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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0454; Project Identifier AD-2021-00006-R; Amendment 39-21740; AD 2021-20-02]

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.

**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 205B helicopters. This AD was prompted by a notification of certain parts needing a life limit. This AD requires determining the total hours time-in-service (TIS) of certain part-numbered main rotor grip assemblies (grip assemblies), establishing a life limit for certain part-numbered grip assemblies, removing from service any grip assembly that has reached or exceeded its retirement life, creating a component history card, and removing any grip assembly from service before reaching its retirement life. This AD also prohibits installing certain grip assemblies unless the life limit was established in accordance with this AD. The FAA is issuing this AD to address the unsafe condition on these products. **DATES:** This AD is effective October 28, 2021.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0454; 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:

Kueth Harmon, Safety Management Program Manager, Certification & Program Management Section, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5198; email [kueth.harmon@faa.gov](mailto:kueth.harmon@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 Bell Textron Inc. Model 205B helicopters with grip assembly part number (P/N) 204-011-121-005, P/N 204-011-121-113, or P/N 204-011-121-117 installed. The NPRM published in the **Federal Register** on June 10, 2021 (86 FR 30824). The NPRM was prompted by a notification from Bell of established life limits for certain part numbered grip assemblies that were not included in Chapter 4, Airworthiness Limitations Schedule (ALS) of Bell Helicopter 205B Maintenance Manual BHT-205B-MM-1, Revision 1, dated July 15, 1993. Bell states the life limit of 9,000 hours TIS for grip assembly part number (P/N) 204-011-121-005, P/N 204-011-121-113, and P/N 204-011-121-117 was left out of the ALS for Model 205B helicopters. Bell states this may suggest that these part numbers have an unlimited life when installed on Model 205B helicopters, whereas the retirement life is 9,000 hours TIS. This condition, if not addressed, could result in fatigue and failure of the grip assembly and loss of control of the helicopter.

Accordingly, Bell specifies updating the existing ALS to establish a life limit of 9,000 hours TIS for grip assembly P/N 204-011-121-005, P/N 204-011-121-113, and P/N 204-011-121-117. 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 one commenter. The following presents the comment received on the NPRM and the FAA's response.

##### Request To Correct a Typographical Error

The European Union Aviation Safety Agency requested the FAA revise references made to a certain grip assembly P/N, which is listed incorrectly in two instances in the Background section of the NPRM. The FAA agrees. The Background section of the NPRM contained two typographical errors in which the FAA incorrectly stated the affected grip assemblies with life limits omitted from the ALS for Model 205B helicopters are grip assembly P/N 204-011-121-005, P/N 204-011-121-113, and P/N 204-011-121-005. However, the affected grip assembly part numbers are P/N 204-011-121-005, P/N 204-011-121-113, and P/N 204-011-121-117. The FAA has revised the Background paragraph of this final rule accordingly.

##### Conclusion

The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for the minor editorial change described above, this AD is adopted as proposed in the NPRM. This change, which corrects a typographical error in the Background section of the NPRM, does not increase the scope of the AD.

##### Costs of Compliance

The FAA estimates that this AD affects 2 helicopters of U.S. registry. The FAA estimates that operators may incur the following costs to comply with this AD. Labor costs are estimated at \$85 per work-hour.

Determining the total hours TIS of each grip assembly and updating the helicopter records takes about 1 work-hour for each grip assembly, for an estimated cost of \$85 per helicopter and \$170 for the U.S. fleet.

Replacing each grip assembly takes about 16 work-hours and parts cost about \$50,000, for an estimated cost of \$51,360 per grip assembly.

## 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:

**2021–20–02 Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.): Amendment 39–21740; Docket No. FAA–2021–0454; Project Identifier AD–2021–00006–R.**

### (a) Effective Date

This airworthiness directive (AD) is effective October 28, 2021.

### (b) Affected ADs

None.

### (c) Applicability

This AD applies to Bell Textron Inc. (type certificate previously held by Bell Helicopter Textron Inc.) Model 205B helicopters, certificated in any category, with main rotor grip assembly (grip assembly) part number (P/N) 204–011–121–005, P/N 204–011–121–113, or P/N 204–011–121–117 installed.

### (d) Subject

Joint Aircraft System Component (JASC) Code: 6220, Main Rotor Head.

### (e) Unsafe Condition

This AD was prompted by a notification of certain parts needing a life limit. The FAA is issuing this AD to prevent a grip assembly remaining in service beyond its fatigue life. The unsafe condition, if not addressed, could result in fatigue and failure of the grip assembly and loss of helicopter control.

### (f) Compliance

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

### (g) Required Actions

(1) Before further flight after the effective date of this AD, determine the total hours time-in-service (TIS) of any grip assembly having P/N 204–011–121–005, P/N 204–011–121–113, or P/N 204–011–121–117. Remove from service any grip assembly that has accumulated or exceeded 9,000 total hours TIS. For each grip assembly that has accumulated less than 9,000 total hours TIS, do the following:

- (i) Create a component history card or equivalent record to establish a life limit of 9,000 total hours TIS.
- (ii) Thereafter, remove from service any grip assembly before it accumulates 9,000 total hours TIS.
- (2) Thereafter, no alternative life limits may be approved for any grip assembly P/N 204–011–121–005, P/N 204–011–121–113, or P/N 204–011–121–117.
- (3) As of the effective date of this AD, do not install any grip assembly having P/N 204–011–121–005, P/N 204–011–121–113, or P/N 204–011–121–117 on any Model 205B helicopter unless the life limit is established in accordance with this AD.

(3) As of the effective date of this AD, do not install any grip assembly having P/N 204–011–121–005, P/N 204–011–121–113, or P/N 204–011–121–117 on any Model 205B helicopter unless the life limit is established in accordance with this AD.

### (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 DSCO Branch, send it to the attention of the person identified in paragraph (j) 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

For more information about this AD, contact Kuethe Harmon, Safety Management Program Manager, Certification & Program Management Section, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5198; email kuethe.harmon@faa.gov.

### (k) Material Incorporated by Reference

None.

Issued on September 15, 2021.

**Gaetano A. Sciortino,**

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

[FR Doc. 2021–20408 Filed 9–22–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

[Docket No. FAA–2021–0414; Airspace Docket No. 21–AAL–25]

**RIN 2120–AA66**

### Revocation of Colored Federal Airway Red–4 (R–4) in Central Alaska

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

**ACTION:** Final rule.

**SUMMARY:** This action revokes Colored Federal airway R–4 in central Alaska due to the scheduled decommissioning of the Bear Creek (BCC) Non-Directional Beacon (NDB) on December 2, 2021.

**DATES:** Effective date 0901 UTC, December 2, 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 JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800

Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

**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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the air traffic service route structure in the north central United States to maintain the efficient flow of air traffic.

**History**

The FAA published a notice of proposed rulemaking for Docket No. FAA 2021-0414 in the **Federal Register** (86 FR 29531; June 2, 2021), revoking Colored Federal airway R-4 in central Alaska. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Colored Federal Airways are published in paragraph 6009(b) of FAA Order JO 7400.11F dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Colored Federal airway 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 JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO

7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This action amends 14 CFR part 71 to revoke Colored Federal airway R-4, due to the decommissioning of BCC NDB. The change is outlined below.

**R-4:** R-4 currently navigates between the Chena, AK, NDB and the Bear Creek, AK, NDB. This action removes the entire route.

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

**Regulatory Notices and Analyses**

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

**Environmental Review**

The FAA has determined that this airspace action of revoking Colored Federal airway R-4 in central Alaska qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally

categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**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 is amended to read as follows:

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

**§ 71.1 [Amended]**

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

*Paragraph 6009(b) Colored Federal Airways.*

\* \* \* \* \*

**R-4 [Remove]**

\* \* \* \* \*

Issued in Washington, DC.

**Michael R. Beckles,**

*Acting Manager, Rules and Regulations Group.*

[FR Doc. 2021-20578 Filed 9-22-21; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection**

**19 CFR Part 122**

[CBP Dec. 21-14]

**Technical Amendment To List of User Fee Airports: Addition of Three Airports, Removal of Two Airports**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security (DHS).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This document amends U.S. Customs and Border Protection (CBP) regulations by revising the list of user fee airports. User fee airports are airports that have been approved by the Commissioner of CBP to receive, for a fee, the customs services of CBP officers for processing aircraft, passengers, and cargo entering the United States, but that do not qualify for designation as international or landing rights airports. Specifically, this technical amendment reflects the designation of user fee status for three additional airports: Witham Field Airport in Stuart, Florida; Plattsburgh International Airport in Plattsburgh, New York; and Fort Worth Meacham International Airport in Fort Worth, Texas. This document also amends CBP regulations by removing the designation of user fee status for two airports: Griffiss International Airport in Rome, New York, and Cobb County International Airport in Kennesaw, Georgia.

**DATES:** *Effective date:* September 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ryan Flanagan, Director, Alternative Funding Program, Office of Field Operations, U.S. Customs and Border Protection at [Ryan.H.Flanagan@cbp.dhs.gov](mailto:Ryan.H.Flanagan@cbp.dhs.gov) or 202-550-9566.

**SUPPLEMENTARY INFORMATION:**

**Background**

Title 19, part 122 of the Code of Federal Regulations (19 CFR part 122) sets forth regulations relating to the entry and clearance of aircraft engaged in international commerce and the transportation of persons and cargo by aircraft in international commerce.<sup>1</sup> Generally, a civil aircraft arriving from outside the United States must land at an airport designated as an international airport. Alternatively, the pilot of a civil aircraft may request permission to land at a specific airport and, if landing rights are granted, the civil aircraft may land at that landing rights airport.<sup>2</sup>

Section 236 of the Trade and Tariff Act of 1984 (Pub. L. 98-573, 98 Stat. 2948, 2994 (1984)), codified at 19 U.S.C. 58b, created an alternative option for civil aircraft that desire to land at an airport that is neither an international airport nor a landing rights airport. This alternative option allows the Commissioner of U.S. Customs and

Border Protection (CBP) to designate an airport, upon request by the airport authority, as a user fee airport.<sup>3</sup> Pursuant to 19 U.S.C. 58b, a requesting airport may be designated as a user fee airport only if the Commissioner of CBP determines that the volume or value of business at the airport is insufficient to justify the unreimbursed availability of customs services at the airport and the governor of the state in which the airport is located approves the designation. As the volume or value of business cleared through this type of airport is insufficient to justify the availability of customs services at no cost, customs services provided by CBP at the airport are not funded by appropriations from the general treasury of the United States. Instead, the user fee airport pays for the customs services provided by CBP. The user fee airport must pay the fees charged, which must be in an amount equal to the expenses incurred by the Commissioner of CBP in providing customs services at the user fee airport, including the salary and expenses of CBP employees to provide the customs services. *See* 19 U.S.C. 58b.

The Commissioner of CBP designates airports as user fee airports in accordance with 19 U.S.C. 58b and 19 CFR 122.15. The Commissioner designates user fee airports on a case-by-case basis. If the Commissioner decides that the conditions for designation as a user fee airport are satisfied, a Memorandum of Agreement (MOA) is executed between the Commissioner of CBP and the sponsor of the user fee airport. Pursuant to 19 CFR 122.15(c), the designation of an airport as a user fee airport must be withdrawn if either CBP or the airport authority gives 120 days written notice of termination to the other party or if any amounts due to be paid to CBP are not paid on a timely basis.

The list of designated user fee airports is set forth in 19 CFR 122.15(b). Periodically, CBP updates the list to include newly designated airports that were not previously on the list, to reflect any changes in the names of the designated user fee airports, and to remove airports that are no longer designated as user fee airports.

<sup>3</sup> Sections 403(1) and 411 of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 stat. 2135, 2178-79 (2002)), codified at 6 U.S.C. 203(1) and 211, transferred certain functions, including the authority to designate user fee facilities, from the U.S. Customs Service of the Department of the Treasury to the newly established U.S. Department of Homeland Security. The Secretary of Homeland Security delegated the authority to designate user fee facilities to the Commissioner of CBP through Department of Homeland Security Delegation, Sec. II.A., No. 7010.3 (May 11, 2006).

**Recent Changes Requiring Updates to the List of User Fee Airports**

This document updates the list of user fee airports in 19 CFR 122.15(b) by adding the following three airports: Witham Field Airport in Stuart, Florida; Plattsburgh International Airport in Plattsburgh, New York; and Fort Worth Meacham International Airport in Fort Worth, Texas. The Commissioner of CBP has signed MOAs with the respective airport authorities designating each of these three airports as a user fee airport.<sup>4</sup>

Additionally, this document updates the list of user fee airports in 19 CFR 122.15(b) by removing two airports: Griffiss International Airport in Rome, New York, and Cobb County International Airport in Kennesaw, Georgia. After the airport authority of Griffiss International Airport requested to terminate its user fee status on August 5, 2020, the airport authority and CBP mutually agreed to terminate the user fee status of Griffiss International Airport effective on October 10, 2020. The airport authority of Cobb County International Airport requested to terminate its user fee status on July 1, 2020, and the airport authority and CBP mutually agreed to terminate the user fee status of Cobb County International Airport effective on October 10, 2020.

