person meetings in calendar year 2022.

X. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. State UCR Audit Reports for Registration Year 2020—UCR Audit Subcommittee Chair

For Discussion and Possible Action

The UCR Audit Subcommittee Chair will lead a discussion regarding the states' obligations to complete audit reports for registration year 2020 and discuss the status of audit reports for registration year 2020 that were due on June 1, 2021.

B. Motor Carriers Inspected That Should Have Been (SHB) Cited for Not Having Valid UCR Registration During Recent Roadside Inspections—UCR Audit Subcommittee Chair

For Discussion and Possible Action

The UCR Audit Subcommittee Chair will lead a discussion on what a SHB is, where to locate your state's SHBs, and review the states' obligations to follow-up with these motor carriers.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. 2023 Registration Fee Change Recommendation—UCR Finance Subcommittee Chair and UCR Depository Manager

For Discussion and Possible Board Action

The UCR Finance Subcommittee Chair and the UCR Depository Manager will discuss the results of an analysis of actual and forecasted 2021 registration year revenue for the purpose of proposing a fee change recommendation for the 2023 registration year. In addition, the discussion will include potential adjustments to the 2023 administrative operating budget that will affect the fee change calculations. The Board may take action to recommend both fee and administrative operating budget changes to the Secretary of the U.S. Department of Transportation (US DOT) for the 2023 UCR registration year. The UCR Finance Subcommittee recommends the Board adopt a recommendation containing both fee and administrative operating budget changes to the Secretary of the US DOT for the 2023 registration year.

B. Maturing of Certificate of Deposit—UCR Depository Manager

For Discussion and Possible Board Action

The UCR Depository Manager will provide an update on the CD maturing in August 2021. The Board may take action to reinvest the proceeds. The UCR Finance Subcommittee recommends the Board reinvest $2,650,000.00 in a CD at the Bank of North Dakota for three months at the prevailing rate of interest at the time of investment.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

Update on Audit Training Modules in Development—UCR Education and Training Subcommittee Chair and UCR Operations Director

The UCR Education and Training Subcommittee Chair and the UCR Operations Director will provide an update on the development of the Basic Audit Training Module and the Step-by-Step Approach to a UCR Audit, which is the second training model currently in development.

XI. Contractor Reports—UCR Executive Director

- *UCR Executive Director's Report*

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

- *DSL Transportation Services, Inc.*

DSL Transportation Services, Inc. will report on the latest data from the Focused Anomaly Reviews program, discuss motor carrier inspection results, and other matters.

- *Seikosoft*

Seikosoft will provide an update on recent/new activity related to the National Registration System.

- *UCR Administrator Report (Kellen)—UCR Operations Director and UCR Depository Manager*

The UCR Staff will provide a management report covering recent activity for the Depository, Operations, and Communications.

XII. Other Business—UCR Board Chair

The UCR Board Chair will call for any other items Board members would like to discuss.

XIII. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Eastern time, April 5, 2021 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2021–17038 Filed 8–5–21; 4:15 pm]

BILLING CODE 4910–YL–P

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H.R. 3325/P.L. 117–32

To award four congressional gold medals to the United States Capitol Police and those who protected the U.S. Capitol on January 6, 2021. (Aug. 5, 2021; 135 Stat. 322)

H.R. 208/P.L. 117–33

To designate the facility of the United States Postal Service located at 500 West Main Street, Suite 102 in Tupelo, Mississippi, as the ''Colonel Carlyle 'Smitty' Harris Post Office''. (Aug. 6, 2021; 135 Stat. 325)

H.R. 264/P.L. 117–34

To designate the facility of the United States Postal Service located at 1101 Charlotte Street in Georgetown, South Carolina, as the ''Joseph Hayne Rainey Memorial Post Office Building''. (Aug. 6, 2021; 135 Stat. 326)

H.R. 772/P.L. 117–35

To designate the facility of the United States Postal Service located at 229 Minnetonka Avenue South in Wayzata, Minnesota, as the ''Jim Ramstad Post Office''. (Aug. 6, 2021; 135 Stat. 327)

H.R. 1002/P.L. 117–36

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