**Inapplicability of Public Notice and Delayed Effective Date Requirements**

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency is exempted from the prior public notice and comment procedures if it finds, for good cause, that such procedures are impracticable, unnecessary, or contrary to the public interest. This final rule makes conforming changes by updating the list of user fee airports to add three airports that have already been designated by the Commissioner of CBP as user fee airports and by removing two airports for which the Commissioner has withdrawn the user fee airport designation, in accordance with 19 U.S.C. 58b. Because this conforming rule has no substantive impact, is technical in nature, and does not impose additional burdens on or take away any existing rights or privileges from the public, CBP finds for good cause that the prior public notice and comment procedures are impracticable, unnecessary, and contrary to the public

<sup>4</sup> Then-Commissioner Kevin K. McAleenan signed MOAs designating Witham Field Airport on November 5, 2018, and Fort Worth Meacham International Airport on August 29, 2017. Then-Acting Commissioner Mark A. Morgan signed an MOA designating Plattsburgh International Airport on August 28, 2019.

<sup>1</sup> For purposes of this technical rule, an “aircraft” is defined as any device used or designed for navigation or flight in air and does not include hovercraft. 19 CFR 122.1(a).

<sup>2</sup> A landing rights airport is “any airport, other than an international airport or user fee airport, at which flights from a foreign area are given permission by Customs to land.” 19 CFR 122.1(f).

interest. For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

### Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

### Paperwork Reduction Act

There is no new collection of information required in this document; therefore, the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) are inapplicable.

### Signing Authority

This document is limited to a technical correction of CBP regulations.

Accordingly, it is being signed under the authority of 19 CFR 0.1(b). Acting Commissioner Troy A. Miller, having reviewed and approved this document, is delegating the authority to electronically sign this document to Robert F. Altneu, who is the Director of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the **Federal Register**.

### List of Subjects in 19 CFR Part 122

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

### Amendments to Regulations

Part 122, of title 19 of the Code of Federal Regulations (19 CFR part 122) is amended as set forth below:

### PART 122—AIR COMMERCE REGULATIONS

■ 1. The general authority citation for part 122 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1415, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

\* \* \* \* \*

■ 2. In § 122.15, amend the table in paragraph (b) as follows:

■ a. Add a second entry for “Fort Worth, Texas” immediately following the existing entry for “Fort Worth, Texas”;

■ b. Remove the entry for “Kennesaw, Georgia”;

■ c. Add an entry for “Plattsburgh, New York” in alphabetical order;

■ d. Remove the entry for “Rome, New York”; and

■ e. Add an entry for “Stuart, Florida” in alphabetical order.

The additions read as follows:

### § 122.15 User fee airports.

\* \* \* \* \*

(b) \* \* \*

| Location                    | Name                                      |
|-----------------------------|-------------------------------------------|
| * * * * *                   |                                           |
| Fort Worth, Texas .....     | Fort Worth Meacham International Airport. |
| * * * * *                   |                                           |
| Plattsburgh, New York ..... | Plattsburgh International Airport.        |
| * * * * *                   |                                           |
| Stuart, Florida .....       | Witham Field Airport.                     |
| * * * * *                   |                                           |

\* \* \* \* \*

**Robert F. Altneu,**

*Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.*

[FR Doc. 2021–20518 Filed 9–22–21; 8:45 am]

**BILLING CODE 9111–14–P**

### DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

### 27 CFR Part 9

[Docket No. TTB–2020–0007; T.D. TTB–172A; Ref: T.D. TTB–172 and Notice No. 192]

**RIN 1513–AC55**

### Modification of the Boundaries of the Santa Lucia Highlands and Arroyo Seco Viticultural Areas; Correction

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

**ACTION:** Final rule; Treasury decision; correction.

**SUMMARY:** The Alcohol and Tobacco Tax and Trade Bureau (TTB) published a final rule modifying the boundaries of the Santa Lucia Highlands viticultural area and the adjacent Arroyo Seco viticultural area in the **Federal Register** of August 25, 2021. That final rule contained an error in an amendatory instruction. This document corrects that error.

**DATES:** Effective September 24, 2021.

### FOR FURTHER INFORMATION CONTACT:

Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

**SUPPLEMENTARY INFORMATION:** TTB recently published a final rule modifying the boundaries of the established Arroyo Seco American viticultural area (AVA) and the adjacent, established Santa Lucia Highlands AVA in Monterey County, California. TTB published this final rule as T.D. TTB–172. After publication, TTB discovered that T.D. TTB–172 contained an error in one of the amendatory instructions. In amendatory instruction 2b, the phrase

“Redesignating paragraphs (c)(14) through (21) as paragraphs (c)(17) through (24)” should have read, “Redesignating paragraphs (c)(14) through (22) as paragraphs (c)(17) through (25).”

### Corrections

In the final rule document numbered FR Doc. 2021–18208 beginning on page 47377 in the **Federal Register** issue of Wednesday, August 25, 2021, make the following correction:

### § 9.59 [Corrected]

■ On page 47379, in the second column, in the amendatory instructions for § 9.59, amendatory instruction 2b is corrected to read, “Redesignating paragraphs (c)(14) through (22) as paragraphs (c)(17) through (25).”

Signed: September 16, 2021.

**Mary G. Ryan,**  
*Administrator.*

[FR Doc. 2021–20437 Filed 9–22–21; 8:45 am]

**BILLING CODE 4810–31–P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165****[Docket Number USCG–2021–0745]****RIN 1625–AA00****Safety Zone; Potomac River, Between Charles County, MD and King George County, VA****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule; request for comments.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain waters of the Potomac River. This action is necessary to provide for the safety of persons, and the marine environment from the potential safety hazards associated with construction operations at the new Governor Harry W. Nice/Senator Thomas “Mac” Middleton Memorial (US–301) Bridge, which will occur from 7 a.m. on September 20, 2021, through 8 p.m. on December 31, 2021. This rule will prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port, Sector Maryland-National Capital Region or a designated representative. Due to the lengthy duration of the safety zone, the Coast Guard is accepting and reviewing public comments until October 15, 2021. While the rule is being enforced, beginning September 20, 2021, the Coast Guard reserves the right to modify the safety zone if an issue is raised by the public comments that requires a modification.

**DATES:** This rule is effective without actual notice from September 23, 2021 through December 31, 2021. For the purposes of enforcement, actual notice will be issued from September 20, 2021, until September 23, 2021. Comments and related materials will be accepted and reviewed by the Coast Guard until October 25, 2021.

**ADDRESSES:** Submit comments and material online at <https://www.regulations.gov> (see Section II of **SUPPLEMENTARY INFORMATION** for additional details). To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2021–0745 in the “SEARCH” box and click “SEARCH.” Click on DOCUMENTS on the line associated with this rule below “SEARCH”.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or

email LCDR Samuel Danus, Sector Maryland-NCR, Waterways Management Division, U.S. Coast Guard: Telephone 410–576–2519, email [Samuel.M.Danus@uscg.mil](mailto:Samuel.M.Danus@uscg.mil).

**SUPPLEMENTARY INFORMATION:****I. Table of Abbreviations**

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

**II. Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided.

**1. Submitting Comments**

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at <https://www.regulations.gov> by typing the docket number in the “SEARCH” box and click “SEARCH.” Click on “Submit a Comment” on the line associated with this rulemaking.

**2. Viewing Comments and Documents**

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking.

**III. Background Information and Regulatory History**

On August 23, 2021, the Coast Guard established a temporary safety zone for certain waters of the Potomac River in association with the construction operations at the new Governor Harry W. Nice/Senator Thomas “Mac” Middleton Memorial (US–301) Bridge (86 FR 46970; Docket No. USCG–2021–0650). That rule had an effective date of 7 a.m. on August 23, 2021, through 8 p.m. on September 11, 2021.

On September 10, 2021, Skanska-Corman-McLean, Joint Venture, notified the Coast Guard that the company will continue to set 200-ton pre-cast fender ring elements at the new Governor

Harry W. Nice/Senator Thomas “Mac” Middleton Memorial (US–301) Bridge at Piers 43 and 44, which are adjacent on either side of the federal navigation channel from September 13, 2021, through December 31, 2021. The operation requires the daily movement in, anchoring, and movement out of a large crane, as well as nighttime diver work. This operation will impede vessels requiring the use of the channel. The U.S. Coast Guard established a temporary safety zone for certain waters of the Potomac River in association with the construction operations at the new Governor Harry W. Nice/Senator Thomas “Mac” Middleton Memorial (US–301) Bridge (Docket No. USCG–2021–0127) from 7 a.m. on September 13, 2021, to 8 p.m. on September 18, 2021. The U.S. Coast Guard issued a temporary rule (Docket No. USCG–2021–0127) for only a six calendar day period due to the timing when the notification was received by the company. Additional rulemaking is needed to cover the entire period of work provided by the company.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. Construction operations involving crane heavy lifts at the new Governor Harry W. Nice/Senator Thomas “Mac” Middleton Memorial (US–301) Bridge must occur within the federal navigation channel. Immediate action is needed to respond to the potential safety hazards associated with bridge construction. Hazards from the construction operations include low-hanging or falling ropes, cables, large piles and cement cast portions, dangerous projectiles, and or other debris. We must establish this safety zone by September 20, 2021, to guard against these hazards 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 respond to the potential safety hazards associated with construction operations at the new Governor Harry W. Nice/Senator Thomas “Mac” Middleton Memorial (US–301) Bridge conducted within the federal navigation channel.

#### IV. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that potential hazards associated with bridge construction starting September 20, 2021 will be a safety concern for anyone within the federal navigation channel at the new Governor Harry W. Nice/Senator Thomas “Mac” Middleton Memorial

(US–301) Bridge construction site. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the bridge is being constructed.

#### V. Discussion of the Rule

This rule establishes a temporary safety zone September 20, 2021, until December 31, 2021. The zone will be enforced as follows:

| Date(s)                                                                                     | Hours                                                        |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| September 20, 2021 through September 24, 2021 .....                                         | 7 a.m. September 20, 2021 through 8 p.m. September 24, 2021. |
| September 25, 2021 through October 16, 2021 .....                                           | Monday through Saturday, 7 a.m. to 8 p.m.                    |
| October 18, 2021 through October 22, 2021 .....                                             | 7 a.m. October 18, 2021 through 8 p.m. October 22, 2021.     |
| October 23, 2021 through December 31, 2021, except November 25, 2021 and December 25, 2021. | Monday through Saturday, 7 a.m. to 8 p.m.                    |

The safety zone will cover all navigable waters of the Potomac River, encompassed by a line connecting the following points beginning at 38°21′50.96″ N, 076°59′22.04″ W, thence south to 38°21′43.08″ N, 076°59′20.55″ W, thence west to 38°21′41.00″ N, 076°59′34.90″ W, thence north to 38°21′48.90″ N, 076°59′36.80″ W, and east back to the beginning point, located between Charles County, MD and King George County, VA. The temporary safety zone is approximately 450 yards in width and 270 yards in length.

This regulation requires that the bridge owner post a sign facing the northern and southern approaches of the navigation channel labeled “BRIDGE WORK—DANGER—STAY AWAY” affixed to the sides of the on-scene marine equipment and vessels operating within the area of the safety zone. Marine equipment means any vessel, barge or other equipment operated by Skanska-Corman-McLean, Joint Venture, or its subcontractors. This notice will consist of a diamond shaped sign (minimum 4 feet by 4 feet) with a 3-inch orange retro reflective border. The word “DANGER” will be 10 inch black block letters centered on the sign with the words “BRIDGE WORK” and “STAY AWAY” in 6 inch black block letters placed above and below the word “DANGER,” respectively, on a white background.

The duration of the zone is intended to protect personnel, and the marine environment in these navigable waters while the tub sections are being set at the new Governor Harry W. Nice/Senator Thomas “Mac” Middleton Memorial (US–301) Bridge at Piers 43 and 44, which are adjacent on either side of the federal navigation channel. Except for marine equipment and vessels operated by Skanska-Corman-

McLean, Joint Venture, or its subcontractors, no vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

*Designated representative* means any Coast Guard commissioned, warrant, or petty officer, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Maryland-National Capital Region (COTP) in the enforcement of the safety zone. To seek permission to enter, contact the COTP or the COTP’s representative by telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative.

The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

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

#### VI. Regulatory Analyses

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

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is

necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on size and duration of the safety zone. The temporary safety zone is approximately 450 yards in width and 270 yards in length. We anticipate that there will be no vessels that are unable to conduct business. Excursion vessels and commercial fishing vessels are not impacted by this rulemaking. Excursion vessels do not operate in this area, and commercial fishing vessels are not impacted because of their draft. Some towing vessels may be impacted. But, bridge project personnel have been conducting outreach throughout the project in order to coordinate with those vessels. Vessel traffic not required to use the navigation channel will be able to safely transit around the safety zone. Such vessels may be able to transit to the east of the federal navigation channel, as similar vertical clearance and water depth exist under the next bridge span to the east. This safety zone will impact a small designated area of the Potomac River for 87 days but coincides with the non-peak season for recreational boating.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their

fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the temporary safety zone may be small entities, for the reasons stated in section VI.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

#### C. Collection of Information

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

#### D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,

because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 6 total days that will prohibit entry within a portion of the Potomac River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

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

#### List of Subjects in 33 CFR Part 165

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

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

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0745 to read as follows:

#### § 165.T05–0745 Safety Zone; Potomac River, Between Charles County, MD and King George County, VA.

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

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

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

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

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

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

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

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the

patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement.* This safety zone will be enforced during the period described in paragraph (f) of this section. A “BRIDGE WORK—DANGER—STAY AWAY” sign facing the northern and southern approaches of the navigation channel will be posted on the sides of the marine equipment on-scene within the location described in paragraph (a) of this section.

(f) *Effective period.* This section is effective from 7 a.m. to 8 p.m. on Monday through Saturday from September 20, 2021, through December 31, 2021.

(g) *Enforcement period.* (1) The section will be enforced during the following periods: from 7 a.m. September 20, 2021, through 8 p.m. September 24, 2021; from 7 a.m. October 18, 2021 through 8 p.m. October 22, 2021; from 7 a.m. to 8 p.m. on September 25, 2021, September 27, 2021, September 28, 2021, September 29, 2021, September 30, 2021, October 1, 2021, October 2, 2021, October 4, 2021, October 5, 2021, October 6, 2021, October 7, 2021, October 8, 2021, October 9, 2021, October 11, 2021, October 12, 2021, October 13, 2021, October 14, 2021, October 15, 2021, October 16, 2021, October 23, 2021, October 25, 2021, October 26, 2021, October 27, 2021, October 28, 2021, October 29, 2021, October 30, 2021, November 1, 2021, November 2, 2021, November 3, 2021, November 4, 2021, November 5, 2021, November 6, 2021, November 8, 2021, November 9, 2021, November 10, 2021, November 11, 2021, November 12, 2021, November 13, 2021, November 15, 2021, November 16, 2021, November 17, 2021, November 18, 2021, November 19, 2021, November 20, 2021, November 22, 2021, November 23, 2021, November 24, 2021, November 26, 2021, November 27, 2021, November 29, 2021, November 30, 2021, December 1, 2021, December 2, 2021, December 3, 2021, December 4, 2021, December 6, 2021, December 7, 2021, December 8, 2021, December 9, 2021, December 10, 2021, December 11, 2021, December 13, 2021, December 14, 2021, December 15, 2021, December 16, 2021, December 17, 2021, December 18, 2021, December 20, 2021, December 21, 2021, December 22, 2021, December 23, 2021, December 24, 2021, December 27, 2021, December 28, 2021, December 29, 2021, December 30, 2021 and December 31, 2021.

Dated: September 17, 2021.

**David E. O'Connell,**

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

[FR Doc. 2021-20587 Filed 9-22-21; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF EDUCATION

### 34 CFR Part 81

[Docket ID ED-2021-OFO-0121]

**RIN 1880-AA91**

### Standardizing Filing Procedures for Administrative Appeals

**AGENCY:** Office of Finance and Operations, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The U.S. Department of Education (Department) amends the regulations regarding administrative hearings and appeals to require filing using the Office of Hearings and Appeals (OHA) electronic filing system (OES).

**DATES:** These final regulations are effective September 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** Anthony Cummings, 400 Maryland Avenue SW, Room 10089, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245-7185. Email: [Anthony.Cummings@ed.gov](mailto:Anthony.Cummings@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** As explained more fully below, the Department is amending its regulations in 34 CFR part 81 to require the use of electronic filing (e-filing) in certain cases before OHA, and in appeals of decisions issued by OHA to the Office of the Secretary (OS), involving the General Education Provisions Act (GEPA) or applying the procedures applicable to GEPA matters. These amendments to the regulations also provide an opportunity for parties to file a motion showing good cause that they are unable to utilize electronic filing.

*Summary of Changes:* We discuss substantive issues under the sections of the regulations to which they pertain. Generally, we do not address regulatory provisions that are technical or otherwise minor in effect.

### Part 81—General Education Provisions Act—Enforcement

*Statute:* Under 20 U.S.C. 1221e-3, the Secretary is vested with broad authority

to “make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.” This provision is mirrored in 20 U.S.C. 3474, providing the Secretary authority to “prescribe such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Secretary or the Department.” In particular, under 20 U.S.C. 1234(f)(1), “the Secretary shall prescribe by regulation” the rules for conducting proceedings within the Office of Administrative Law Judges (OALJ). Such rules must conform to the elements of the Administrative Procedure Act (APA) at 5 U.S.C. 554, 556, and 557.

*Current Regulations:* The current regulations in 34 CFR part 81 govern the enforcement of legal requirements under applicable programs administered by the Department and implement part E of GEPA. These regulations primarily concern the functioning of OALJ, including its hearing procedures. Section 81.2 provides definitions, while §§ 81.11, 81.12, 81.20, and 81.42 provide procedures and requirements for parties filing documents with the Department in OALJ hearings. Sections 81.41 and 81.44 provide procedures for how OALJ and the Secretary issue decisions. These regulations permit parties to file with the Department via mail, hand-delivery, or facsimile transmission. They require OALJ and the Secretary to issue decisions to the parties via certified mail, return receipt requested.

*New Regulations:* The new regulations at §§ 81.2, 81.11, 81.12, 81.20, 81.41, 81.42, and 81.44 require e-filing by the parties and the Department, unless, upon motion, a party shows good cause for why the document cannot be filed electronically. To accommodate e-filing, the Department is making other conforming amendments in part 81. Specifically, we are revising §§ 81.12(d)(1) and 81.42(g) to provide that the date of an e-filing is the date it is submitted to OES or, if the Administrative Law Judge (ALJ) has permitted a paper submission, the date the material is hand-delivered or mailed. We are revising § 81.12(e) to require a party filing electronically to ensure that the Department receives a complete and legible copy of the document in a format for electronic filing permitted under OHA procedures. Those procedures are currently accessible at <https://oha.ed.gov/online-filing/>. We are also revising §§ 81.41(c) and 81.44(b) to generally require the Department to e-file initial and final

decisions, respectively. Under the revised regulations, if the ALJ permits a party to make a paper submission, upon a showing of good cause, the Department must send its initial and final decisions by certified mail, return receipt requested, or another parcel service with delivery confirmation. We are also removing references to facsimile transmission from revised §§ 81.12, 81.20, and 81.42 because that is an outdated practice that we no longer use. Lastly, revised §§ 81.11(c), 81.20(d)(2), and 81.42(d) and (f) require a party to serve a copy of the submission on the other party by hand delivery or mail only where the party has been permitted to make a paper submission.

**Reasons:** The Department adopts an e-filing requirement for administrative litigation to align the Department's general procedures with existing Department processes for the submission of documents in administrative litigation involving enforcement and compliance under the student financial assistance programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA), as well as to enhance accessibility and operational efficiency.

By a final rule published in the **Federal Register** on August 7, 2013 (78 FR 48048), the Department adopted an electronic filing system for use in administrative litigation involving title IV, HEA programs. The rule offered parties an alternative to paper-based OHA submissions. Thus, broadening the scope of electronic filing aligns with a process the Department has already implemented.

Electronic filing also promotes the accessibility of administrative litigation submissions for individuals with disabilities. Section 504 of the Rehabilitation Act requires that “no otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program . . . conducted by any Executive agency.” Section 508 further establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government and requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public. The Department has committed to “making its electronic and information technologies accessible to individuals with disabilities by meeting or exceeding the requirements of Section 508 of the Rehabilitation Act (29 U.S.C.

794d), as amended in 1998.” U.S. Department of Education, Accessibility Statement (available at <https://www2.ed.gov/notices/accessibility/index.html>).

Under a system requiring electronic filing, accessible formatting of documents is expedited by avoiding the need for Department staff to scan paper copies, which can sometimes number in the hundreds or even thousands of pages. Accessibility is accomplished through the use of assistive technology, like a Windows-Eyes or JAWS screen reader, further advancing OHA's and the Department's ability to achieve the objectives of the Rehabilitation Act.

Additionally, requiring e-filing will make administrative litigation submissions more accessible to all parties. When a party to a matter files a document through OES or the presiding ALJ issues an order or decision, the document appears in the electronic docket. That docket is accessible to any person who is a party or who represents a party. Once a person has access to the electronic docket of filings, that person can then open an electronic copy of the document. Requiring all parties to use OES ensures that all parties have access to the same information and all parties know conclusively what arguments have been made and what evidence is before the tribunal in support of those arguments. Additionally, if a party changes representation, or retains representation at some time during the pendency of the matter, the new representative can be given access to all orders and filings in the case instantaneously. Additionally, in the Department's experience, parties that submit filings by facsimile or in paper format want assurance that such filings have been timely received by OHA or OS. Having all relevant documents accessible through one electronic docket, when possible, will eliminate the need to confirm receipt.

Also, there is an added efficiency to requiring that all filings be made in electronic format. Nearly any matter initially coming before OHA can be appealed, after a final agency decision is issued by the Secretary, to a Federal district court or Federal circuit court of appeals. All, or nearly all, Federal district and circuit courts use electronic files through the Public Access to Court Electronic Records (PACER) system or through case management/electronic case files (CM/ECF) systems. Having all documents filed in a case already in electronic format leads to efficiency in submitting the case file to the relevant Federal court. In fact, the United States Court of Appeals for the Fifth Circuit

has sent a letter to OHA indicating that it requires all case files in matters appealed to that Court to be sent in electronic format. Additionally, as noted on the OHA website at [oha.ed.gov](http://oha.ed.gov), electronic filing allows parties to file documents and pleadings electronically in less time and at substantially less cost than paper filings by allowing the parties to forgo printing, postage, and courier costs.

### **Waiver of Proposed Rulemaking and Delayed Effective Date**

Under the APA (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, the APA provides that an agency is not required to conduct notice and comment rulemaking for interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice. 5 U.S.C. 553(b)(3)(A). *See, e.g., Kaspar Wire Works, Inc. v. Sec'y of Labor*, 268 F.3d 1123, 1132 (D.C. Cir. 2001); *JEM Broad. Co. v. FCC*, 22 F.3d 320, 326 (D.C. Cir. 1994) (procedural rules “‘cover[] agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.’” (quoting *Batterton v. Marshall*, 648 F.2d 694, 707 (D.C. Cir. 1980))). This rule solely addresses the manner in which the parties submit certain filings to the Department and, accordingly, is a procedural rule for which notice and comment rulemaking is not required.

The APA generally requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). As previously stated, because the final regulations merely reflect minor changes to agency procedure, which are designed to make the process more accessible, transparent, and efficient for all parties, there is good cause to waive the delayed effective date in the APA and make the final regulations effective upon publication.

### **Executive Orders 12866 and 13563**

#### *Regulatory Impact Analysis*

Under Executive Order (E.O.) 12866, the Office of Management and Budget (OMB) must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of E.O. 12866 defines a “significant regulatory action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under E.O. 12866.

We have also reviewed these regulations under E.O. 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in E.O. 12866. To the extent permitted by law, E.O. 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

E.O. 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from

technological innovation or anticipated behavioral changes.”

We are issuing these final regulations only on a reasoned determination that their benefits justify their costs.

The Department has analyzed the costs and benefits of complying with these final regulations. Due to annual variation in the number and size of administrative litigation filings, we cannot estimate, with absolute precision, the likely effects of these regulations. However, as discussed below, we estimate that these final regulations will result in a net cost savings of between \$4,571 and \$5,570 over the next 10 years.

For purposes of these estimates, the Department assumes that OHA and OS receive approximately 2.5 paper filings in administrative litigation per year. Of those, we assume that approximately 25 percent are submitted by law offices and the remaining 75 percent are submitted by educational institutions or entities. We assume that submissions made by law offices would be completed by paralegals at a rate of \$41.26 per hour and submissions made by educational institutions or entities would be completed by an administrative assistant at a rate of \$45.10 per hour. We assume that submissions made by Department staff would be conducted by staff at the GS–11 level at a rate of approximately \$51.55 per hour.

We assume that staff who typically prepare and transmit paper copies of filings will need to familiarize themselves with the requirements in the final regulations and OES. We assume that this activity will take approximately 1 hour for an estimated one-time cost of \$110.

Currently, staff preparing and transmitting paper filings are required to prepare such filings in triplicate. We assume this work takes paralegals and administrative assistants approximately 15 minutes per filing. This estimate is intended to capture time to compile, bind, and pack the filings for transmittal. We do not estimate time burdens for printing, during which time we assume staff could be completing other tasks. We also assume that each filing requires approximately \$10 in materials such as paper, binders, and boxes. We assume that staff then ship the filings at a cost of approximately \$50 per filing, based on approximate costs for shipping a 15-pound parcel Priority Mail Express through the U.S. Postal Service. Once the paper filings are received by OHA, we assume it takes approximately 4 hours per filing for OHA staff to process the filing, including logging it in, unbinding and scanning the materials, creating

necessary folders, reviewing the scans, and uploading them to OES. Finally, in accordance with the Department’s record retention policy, paper filings are eventually transferred to the National Archives and Record Administration for storage, which we assume takes 15 minutes per filing. In total, we estimate that the current process of paper filings has an annual cost of approximately \$725. These costs would be eliminated under the final regulations.

Under the final regulations, parties would directly upload filings into OES, which we estimate would take approximately 15 minutes per filing. We also assume that Department staff would need to spend approximately 15 minutes per filing for various processing activities. In total, we assume that the process under the final regulations would cost approximately \$60 per year.

Over the course of the next 10 years, we estimate that these final regulations will result in a net cost savings of between \$4,571 and \$5,570.

#### Regulatory Flexibility Act Certification

Because notice-and-comment rulemaking is not necessary for this procedural rule, the Regulatory Flexibility Act (96 Pub. L. 354, 5 U.S.C. 601–612) does not apply.

#### Paperwork Reduction Act of 1995

The final regulations do not create any new information collection requirements.

**Accessible Format:** On request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or another accessible format.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

#### List of Subjects in 34 CFR Part 81

Administrative practice and procedure, Grant programs—education.

Dated: September 15, 2021.

**Denise L. Carter,**

*Acting Assistant Secretary for Finance and Operations.*

For the reasons discussed in the preamble, the Secretary amends part 81 of title 34 of the Code of Federal Regulations as follows:

### PART 81—GENERAL EDUCATION PROVISIONS ACT—ENFORCEMENT

- 1. The authority citation for part 81 continues to read as follows:

**Authority:** 20 U.S.C. 1221e–3, 1234(f)(1), and 3474(a).

- 2. Section 81.2 is amended by adding, in alphabetical order, a definition for “OES” to read as follows:

#### § 81.2 Definitions.

\* \* \* \* \*

OES means the OHA Electronic System or any successor system designated by the Department.

\* \* \* \* \*

- 3. Section 81.11 is amended by revising paragraph (c) to read as follows:

#### § 81.11 Motions.

\* \* \* \* \*

(c) Parties must file motions with the ALJ, and serve them upon the other party, as provided under § 81.12.

\* \* \* \* \*

- 4. Section 81.12 is revised to read as follows:

#### § 81.12 Filing requirements.

(a) *Method of filing.* (1) Any written submission to an ALJ or the OALJ under this part, including pleadings, petitions, and motions, must be filed by submission to OES unless a party shows the ALJ good cause why its written submission cannot be filed electronically. A party filing electronically is responsible for ensuring that a complete and legible document was successfully submitted in a format for electronic filing permitted under OHA procedures.

(2) If the ALJ permits a party to file a written submission in paper format, the filing party must file the written submission with the ALJ or the OALJ by hand-delivery or regular mail.

(b) *Filing date.* (1) The filing date for a written submission to an ALJ or the OALJ is the date the document is—

(i) Submitted to OES; or

(ii) Hand-delivered or mailed, if the ALJ has permitted the written submission to be filed in paper format.

(2) If a scheduled filing date falls on a Saturday, Sunday, or Federal holiday, the filing deadline is the next business day.

(c) *Service to other parties.* (1) The filing of a written submission to OES constitutes service on other parties.

(2) If a party is permitted by the ALJ to file a written submission in paper format, the party must serve a copy of the written submission on the other party on the filing date by hand-delivery or regular mail. Any such written submission to the ALJ or OALJ must be accompanied by a statement certifying that the material was served on the other party on the filing date.

(Authority: 20 U.S.C. 1221e–3, 1234(f)(1), and 3474(a))

- 5. Section 81.20 is amended by revising paragraphs (b)(2), (3), (c) and (d) to read as follows:

#### § 81.20 Interlocutory appeals to the Secretary from rulings of an ALJ.

\* \* \* \* \*

(b) \* \* \*

(2) A petition may not exceed 10 pages, double-spaced, and must be accompanied by a copy of the ruling and any findings and opinions relating to the ruling.

(3)(i) The petition must be filed electronically, and served upon the ALJ and other parties, by submission to OES on behalf of the Office of the Secretary unless a party shows the Secretary good cause why the petition cannot be filed electronically.

(ii) If the Secretary permits a party to file a petition in paper format, the filing party must file the petition with OHA on behalf of the Secretary by hand-delivery or regular mail. The filing party must provide a copy of the petition to the ALJ at the time the petition is filed, and a copy of the petition must be served upon the other parties by hand-delivery or regular mail.

(c) If a party files a petition under this section, the ALJ may state to the Secretary a view as to whether review is appropriate by submitting a brief statement addressing the party's petition within 10 days of the ALJ's receipt of the petition for interlocutory review. The ALJ must serve a copy of the statement on all parties by submission to OES and, if the Secretary has permitted paper filing, by hand-delivery or regular mail.

(d)(1) A party's response, if any, to a petition or certification for interlocutory review must be filed within seven days after service of the petition or

certification, and may not exceed 10 pages, double-spaced, in length.

(2) A copy of the response must be filed to OES unless the party shows the Secretary good cause why the response cannot be filed electronically. If the ALJ permits a party to file a petition in paper format, the filing party must file the petition with OHA on behalf of the Secretary by hand-delivery or regular mail.

(3) If the Secretary has permitted a party to file the response in paper format, the party must file a copy of the response with the ALJ, and serve a copy of the response on all parties, on the filing date by hand delivery or regular mail.

\* \* \* \* \*

- 6. Section 81.41 is amended by revising paragraph (c) to read as follows:

#### § 81.41 Initial decision.

\* \* \* \* \*

(c) The OALJ transmits the initial decision to the Secretary and to the parties by submission to OES and, if filing in paper format was permitted by the ALJ, by certified mail, return receipt requested, or by another parcel service with delivery confirmation.

\* \* \* \* \*

- 7. Section 81.42 is revised to read as follows:

#### § 81.42 Petition for review of initial decision.

(a)(1) If a party seeks to obtain the Secretary's review of the initial decision of an ALJ, the party must file a petition for review by submission to OES on behalf of the Office of the Secretary unless the party shows the ALJ good cause why the petition cannot be filed electronically.

(2) If the ALJ permits a party to file a petition for review in paper format, the filing party must file the petition with the ALJ by hand-delivery or regular mail.

(b) A party must file a petition for review not later than 30 days after the date it receives the initial decision. The party is deemed to have received the initial decision on the date the initial decision is uploaded to OES or, if filing in paper format was permitted by the ALJ, the party is deemed to have received the initial decision on the delivery date indicated by the certified mail or parcel delivery records.

(c) Electronically filing a petition to OES for review constitutes service on the other party.

(d) If the ALJ has permitted the petition to be filed in paper format, then—

(1) The party must serve a copy of the petition on the other party on the filing

date by hand delivery or by “overnight” or “express” mail. If agreed upon by the parties, service of a copy of the petition may be made upon the other party by a method approved by the ALJ.

(2) Any petition submitted under this section in paper format must be accompanied by a statement certifying the date that the petition was served on the other party.

(e) A petition for review of an initial decision must—

(1) Identify the initial decision for which review is sought; and

(2) Include a statement of the reasons asserted by the party for affirming, modifying, setting aside, or remanding the initial decision in whole or in part.

(f)(1) A party may respond to a petition for review of an initial decision by filing a statement of its views on the issues raised in the petition, as provided for in this section, not later than 15 days after the date it receives the petition.

(2) If the ALJ has permitted the written submission to be filed in paper format, a party must serve a copy of its statement of views on the other party by hand delivery or mail and certify that it has done so pursuant to the provisions of paragraph (d) of this section.

(g)(1) The filing date for petitions under this section is the date the document is—

(i) Electronically filed; or

(ii) Hand-delivered or mailed, if permitted to file in paper format.

(2) If a scheduled filing date falls on a Saturday, Sunday, or a Federal holiday, the filing deadline is the next business day.

(Authority: 20 U.S.C. 1221e–3, 1234(f)(1), 1234a(e), and 3474(a))

■ 8. Section 81.44 is amended by revising paragraph (b) to read as follows:

**§ 81.44 Final decision of the Department.**

\* \* \* \* \*

(b) If the Secretary modifies or sets aside the ALJ’s initial decision, a copy of the Secretary’s decision is provided to the parties by submission to OES. If the ALJ has permitted written submissions to be filed in paper format, the decision will be sent by certified mail, return receipt requested, or by another parcel service with delivery confirmation. The Secretary’s decision becomes the final decision of the Department on the date it is electronically filed or, if sent via parcel delivery service, on the delivery date indicated by the certified mail or parcel delivery records.

\* \* \* \* \*

(Authority: 20 U.S.C. 1221e–3, 1234(f)(1), 1234a(g), and 3474(a))

[FR Doc. 2021–20304 Filed 9–22–21; 8:45 am]

BILLING CODE 4000–01–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 9, 59, 60, 85, 86, 88, 89, 90, 91, 92, 94, 1027, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, 1066, 1068, and 1074**

**[EPA–HQ–OAR–2019–0307; FRL–10018–52–OAR]**

**RIN 2060–AU62**

**Improvements for Heavy-Duty Engine and Vehicle Test Procedures, and Other Technical Amendments**

*Correction*

In rule document 2021–05306, appearing on pages 34308–34590, in the issue of Tuesday, June 29, 2021, make the following corrections:

**§ 1037.565 [Corrected]**

■ 1. On page 34486, beginning in the first column, Section 1037.565 is corrected to read as follows:

**1037.565 Transmission efficiency test.**

This section describes a procedure for mapping transmission efficiency through a determination of transmission power loss.

(a) You may establish transmission power loss maps based on testing any number of transmission configurations within a transmission family as specified in § 1037.232. You may share data across any configurations within the family, as long as you test the transmission configuration with the lowest efficiency from the transmission family. Alternatively, you may ask us to approve analytically derived power loss maps for untested configurations within the same transmission family (see § 1037.235(h)).

(b) Prepare a transmission for testing as follows:

(1) Select a transmission with less than 500 hours of operation before testing.

(2) Mount the transmission to the dynamometer such that the geared shaft in the transmission is aligned with the input shaft from the dynamometer.

(3) Add transmission oil according to the transmission manufacturer’s instructions. If the transmission manufacturer specifies multiple transmission oils, select the one with the highest viscosity at operating temperature. You may use a lower-viscosity transmission oil if we approve

it as critical emission-related maintenance under § 1037.125. Fill the transmission oil to a level that represents in-use operation. You may use an external transmission oil conditioning system, as long as it does not affect measured values.

(4) Include any internal and external pumps for hydraulic fluid and lubricating oil in the test. Determine the work required to drive an external pump according to 40 CFR 1065.210.

(5) Install equipment for measuring the bulk temperature of the transmission oil in the oil sump or a similar location.

(6) If the transmission is equipped with a torque converter, lock it for all testing performed in this section.

(7) Break in the transmission using good engineering judgment. Maintain transmission oil temperature at (87 to 93) °C for automatic transmissions and transmissions having more than two friction clutches, and at (77 to 83) °C for all other transmissions. You may ask us to approve a different range of transmission oil temperatures if you have data showing that it better represents in-use operation.

(c) Measure input and output shaft speed and torque as described in 40 CFR 1065.210(b). You must use a speed measurement system that meets an accuracy of ±0.05% of point. Accuracy requirements for torque transducers depend on the highest loaded transmission input and output torque as described in paragraph (d)(2) of this section. Use torque transducers for torque input measurements that meet an accuracy requirement of ±0.2% of the highest loaded transmission input for loaded test points and ±0.1% of the highest loaded transmission input torque for unloaded test points. For torque output measurements, torque transducers must meet an accuracy requirement of ±0.2% of the highest loaded transmission output torque for each gear ratio. Calibrate and verify measurement instruments according to 40 CFR part 1065, subpart D. Command speed and torque at a minimum of 10 Hz, and record all data, including bulk oil temperature, at a minimum of 1 Hz mean values.

(d) Test the transmission at input shaft speeds and torque setpoints as described in this paragraph (d). You may exclude lower gears from testing; however, you must test all the gears above the highest excluded gear. GEM will use default values for any untested gears. The test matrix consists of test points representing transmission input shaft speeds and torque setpoints meeting the following specifications for each tested gear:

(1) Test at the following transmission input shaft speeds:

(i) 600.0 r/min or transmission input shaft speed when paired with the engine operating at idle.

(ii) The transmission's maximum rated input shaft speed. You may alternatively select a value representing the highest expected in-use transmission input shaft speed.

(iii) Three equally spaced intermediate speeds. The intermediate speed points may be adjusted to the nearest 50 or 100 r/min. You may test any number of additional speed setpoints to improve accuracy.

(2) Test at certain transmission input torque setpoints as follows:

(i) Include one unloaded (zero-torque) setpoint.

(ii) Include one loaded torque setpoint between 75% and 105% of the transmission's maximum rated input shaft torque. However, you may use a lower torque setpoint as needed to avoid exceeding dynamometer torque limits, as long as testing accurately represents in-use performance. If your loaded torque setpoint is below 75% of the transmission's maximum rated input shaft torque, you must demonstrate that the sum of time for all gears where demanded engine torque is between your maximum torque setpoint and 75% of the transmission's maximum rated input shaft torque is no more than 10% of the time for each vehicle drive cycle specified in subpart F of this part. This demonstration must be made available upon request.

(iii) You may test at any number of additional torque setpoints to improve accuracy.

(iv) Note that GEM calculates power loss between tested or default values by linear interpolation, except that GEM may extrapolate outside of measured values to account for testing at torque setpoints below 75% as specified in paragraph (d)(2)(ii) of this section.

(3) In the case of transmissions that automatically go into neutral when the

vehicle is stopped, also perform tests at 600 r/min and 800 r/min with the transmission in neutral and the transmission output fixed at zero speed.

(e) Determine transmission efficiency using the following procedure:

(1) Maintain ambient temperature between (15 and 35) °C throughout testing. Measure ambient temperature within 1.0 m of the transmission.

(2) Maintain transmission oil temperature as described in paragraph (b)(7) of this section.

(3) Use good engineering judgment to warm up the transmission according to the transmission manufacturer's specifications.

(4) Perform unloaded transmission tests by disconnecting the transmission output shaft from the dynamometer and letting it rotate freely. If the transmission adjusts pump pressure based on whether the vehicle is moving or stopped, set up the transmission for unloaded tests to operate as if the vehicle is moving.

(5) For transmissions that have multiple configurations for a given gear ratio, such as dual-clutch transmissions that can pre-select an upshift or downshift, set the transmission to operate in the configuration with the greatest power loss. Alternatively, test in each configuration and use good engineering judgment to calculate a weighted power loss for each test point under this section based on field data that characterizes the degree of in-use operation in each configuration.

(6) For a selected gear, operate the transmission at one of the test points from paragraph (d) of this section for at least 10 seconds. Measure the speed and torque of the input and output shafts for at least 10 seconds. You may omit measurement of output shaft speeds if your transmission is configured to not allow slip. Calculate arithmetic mean values for mean input shaft torque,  $\bar{T}_{in}$ , mean output shaft torque,  $\bar{T}_{out}$ , mean input shaft speed,  $\bar{f}_{in}$ , and mean output

shaft speed,  $\bar{f}_{out}$ , for each point in the test matrix for each test. Repeat this stabilization, measurement, and calculation for the other speed and torque setpoints from the test matrix for the selected gear in any sequence. Calculate power loss as described in paragraph (f) of this section based on mean speed and torque values at each test point.

(7) Repeat the procedure described in paragraph (e)(6) of this section for all gears, or for all gears down to a selected gear. This section refers to an "operating condition" to represent operation at a test point in a specific gear.

(8) Perform the test sequence described in paragraphs (e)(6) and (7) of this section three times. You may do this repeat testing at any given test point before you perform measurements for the whole test matrix. Remove torque from the transmission input shaft and bring the transmission to a complete stop before each repeat measurement.

(9) You may need to perform additional testing at a given operating condition based on a calculation of a confidence interval to represent repeatability at a 95% confidence level at that operating condition. If the confidence interval is greater than 0.10% for loaded tests or greater than 0.05% for unloaded tests, perform another measurement at that operating condition and recalculate the repeatability for the whole set of test results. Continue testing until the confidence interval is at or below the specified values for all operating conditions. As an alternative, for any operating condition that does not meet this repeatability criterion, you may determine a maximum power loss instead of calculating a mean power loss as described in paragraph (g) of this section. Calculate a confidence interval representing the repeatability in establishing a 95% confidence level using the following equation:

$$\text{Confidence Interval} = \frac{1.96 \cdot \sigma_{\text{Ploss}}}{\sqrt{N} \cdot P_{\text{rated}}} \cdot 100 \%$$

Eq. 1037.565-1

Where:

$\sigma_{\text{Ploss}}$  = standard deviation of power loss values at a given operating condition (see 40 CFR 1065.602(c)).

$N$  = number of repeat tests for an operating condition.

$P_{\text{rated}}$  = the transmission's rated input power for a given gear. For testing in neutral, use the value of  $P_{\text{rated}}$  for the top gear.

Example:

$\sigma_{\text{Ploss}} = 0.1200$  kW

$N = 3$

$P_{\text{rated}} = 314.2000$  kW

$$\text{Confidence Interval} = \frac{1.96 \cdot 0.1650}{\sqrt{3} \cdot 314.2000} \cdot 100 \%$$

Confidence Interval = 0.0432%

(f) Calculate the mean power  $\bar{P}_{\text{loss}}$ , at each operating condition as follows:

(1) Calculate  $\bar{P}_{\text{loss}}$  for each measurement at each operating condition as follows:

$$\bar{P}_{\text{loss}} = \bar{T}_{\text{in}} \cdot \bar{f}_{\text{nin}} - \bar{T}_{\text{out}} \cdot \bar{f}_{\text{nout}}$$

Eq. 1037.565-2

Where:

$\bar{T}_{\text{in}}$  = mean input shaft torque from paragraph (e)(6) of this section.

$\bar{f}_{\text{nin}}$  = mean input shaft speed from paragraph (e)(6) of this section in rad/s.

$\bar{T}_{\text{out}}$  = mean output shaft torque from paragraph (e)(6) of this section. Let  $\bar{T}_{\text{out}} = 0$  for all unloaded tests.

$\bar{f}_{\text{nout}}$  = mean output shaft speed from paragraph (e)(6) of this section in rad/s. Let  $\bar{f}_{\text{nout}} = 0$  for all tests with the transmission in neutral. See paragraph (f)(2) of this section for calculating  $\bar{f}_{\text{nout}}$  as a function of  $\bar{f}_{\text{nin}}$  instead of measuring  $\bar{f}_{\text{nout}}$ .

(2) For transmissions that are configured to not allow slip, you may calculate  $\bar{f}_{\text{nout}}$  based on the gear ratio using the following equation:

$$\bar{f}_{\text{nout}} = \frac{\bar{f}_{\text{nin}}}{k_g}$$

Eq. 1037.565-3

Where:

$$\bar{\bar{P}}_{\text{loss}} = \frac{4.295 + 4.285 + 4.292}{3} = 4.291 \text{ kW}$$

(g) Create a table with the mean power loss,  $\bar{P}_{\text{loss}}$ , corresponding to each operating condition for input into GEM. Also include power loss in neutral for

each tested engine's speed, if applicable. Express transmission input speed in r/min to one decimal place; express input torque in N·m to two decimal places;

$k_g$  = transmission gear ratio, expressed to at least the nearest 0.001.

(3) Calculate  $\bar{P}_{\text{loss}}$  as the mean power loss from all measurements at a given operating condition.

(4) The following example illustrates a calculation of  $\bar{P}_{\text{loss}}$ :

$$\bar{T}_{\text{in},1} = 1000.0 \text{ N·m}$$

$$\bar{f}_{\text{nin},1} = 1000 \text{ r/min} = 104.72 \text{ rad/sec}$$

$$\bar{T}_{\text{out},1} = 2654.5 \text{ N·m}$$

$$\bar{f}_{\text{nout},1} = 361.27 \text{ r/min} = 37.832 \text{ rad/s}$$

$$\bar{P}_{\text{loss},1} = 1000.0 \cdot 104.72 - 2654.5 \cdot 37.832$$

$$\bar{P}_{\text{loss},1} = 4295 \text{ W} = 4.295 \text{ kW}$$

$$\bar{P}_{\text{loss},2} = 4285 \text{ W} = 4.285 \text{ kW}$$

$$\bar{P}_{\text{loss},3} = 4292 \text{ W} = 4.292 \text{ kW}$$

(1) Record  $\bar{\bar{P}}_{\text{loss}}$ ,  $\bar{\bar{T}}_{\text{in}}$ , and  $\bar{\bar{f}}_{\text{nin}}$  for each operating condition meeting the

repeatability criterion in paragraph (e)(9) of this section. Calculate  $\bar{\bar{T}}_{\text{in}}$  and  $\bar{\bar{f}}_{\text{nin}}$  for

each operating condition by calculating the arithmetic average of  $\bar{\bar{T}}_{\text{in}}$  and  $\bar{\bar{f}}_{\text{nin}}$  for all

the repeat tests at that operating condition.

(2) For any operating condition not meeting the repeatability criterion in paragraph (e)(9) of this section, record the maximum value of  $\bar{P}_{\text{loss}}$  for that operating condition along with the corresponding values of  $\bar{T}_{\text{in}}$  and  $\bar{f}_{\text{nin}}$ .

(h) Record declared power loss values at or above the corresponding value calculated in paragraph (f) of this section. Use good engineering judgment to select values that will be at or above the mean power loss values for your production transmissions. Vehicle manufacturers will use these declared mean power loss values for certification.

#### § 1037.570 [Corrected]

■ 2. On page 34488, beginning in the first column, Section 1037.570 is corrected to read as follows:

#### § 1037.570 Procedures to characterize torque converters.

GEM includes input values related to torque converters. This section describes a procedure for mapping a torque converter's capacity factors and torque ratios over a range of operating conditions. You may ask us to approve analytically derived input values based on this testing for additional untested configurations as described in § 1037.235(h).

(a) Prepare a torque converter for testing as follows:

(1) Select a torque converter with less than 500 hours of operation before the start of testing.

(2) If the torque converter has a locking feature, unlock it for all testing performed under this section. If the torque converter has a slipping lockup clutch, you may ask us to approve a different strategy based on data showing that it represents better in-use operation.

(3) Mount the torque converter with a transmission to the dynamometer in series or parallel arrangement or mount the torque converter without a transmission to represent a series configuration.

(4) Add transmission oil according to the torque converter manufacturer's

instructions, with the following additional specifications:

(i) If the torque converter manufacturer specifies multiple transmission oils, select the one with the highest viscosity at operating temperature. You may use a lower-viscosity transmission oil if we approve that as critical emission-related maintenance under § 1037.125.

(ii) Fill the transmission oil to a level that represents in-use operation. If you are testing the torque converter without the transmission, keep output pressure and the flow rate of transmission oil into the torque converter within the torque converter manufacturer's limits.

(iii) You may use an external transmission oil conditioning system, as long as it does not affect measured values.

(5) Install equipment for measuring the bulk temperature of the transmission oil in the oil sump or a similar location and at the torque converter inlet. If the torque converter is tested without a transmission, measure the oil temperature at the torque converter inlet.

(6) Break in the torque converter and transmission (if applicable) using good engineering judgment. Maintain transmission oil temperature at (87 to 93) °C. You may ask us to approve a different range of transmission oil temperatures if you have data showing that it better represents in-use operation.

(b) Measure pump and turbine shaft speed and torque as described in 40 CFR 1065.210(b). You must use a speed measurement system that meets an accuracy of  $\pm 0.1\%$  of point or  $\pm 1$  r/min, whichever is greater. Use torque transducers that meet an accuracy of  $\pm 1.0\%$  of the torque converter's maximum rated input and output torque, respectively. Calibrate and verify measurement instruments according to 40 CFR part 1065, subpart D. Command speed and torque at a minimum of 10 Hz. Record all speed and torque data at a minimum of 1 Hz mean values. Note that this section relies on the convention of describing the input shaft as the pump and the output shaft as the turbine shaft.

(c) Determine torque converter characteristics based on a test matrix using either constant input speed or constant input torque as follows:

(1) *Constant input speed.* Test at constant input speed as follows:

(i) Select a fixed pump speed,  $f_{\text{npum}}$ , between (1000 and 2000) r/min.

(ii) Test the torque converter at multiple speed ratios,  $v$ , in the range of  $v = 0.00$  to  $v = 0.95$ . Use a step width of 0.10 for the range of  $v = 0.00$  to 0.60 and 0.05 for the range of  $v = 0.60$  to

0.95. Calculate speed ratio,  $v$ , as turbine shaft speed divided by pump speed.

(2) *Constant input torque.* Test at constant input torque as follows:

(i) Set the pump torque,  $T_{\text{pum}}$ , to a fixed positive value at  $f_{\text{npum}} = 1000$  r/min with the torque converter's turbine shaft locked in a non-rotating state (*i.e.*, turbine's speed,  $n_{\text{tur}} = 0$  r/min).

(ii) Test the torque converter at multiple speed ratios,  $v$ , in the range of  $v = 0.00$  up to a value of  $f_{\text{ntur}}$  that covers the usable range of  $v$ . Use a step width of 0.10 for the range of  $v = 0.00$  to 0.60 and 0.05 for the range of  $v = 0.60$  to 0.95.

(3) You may limit the maximum speed ratio to a value below 0.95 if you have data showing this better represents in-use operation. You must use the step widths defined in paragraph (c)(1) or (2) of this section and include the upper limit as a test point. If you choose a value less than 0.60, you must test at least seven evenly distributed points between  $v = 0$  and your new upper speed ratio.

(d) Characterize the torque converter using the following procedure:

(1) Maintain ambient temperature between (15 and 35) °C throughout testing. Measure ambient temperature within 1.0 m of the torque converter.

(2) Maintain transmission oil temperature as described in paragraph (a)(6) of this section. You may use an external transmission oil conditioning system, as long as it does not affect measured values.

(3) Use good engineering judgment to warm up the torque converter according to the torque converter manufacturer's specifications.

(4) Test the torque converter at constant input speed or constant input torque as described in paragraph (c) of this section. Operate the torque converter at  $v = 0.00$  for (5 to 60) seconds, then measure pump torque, turbine shaft torque, angular pump speed, angular turbine shaft speed, and the transmission oil temperature at the torque converter inlet for (5 to 15) seconds. Calculate arithmetic mean values for pump torque,  $\bar{T}_{\text{pum}}$ , turbine shaft torque,  $\bar{T}_{\text{tur}}$ , angular pump speed,  $\bar{f}_{\text{npum}}$ , and angular turbine shaft speed,  $\bar{f}_{\text{ntur}}$ , over the measurement period. Repeat this stabilization, measurement, and calculation for the other speed ratios from the test matrix in order of increasing speed ratio. Adjust the speed ratio by increasing the angular turbine shaft speed.

(5) Complete a test run by performing the test sequence described in paragraph (d)(4) of this section two times.

(6) Invalidate the test run if the difference between the pair of mean

torque values for the repeat tests at any test point differ by more than  $\pm 1$  N·m or by more than  $\pm 5\%$  of the average of those two values. This paragraph (d)(6) applies separately for mean pump torque and mean turbine shaft torque at each test point.

(7) Invalidate the test run if any calculated value for mean angular pump speed does not stay within  $\pm 5$  r/min of the speed setpoint or if any calculated value for mean pump torque does not stay within  $\pm 5$  N·m of the torque setpoint.

(e) Calculate the mean torque ratio,  $\bar{\mu}$ , at each tested speed ratio,  $v$ , as follows:

(1) Calculate at each tested speed ratio as follows:

$$\bar{\mu} = \frac{\bar{T}_{\text{tur}}}{\bar{T}_{\text{pum}}}$$

Eq. 1037.570-1

Where:

$\bar{T}_{\text{tur}}$  = mean turbine shaft torque from paragraph (d)(4) of this section.

$\bar{T}_{\text{pum}}$  = mean pump torque from paragraph (d)(4) of this section.

(2) Calculate  $\bar{\mu}$  as the average of the two values of  $\bar{\mu}$  at each tested speed ratio.

(3) The following example illustrates a calculation of  $\bar{\mu}$ :

$\bar{T}_{\text{tur}, v=0.1} = 332.4$  N·m

$\bar{T}_{\text{pum}, v=0.1} = 150.8$  N·m

$\bar{T}_{\text{tur}, v=0.2} = 333.6$  N·m

$\bar{T}_{\text{pum}, v=0.2} = 150.3$  N·m

$$\bar{\mu}_{v=0.1} = \frac{332.4}{150.8} = 2.20$$

$$\bar{\mu}_{v=0.2} = \frac{333.6}{150.3} = 2.22$$

$$\bar{\bar{\mu}}_{v=0} = \frac{2.20 + 2.22}{2} = 2.21$$

(f) Calculate the mean capacity factor,  $\bar{K}$ , at each tested speed ratio,  $v$ , as follows:

(1) Calculate  $\bar{K}$  at each tested speed ratio as follows:

$$\bar{K} = \frac{\bar{f}_{\text{npum}}}{\sqrt{\bar{T}_{\text{pum}}}}$$

Eq. 1037.570-2

Where:

$\bar{f}_{\text{npum}}$  = mean angular pump speed from paragraph (d)(4) of this section.

$\bar{T}_{\text{pum}}$  = mean pump torque from paragraph (d)(4) of this section.

(2) Calculate  $\bar{K}$  as the average of the two values of  $\bar{K}$  at each tested speed ratio.

(3) The following example illustrates a calculation of :

$$\begin{aligned}\bar{f}_{\text{npum},v=0,1} &= \bar{f}_{\text{npum},v=0,2} = 1000.0 \text{ r/min} \\ \bar{T}_{\text{pum},v=0,1} &= 150.8 \text{ N}\cdot\text{m}\end{aligned}$$

$$\bar{K}_{v=0,1} = \frac{1000.0}{\sqrt{150.8}} = 81.43 \text{ r}/(\text{min} \cdot (\text{N} \cdot \text{m})^{0.5})$$

$$\bar{T}_{\text{pum},v=0,2} = 150.4 \text{ N}\cdot\text{m}$$

$$\bar{K}_{v=0,2} = \frac{1000.0}{\sqrt{150.4}} = 81.54 \text{ r}/(\text{min} \cdot (\text{N} \cdot \text{m})^{0.5})$$

$$\bar{\bar{K}}_{v=0} = \frac{81.43 + 81.54}{2} = 81.49 \text{ r}/(\text{min} \cdot (\text{N} \cdot \text{m})^{0.5})$$

(g) Create a table of GEM inputs showing  $\bar{K}$  and  $\bar{T}$  at each tested speed ratio,  $v$ . Express  $\bar{K}$  to two decimal places; express  $\bar{T}$  to one decimal place; express  $v$  to two decimal places.

[FR Doc. C1–2021–05306 Filed 9–22–21; 8:45 am]

BILLING CODE 0099–10–D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2020–0487; FRL–8931–02–R3]

### Air Plan Approval; West Virginia; 2020 Amendments to West Virginia's Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of West Virginia. This revision updates West Virginia's incorporation by reference of EPA's national ambient air quality standards (NAAQS) and the associated monitoring reference and equivalent methods. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before October 25, 2021.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R03–OAR–2020–0487. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, confidential business information (CBI) or other information

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

#### FOR FURTHER INFORMATION CONTACT:

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

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On February 9, 2021 (86 FR 8727), EPA published a notice of proposed rulemaking (NPRM) for the State of West Virginia. In the NPRM, EPA proposed approval of a formal SIP revision submitted on June 5, 2020. This formal SIP revision updates West Virginia's incorporation by reference of EPA's NAAQS and the associated monitoring reference and equivalent methods.

##### II. Summary of SIP Revision and EPA Analysis

West Virginia Department of Environmental Protection (WVDEP) has historically chosen to incorporate by reference the Federal NAAQS, found at 40 CFR part 50, and the associated Federal ambient air monitoring reference methods and equivalent methods for these NAAQS found at 40

CFR part 53. When incorporating by reference these Federal regulations, WVDEP has specified that it is incorporating by reference these regulations as they existed on a certain date. The incorporation by reference of the NAAQS that is currently approved in the West Virginia SIP incorporates by reference 40 CFR parts 50 and 53 as they existed on June 1, 2018. West Virginia's June 5, 2020 SIP revision updates the State's incorporation by reference of the primary and secondary NAAQS and the ambient air monitoring reference and equivalent methods, found in 40 CFR parts 50 and 53, respectively, as of June 1, 2019. Since the last West Virginia incorporation by reference of June 1, 2018, EPA: (1) Reviewed the primary NAAQS for sulfur oxides (SO<sub>x</sub>), as required by CAA section 109(d), and retained the current 1-hour and annual sulfur dioxide (SO<sub>2</sub>) NAAQS without revision; (2) designated one new equivalent method for measuring concentrations of ozone in the ambient air; (3) designated one new reference method for measuring concentrations of nitrogen dioxide in ambient air; and (4) designated one new reference method for measuring concentrations of carbon monoxide in ambient air. See 84 FR 9866 (March 18, 2019), 84 FR 11973 (March 29, 2019), 84 FR 50833 (September 26, 2019), and 84 FR 24508 (May 28, 2019).

The amendments to the legislative rule include changes to section 45–8–1 (General) and 45–8–3 (Adoption of Standards). The amendments update West Virginia's incorporation by reference of the primary and secondary NAAQS and the ambient air monitoring reference and equivalent methods from June 1, 2018 to June 1, 2019. West Virginia is incorporating the Federal

rules in 40 CFR parts 50 and 53 as they existed on June 1, 2019 into 45–8–1 and 45–8–3. Other specific requirements and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

### III. EPA's Response to Comments Received

EPA received three comments on the February 9, 2021 NPRM. One comment was supportive of the State's revision while the other two stated that EPA should not approve this SIP revision and are therefore considered adverse comments. All comments received are in the docket for this rule. A summary of the two adverse comments and EPA's responses are provided herein.

*Comment 1:* One commenter claims that EPA should disapprove this SIP revision because these rules are already "in effect and full force." The commenter claims "EPA shouldn't have to keep approving West Virginia's rules into the SIP which incorporate the National Ambient Air Quality Standards. These West Virginia rules stem from the federal EPA's air standards and are already in force throughout the state, in fact they are in force throughout the entire nation regardless of what each individual state does."

*Response 1:* EPA does not agree that the SIP revision should be disapproved due to being "unnecessary." West Virginia law allows state agencies, such as WVDEP, to incorporate by reference federal regulations into the state regulations but does not allow those state agencies to "automatically" incorporate into the state regulations any updates to federal standards incorporated by reference. That is, if the federal regulation that was incorporated by reference into the West Virginia regulations is changed, the state agency must then go through the state regulatory amendment process to ensure that the changes to the federal regulation are also adopted into the state regulations. Because EPA is required by the Clean Air Act to periodically review and revise, if necessary, the NAAQS and the regulations associated with the NAAQS, such as the ambient monitoring requirements, West Virginia must re-incorporate by reference the NAAQS into the state regulations every year to ensure that the NAAQS are up to date in the state law, so that they can implement their state air pollution control program. Following the update to the state regulations, the state must then submit to EPA a SIP revision incorporating the change to the state regulations into the SIP. This multi-step process to ensure the NAAQS applied in

West Virginia are current with the federal NAAQS, and that the up-to-date NAAQS are approved into the West Virginia SIP, is the result of West Virginia law not providing for "automatic" update of state regulations when federal regulations that are incorporated by reference into the state regulations are changed.

*Comment 2:* The second comment from an anonymous party claims "EPA must disapprove West Virginia's rule for adopting the ambient air quality standards because of these limitations in state law and the requirements of the EPA's National Ambient Air Quality Standards." This commenter also asserts that this rule conflicts with the NAAQS, claiming that "West Virginia's regulations would provide more information on how the state has met its ambient air quality standards by requiring that coal companies improve the air quality in their facilities. There is no requirement to provide information on how much improved air quality is required because the state does not have that information. West Virginia does not provide a summary of those improvements to other states and requires coal companies to report these improvements to West Virginia's Division of Environmental Management (DEM)." The commenter also argues that "The rule is also potentially inconsistent with the EPA's Environmental Justice Guidelines for addressing the health effects of air pollution, which says that air quality and climate change are two separate issues. This rule could limit states' ability to consider this double jeopardy standard in their rules, making it more difficult for a state to comply with its air pollution law. West Virginia will have to obtain additional information and data from other states, which could require revisions to the rule, so that it may be consistent with the National Ambient Air Quality Standards. In the final rule, the state must prove that its proposed regulations are not inconsistent with the National Ambient Air Quality Standards because the federal standards are just as restrictive as the state's standards and because the other state's regulations do not serve the same purposes."

*Response 2:* EPA disagrees that this plan should be disapproved due to alleged limitations in state law or potential inconsistencies with environmental justice guidelines or the NAAQS. The commenter's intent is difficult to discern from the comment. The commenter's initial argument does not cite which limitations in state law they are concerned about, making it difficult to ascertain how the NAAQS

are at odds with that state law. To the extent that the comment is concerned about reporting requirements and/or the lack of reporting by coal producers, EPA is unaware of any conflicts these requirements present with the NAAQS. Regarding EPA's environmental justice guidelines, the commenter again does not explain how this update to the NAAQS is inconsistent with the environmental justice guidelines, and without such an explanation EPA cannot assess this claim. Nevertheless, EPA does not believe that this plan has any inconsistency with the Agency's environmental justice guidelines. Finally, commenter's concern that this update to the NAAQS in West Virginia law could prevent the state from considering the "double jeopardy standard" in their rules is also unexplained. "Double jeopardy" is a concept whereby a person cannot be tried twice for the same criminal act, and the relevance of this concept to this particular revision to West Virginia's SIP is not at all clear. Furthermore, this revision does not directly pertain to climate change but does adopt a change needed to ensure West Virginia can work toward ensuring attainment of the NAAQS. Therefore, EPA believes that this plan revision is consistent with the requirements of the Clean Air Act and therefore approvable.

### IV. Final Action

EPA is approving the West Virginia SIP revision updating the date of incorporation by reference of EPA's NAAQS and the associated monitoring reference and equivalent methods.

### V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of 45CSR8, as effective on June 1, 2020. EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of EPA's approval, and will be

incorporated by reference in the next update to the SIP compilation.<sup>1</sup>

## VI. Statutory and Executive Order Reviews

### A. General Requirements

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

### B. Submission to Congress and the Comptroller General

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

### C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 22, 2021. Filing a petition for reconsideration by the

Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action, approving the West Virginia SIP revision incorporating by reference the NAAQS, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Carbon monoxide, Sulfur dioxide, Lead, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 9, 2021.

**Diana Esher,**

*Acting Regional Administrator, Region III.*

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

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

### Subpart XX—West Virginia

- 2. In § 52.2520, the table in paragraph (c) entitled "EPA-Approved Regulations in the West Virginia SIP" is amended by revising the entries for "Section 45–8–1", "Section 45–8–2", "Section 45–8–3" and "Section 45–8–4" under the heading "[45 CSR] Series 8 Ambient Air Quality Standards" to read as follows:

#### § 52.2520 Identification of plan.

\* \* \* \* \*  
(c) \* \* \*

### EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

| State citation<br>[Chapter 16–20<br>or 45 CSR]         | Title/subject     | State<br>effective<br>date | EPA approval date                                   | Additional<br>explanation/citation<br>at 40 CFR 52.2565    |
|--------------------------------------------------------|-------------------|----------------------------|-----------------------------------------------------|------------------------------------------------------------|
| *                                                      | *                 | *                          | *                                                   | *                                                          |
| <b>[45 CSR] Series 8 Ambient Air Quality Standards</b> |                   |                            |                                                     |                                                            |
| Section 45–8–1 ....                                    | General .....     | 6/1/20                     | 9/23/21, [Insert <b>Federal Register</b> citation]. | Docket #2020–0487. Filing and effective dates are revised. |
| Section 45–8–2 ....                                    | Definitions ..... | 6/1/20                     | 9/23/21, [Insert <b>Federal Register</b> citation]. | Docket #2020–0487. Previous Approval 2/25/20.              |

<sup>1</sup> 62 FR 27968 (May 22, 1997).

## EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

| State citation<br>[Chapter 16–20<br>or 45 CSR] | Title/subject                     | State<br>effective<br>date | EPA approval date                                   | Additional<br>explanation/citation<br>at 40 CFR 52.2565 |
|------------------------------------------------|-----------------------------------|----------------------------|-----------------------------------------------------|---------------------------------------------------------|
| Section 45–8–3 ....                            | Adoption of Standards .....       | 6/1/20                     | 9/23/21, [Insert <b>Federal Register</b> citation]. | Docket #2020–0487. Effective date is revised.           |
| Section 45–8–4 ....                            | Inconsistency Between Rules ..... | 6/1/20                     | 9/23/21, [Insert <b>Federal Register</b> citation]. | Docket #2020–0487. Previous Approval 2/25/20.           |
| *                                              | *                                 | *                          | *                                                   | *                                                       |

\* \* \* \* \*

[FR Doc. 2021–20322 Filed 9–22–21; 8:45 am]

BILLING CODE 6560–50–P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 0 and 64**

[EB Docket No. 20–374; FCC 21–75; FR ID 36061]

**Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) adopts rules to implement the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) to streamline the process by which private entities may submit information to the Commission about violations of the Communications Act.

**DATES:** Effective October 25, 2021.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Daniel Stepanicich, Attorney, Telecommunications Consumers Division, Enforcement Bureau, at (202) 418–7451 or [daniel.stepanicich@fcc.gov](mailto:daniel.stepanicich@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, in EB Docket No. 20–374, FCC–21–75, adopted and released on June 17, 2021. The full text of this document is available for public inspection online at <https://ecfsapi.fcc.gov/file/06171386503472/FCC-21-75A3.pdf>. To request this document in accessible formats for people with disabilities (e.g., Braille, large print, electronic files, audio format, etc.) or to request reasonable accommodations (e.g., accessible format documents, sign language interpreters, CART, etc.), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the FCC's Consumer and Governmental

Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

**Synopsis**

1. This Report and Order establishes a streamlined process for private entities to submit information about unlawful, unwanted calls. In the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act), Congress directed the Commission to establish regulations to create a process that “streamlines the ways in which a private entity may voluntarily share with the Commission information relating to” a call or text message that violates prohibitions regarding robocalls or spoofing set forth section 227(b) and 227(e) of the Communications Act of 1934, as amended. We adopt rules to establish an online web portal where private entities may submit information about suspected violations of sections 227(b) and 227(e). The Commission's Enforcement Bureau (Bureau) will monitor the portal.

2. Section 227 of the Communications Act of 1934, as amended (the Communications Act), is designed to protect consumers from unlawful robocalls. Sections 227(b), (c), and (d) impose specific requirements on telemarketing and prerecorded voice message calls to give consumers the ability to know who is calling and to control the calls they receive. Section 227(e) prohibits unlawful spoofing—the transmission of misleading or inaccurate caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value. The Commission vigorously enforces violations of section 227.

3. The Commission has a well-established process for individual consumers to submit complaints about unwanted and suspected illegal robocalls and spoofed calls: The Commission's informal consumer complaint process, which the Consumer and Governmental Affairs Bureau oversees. We also have a process for obtaining information from certain public entities: Federal and state law

enforcement agencies routinely coordinate with the Enforcement Bureau about robocall and caller ID spoofing enforcement and mitigation efforts. In addition, public entities often contact Enforcement Bureau staff directly about robocalling and spoofing matters. Against that background, Congress directed the Commission to develop a streamlined process for private entities to submit robocall information to the Commission.

4. Timely and thorough information from private entities is crucial to enable the Commission to mitigate illegal robocall incidents and bring swift enforcement actions. Our past robocall enforcement actions have relied extensively upon information from private entities. For example, in two enforcement actions, a medical paging company was a key source; it informed the Bureau that the paging company's phone lines were being bombarded by spoofed robocalls. Another enforcement action relied extensively on information from an industry group, the USTelecom's Industry Traceback Group (Traceback Group).

5. The TRACED Act directs the Commission no later than June 30, 2021 to “prescribe regulations to establish a process that streamlines the ways in which a private entity may voluntarily share with the Commission information relating” to violations of section 227(b) or 227(e) of the Communications Act. We released a Notice of Proposed Rulemaking (NPRM) on December 8, 2020, proposing to establish a streamlined process for private entities to submit information about robocall violations to the Commission. CTIA, SAFE Credit Union (SAFE), Twilio, Inc., and USTelecom-The Broadband Association (USTelecom) filed comments.

6. We amend our rules to establish a streamlined process for private entities to submit information about violations of Sections 227(b) and 227(e) of the Act to the Commission. To achieve this objective, we direct the Enforcement Bureau to create and monitor an online portal located on the Commission

website. We anticipate that this portal will be particularly useful to private entities experiencing large scale robocall incidents and voice service providers that have network analytic information. This robocall “tip” line will provide a streamlined process for reporting potential violations, and will enable the Enforcement Bureau to respond quickly to disruptive robocalling events.

7. Definition of Private Entity. We define “private entity” as any entity other than (1) an individual natural person or (2) a public entity. In the *NPRM*, we proposed to include individuals in the definition of “private entity” but sought comment on the proposed interpretation, and whether there was a basis for a different interpretation of the term. Commenters suggested that the Commission consolidate the new portal and its existing informal consumer complaint process, which the Consumer and Governmental Affairs Bureau administers, or better distinguish the two processes by defining “private entity” to exclude consumers. Commenters were concerned that the definition proposed in the *NPRM* would create consumer confusion and duplicate existing Commission robocall information collection efforts.

8. We agree with the commenters and therefore exclude individual natural persons from the definition of private entity. First, we find that interpreting the term to exclude individual consumers from the definition of private entity is consistent with Congress’s other uses of that term and similar terms. Congress did not define “private entity” in the TRACED Act. Elsewhere in the Communications Act, however, Congress used the term “person” to include individuals and organizational entities. Thus, if Congress had intended to include individuals, we presume that it would have used the term “person.” Moreover, in other statutes the term “private entity” is often used to refer to organizations rather than individuals. Black’s Law Dictionary defines “entity” as “[a]n organization (such as a business or a governmental unit) that has a legal identity apart from its members or owners.” Second, we find that, as a policy matter, we should exclude individuals from the definition of private entity as the term is used in section 10(a) of the TRACED Act. We agree with commenters that including individuals within the definition of private entity would undermine the intent of the statute to streamline information collection about robocalls and spoofed calls, and would create confusion for consumers about whether to use the existing informal complaint

process or the new portal, or both. Consumers are already served by the existing informal complaint intake process, and the TRACED Act gives no indication that Congress intended to upset or replace that process. Third, consumers will not be adversely affected by our decision to exclude them from the definition of private entity. If an individual consumer mistakenly files a complaint with the new portal, the Bureau will forward the complaint to the Consumer and Governmental Affairs Bureau.

9. We also clarify that a “public entity” is any governmental organization at the federal, state, or local level. This definition is consistent with common usage. Black’s Law Dictionary defines “public entity” as “a governmental entity, such as a state government or one of its political subdivisions.” At least one statute, the Americans with Disabilities Act, defines public entity as any state or local government and “any department, agency, special purpose district, or other instrumentality of a State or States or local government.”

10. Streamlined Process. The rules we adopt today create a streamlined process by which a private entity may submit information about suspected robocall and spoofing violations directly to the Bureau via an online portal located on the FCC website. We interpret section 10(a) of the TRACED Act to encompass “suspected” or “alleged” violations of section 227(b) or section 227(e) as the most natural reading of the statute. A private entity cannot determine whether a call violated the TCPA or the Truth in Caller ID Act—this determination is left to the Commission, an action brought by state law enforcement, or a judicial outcome from a private right of action. Thus, a private entity is only in a position to provide information about calls that it suspects are violations of the law. The portal will request private entities to submit certain minimum information including, but not necessarily limited to, the name of the reporting private entity, contact information, including at least one individual name and means of contacting the entity (e.g., a phone number), the caller ID information displayed, the phone number(s) called, the date(s) and time(s) of the relevant calls or texts, the name of the reporting private entity’s service provider, and a description of the problematic calls or texts. Although the portal will not reject submissions that fail to include the above information, such failure will make it more difficult for the Bureau to investigate fully and take appropriate enforcement action. Once submitted, the

Bureau will review to determine whether the information presents evidence of a violation of our rules.

11. We agree with comments expressing the importance of vetting submitted information and protecting confidentiality. The Bureau will review information submitted through the portal to assess violations of the rules in the same manner that it reviews information submitted to the Commission through other means. All persons are required to submit truthful and accurate statements to the Commission. To protect law enforcement methods and techniques, we decline to adopt SAFE Credit Union’s suggestion to detail the exact steps and criteria that the Bureau will use to evaluate the information submitted. Furthermore, we agree with commenters that the Bureau should protect the confidentiality of information submitted through the portal, especially because the data may include personally identifiable information or customer proprietary network information. Consistent with these privacy protections, however, the Bureau may share information gathered from the portal with other government agencies combatting robocalls. To the extent allowed by the Privacy Act of 1974 and our rules, the portal will clearly state that the Bureau may share submitted information with the Department of Justice, Federal Trade Commission, other federal agencies combatting robocalls, state attorney general offices, other law enforcement entities with which the Commission has information sharing agreements, and the registered traceback consortium.

12. The purpose of the portal is to provide private entities a streamlined method to submit information to the Bureau about suspected robocall or spoofing violations. USTelecom requests that we encourage private entities to first coordinate with the registered traceback consortium prior to filing information in the portal. While we encourage private entities to make use of the registered consortium’s resources, we decline to mandate that private entities must coordinate with the consortium prior to submitting information to the Commission.

13. No Impact on Informal Consumer Complaint Process. This new portal will not affect the process by which a consumer submits an informal complaint about a robocall or spoofed call, using the long-standing process located on the Commission’s homepage. The current informal consumer complaint process is a vital tool for the Commission. The Consumer and Governmental Affairs Bureau uses this

information to inform Commission consumer protection policies as well as for analytical and consumer education purposes. The Consumer and Governmental Affairs Bureau also forwards complaints to the Enforcement Bureau, which may use them to pursue enforcement actions. Commenters raise concerns that the new streamlined portal will create consumer confusion or duplicate current processes. We find that our decision to exclude individual consumers from the definition of private entity will greatly reduce, if not eliminate, potential confusion.

14. Twilio recommends that the Commission create one centralized mechanism for reporting all information regarding robocalling and spoofing, whether it is from a whistleblower, company, or consumer. We agree with Twilio that private entities and consumers should be directed to a centralized reporting mechanism, but we also find that the new portal should be distinct from the existing informal consumer complaint process. First, we find that there is value in maintaining the separate informal consumer complaint process. That process is a well-established one that consumers have come to understand and depend upon. In addition, it serves as a valuable clearinghouse for the Commission to identify trends and activities that are negatively affecting consumers. The data in turn informs the Commission's policy work, serves as a deterrent to companies the Commission regulates and contributes to consumer protection efforts. Second, we find that establishing a stand-alone process designed specifically to handle concerns from private entities (*i.e.*, not individual consumers) about robocalls and spoofing best aligns with the TRACED Act requirement. Congress adopted the requirement to create a streamlined process to collect information about robocalls and spoofing against the backdrop of the existing informal consumer complaint process. Instead, the new portal will be integrated with, but distinct from, the existing consumer complaint process. Private entities and consumers who wish to submit information or complaints about robocalls will be directed on the FCC website to the appropriate intake process for their situation—the new portal for private entities or the existing informal consumer complaint process for consumers. We find that adopting a distinct intake process for private entities best satisfies the statutory language, while integrating it with the existing process managed by the Consumer and Governmental Affairs

Bureau will reduce administrative costs and consumer confusion.

15. We acknowledge commenters' concerns that, at least initially, private entities might be confused about whether the consumer complaint process or the new streamlined process is a more appropriate place to submit information. Thus we adopt SAFE Credit Union's suggestion that the portal "clearly explain its purpose and intended use." To that end, the new portal's home page will include prominent language that not only explains its purpose and use, but also distinguishes that portal from the existing informal consumer complaint process so as to minimize possible confusion. The portal is available for use by private entities that wish to submit information about suspected robocall or spoofing violations. Relevant incidents might include a corporation or association experiencing a deluge of robocalls overwhelming their internal phone network or a voice service provider that found evidence of illegal robocalls traversing its network. The portal is also available for use by private entities that have had their number(s) spoofed. Consumers, meanwhile, should continue to submit individual complaints about unwanted robocalls and spoofed calls that they receive through the Consumer and Governmental Affairs Bureau's informal consumer complaint process. We recognize that consumers might mistakenly file complaints through the new streamlined process rather than the existing consumer complaint process. In such cases, the Enforcement Bureau will forward such consumer complaints to the Consumer and Governmental Affairs Bureau.

16. Delegated Authority. Lastly, we delegate authority to the Bureau to make further decisions about administration of the portal. Additional technical issues may arise in the future, and those decisions can be made by the Bureau.

17. Final Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Report and Order. The FRFA is set forth in Appendix C.

18. Paperwork Reduction Act of 1995 Analysis. The Report and Order contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA). It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to

comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

19. In this document, we have created a new online portal located on the Commission website where private entities, including small businesses, may submit information about robocall or spoofing violations. The portal will collect contact information of the reporting entity, information about the suspected illegal robocall, and a description of the robocall incident. Use of the portal is completely voluntary and we impose no new requirements on small businesses. Thus, we have minimized the impact on small businesses.

20. Congressional Review Act. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that this rule is non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

21. People with Disabilities. To request material in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

22. Further Information. For further information, contact Daniel Stepanicich, Attorney, Telecommunications Consumers Division, Enforcement Bureau, at (202) 418-7451 or [daniel.stepanicich@fcc.gov](mailto:daniel.stepanicich@fcc.gov).

23. Accordingly, *it is ordered*, pursuant to sections 4(i), 4(j), and 227 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 227, and section 10(a) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Public Law 116-105, 133 Stat. 3274, this Report and Order, is hereby *adopted*.

24. *It is further ordered* that parts 0 and 64 of the Commission's rules *are amended* as set forth in Appendix A.

25. *It is further ordered* that, pursuant to §§ 1.4(b)(1) and 1.427(a) of the Commission's rules, 47 CFR 1.4(b)(1), 1.427(a), this Report and Order and the amendments to parts 0 and 64 of the Commission's rules, as set forth in

Appendix A, *shall be effective* 30 days after publication in the **Federal Register**. Sections 64.1204(a) and 64.1606(a) contain new or modified information collection requirements that require review by OMB under the PRA. The Commission directs the Enforcement Bureau to announce the effective date for those information collections in a document published in the **Federal Register** after OMB completes its review, and directs the Enforcement Bureau to cause §§ 64.1204 and 64.1606 to be revised accordingly.

26. *It is further ordered* that the Commission *shall send* a copy of this Report and Order Rulemaking, including the Final Regulatory Flexibility Analysis, in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

27. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order Rulemaking, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

#### List of Subjects in 47 CFR Parts 0 and 64

Authority delegations (Government agencies), Telecommunications.

Federal Communications Commission.

**Marlene Dortch**,  
Secretary.

#### Final Rules

For the reasons discussed in the preamble, the Federal Communications

Commission proposes to amend 47 CFR parts 0 and 64 as follows:

#### PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154(i), 154(j), 155, 225, and 409, unless otherwise noted.

■ 2. Amend § 0.111 by redesignating paragraph (j) as paragraph (k) and revising it and by adding new paragraph (j) to read as follows:

##### § 0.111 Functions of the Bureau.

\* \* \* \* \*

(j) Collects and reviews information received from private entities related to violations of §§ 64.1200(a) and 64.1604(a) of this chapter.

(k) Perform such other functions as may be assigned or referred to it by the Commission.

#### PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 3. The authority citation for part 64 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 262, 276, 403(b)(2)(B), (c), 616, 620, 1401–1473, unless otherwise noted, Pub. L. 115–141, Div. P, sec. 503, 132 Stat 348, 1091.

■ 4. Add § 64.1204 to subpart L to read as follows:

##### § 64.1204 Private entity submissions of robocall violations.

(a) Any private entity may submit to the Enforcement Bureau information related to a call made or a text message sent that the private entity has reason to believe was in violation of § 64.1200(a) or 47 U.S.C. 227(b).

(b) For the purposes of this section, the term “private entity” shall mean any entity other than a natural individual person or a public entity.

(c) Compliance date—paragraph (a) of this section contains a voluntary information collection. Compliance with the requirements of that information collection will not be required until after approval by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing that compliance date and revising this paragraph accordingly.

■ 5. Add § 64.1606 to subpart P to read as follows:

##### § 64.1606 Private entity submissions of spoofing violations.

(a) Any private entity may submit to the Enforcement Bureau information related to a call or text message that the private entity has reason to believe included misleading or inaccurate caller identification information in violation of § 64.1604(a) or 47 U.S.C. 227(e).

(b) For the purposes of this section, the term “private entity” shall mean any entity other than a natural individual person or a public entity.

(c) Compliance date—paragraph (a) of this section contains a voluntary information collection. Compliance with the requirements of that information collection will not be required until after approval by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing that compliance date and revising this paragraph accordingly.

[FR Doc. 2021–14711 Filed 9–22–21; 8:45 am]

BILLING CODE 6712–01–P

# Proposed Rules

Federal Register

Vol. 86, No. 182

Thursday, September 23, 2021

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

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 115

RIN 3245-AH08

#### Regulatory Reform Initiative: Streamlining Surety Bond Guarantee Program

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Small Business Administration (SBA) is proposing to revise various regulations related to SBA's Surety Bond Guarantee (SBG) program because they are obsolete, unnecessary, ineffective, or burdensome. Additionally, SBA is proposing revisions to clarify and modernize certain regulations and conform them to industry standards. These proposed changes are in response to comments received from SBA's Advance Notice of Proposed Rulemaking that was published on June 3, 2019.

**DATES:** Comments must be received on or before November 22, 2021.

**ADDRESSES:** You may submit comments, identified by RIN 3245-AH08, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search for the rule by RIN 3245-AH08 and follow the instructions for submitting comments.
- *Mail:* Jermaine Perry, Management Analyst, Office of Surety Guarantees, U.S. Small Business Administration, 409 3rd Street SW, 8th Floor, Washington, DC 20416.

SBA will post all comments on <http://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <http://www.regulations.gov>, please submit the information to Jermaine Perry, Management Analyst, Office of Surety Guarantees, U.S. Small Business Administration, 409 3rd Street SW, 8th Floor, Washington, DC 20416. Highlight the information that you consider to be CBI and explain why you

believe this information should be held confidential. SBA will review the information and make the final determination as to whether to publish the information.

#### FOR FURTHER INFORMATION CONTACT:

Jermaine Perry, Management Analyst, Office of Surety Guarantees at (202) 401-8275 or [Jermaine.perry@sba.gov](mailto:Jermaine.perry@sba.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. General Information

The U.S. Small Business Administration (SBA) guarantees bid, payment, and performance bonds for small and emerging contractors who cannot obtain surety bonds through regular commercial channels. SBA's guarantee, authorized pursuant to part B of title IV of the Small Business Investment Act of 1958, 15 U.S.C. 694a *et seq.*, gives Sureties an incentive to provide bonding for small businesses and thereby assists small businesses in obtaining greater access to contracting opportunities. SBA's guarantee is an agreement between a Surety and SBA that SBA will assume a certain percentage of the Surety's loss should a contractor default on the underlying contract. SBA is authorized to guarantee a Surety for a contract up to \$6.5 million and, with the certification of a contracting officer of a Federal agency, up to \$10 million. For more information about SBA's Surety Bond Guarantee Program, see <https://www.sba.gov/funding-programs/surety-bonds>.

This rulemaking addresses the regulations governing the Surety Bond Guarantee (SBG) Program codified in 13 CFR part 115. Subpart A contains provisions that apply to all surety bond guarantees, subpart B contains provisions that apply to the bond guarantees subject to prior approval by SBA, and subpart C contains provisions that apply to the bond guarantees that Preferred Surety Bond Sureties may issue under delegated authority.

Federal agencies have an ongoing responsibility to ensure that the regulations they issue do not have an adverse economic impact on those affected by those rules. For example, under Executive Order 13563, Improving Regulation and Regulatory Review (January 18, 2011), agencies are obligated to conduct a retrospective review of their regulations to seek more affordable, less intrusive means to achieve policy goals, and to give careful

consideration to the benefits and costs of their regulations. This executive order also requires agencies to review existing rules to remove outdated regulations that stifle job creation and make the U.S. economy less competitive.

#### B. Comments Received in Response to Advance Notice of Proposed Rulemaking

On June 3, 2019, SBA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (84 FR 25496) seeking input from the public in identifying regulations under the SBG Program that affected parties believed should be repealed, replaced, or modified because they are obsolete, unnecessary, ineffective, or burdensome. SBA also solicited comments from the public on how SBA can improve the surety bond products, procedures, forms, and reporting requirements of the SBG Program. The comment period ended on August 2, 2019. SBA has reviewed the 54 comments submitted by the public in response. After considering these comments and reviewing the regulations in 13 CFR part 115, SBA is proposing that the regulations identified below in the section-by-section analysis be revised.

#### C. Section-by-Section Analysis

*Section 115.10.* Under the current definition of "Contract" in this section, a Contract may include a maintenance agreement that is ancillary to a Contract for which SBA is guaranteeing the bond ("ancillary maintenance agreement"). SBA is proposing to clarify the definition for these ancillary maintenance agreements and to also expand the definition of Contract to include stand-alone maintenance agreements.

Under the current definition, SBA will guarantee the bond for a maintenance agreement if the agreement is for 2 years or less and covers defective workmanship or materials only. It has been SBA's long-standing interpretation that the maintenance agreement must be ancillary to the Contract for which SBA is guaranteeing the bond and may not cover defective workmanship or materials that is covered by a manufacturer's warranty. The current definition also provides that, with SBA's written approval, the term of a maintenance agreement can be

longer than 2 years for defective workmanship or materials or cover something other than defective workmanship or materials if the agreement is ancillary to the Contract for which SBA is guaranteeing a bond, is performed by the same Principal, and is customarily required in the relevant trade or industry.

For clarity, SBA is proposing to modify the existing definition by expressly applying the following requirements to all ancillary maintenance agreements: (1) The agreement must be ancillary to a Contract for which SBA is guaranteeing a bond; (2) the agreement must be performed by the same Principal; and (3) the agreement may only cover defective workmanship or materials that are not covered by a manufacturer's warranty. With SBA's prior written approval, the agreement covering defective workmanship or materials may be for a term longer than 2 years, or the agreement may cover something other than defective workmanship or materials, if such agreement is customarily required in the relevant trade or industry.

SBA received a comment in response to the ANPRM that requested that SBA consider expanding the definition of Contract to include stand-alone maintenance contracts. The commenter stated that bonds for stand-alone maintenance contracts are commonly written and that excluding these types of bonds from SBA's surety bond guarantee program seems unjustified. SBA agrees that it can offer a bond guarantee for these types of agreements and is proposing to create a new category under the definition of Contract to include them, provided that the stand-alone maintenance agreement: (1) Is entered into in connection with a Contract for which a bond was not required; (2) only covers defective workmanship or materials that are not covered by a manufacturer's warranty; (3) is entered into with the same Principal; and (4) covers a period of 3 years or less that begins immediately after the Contract is complete and was executed prior to the completion of the Contract. With SBA's prior written approval, the agreement may cover a period longer than 3 years if such agreement is customarily required in the relevant trade or industry.

SBA also received a comment suggesting that SBA reorganize the definition of "Contract" so that it is shorter and broken into several parts. SBA agrees that it would help to clarify the definition by reorganizing it into several parts and is proposing to do so.

*Section 115.12.* Under section 411(a)(1)(B) of the Small Business Investment Act of 1958, SBA may guarantee a surety bond for a total work order or contract amount that is greater than \$6,500,000 (as adjusted for inflation under 41 U.S.C. 1908), but not exceeding \$10,000,000, if a Contracting Officer (CO) of a Federal agency certifies that such a guarantee is necessary. Paragraph (e)(3) of section 115.12 currently requires the CO's certification to include a statement that the small business is experiencing difficulty obtaining a bond and that an SBA bond guarantee would be in the best interests of the Government. SBA received a comment in response to the ANPRM stating that requiring the CO to make this statement creates the appearance of partiality, and as a result, COs are refusing to provide the certification on behalf of qualified small businesses. The statute does not require the CO to make this statement and SBA does not want to impose requirements that are not mandated by the statute that make it more difficult for small businesses to obtain these contracts. SBA is, therefore, proposing to streamline paragraph (e)(3) to remove the requirement of this statement and require only that the CO certify that the guarantee is necessary, which as noted above is the standard set forth in the statute. SBA is also proposing to update the manner in which this certification may be submitted to SBA by providing that it may be either express mailed to SBA, Office of Surety Guarantees, 409 Third Street SW, Washington, DC 20416, or submitted by email to [suretybonds@sba.gov](mailto:suretybonds@sba.gov), along with additional information that identifies the small business and the contract.

*Section 115.14.* Paragraph (a) of this section provides that, if one of the six events listed in paragraph (a) occurs under an SBA-guaranteed bond, the Principal and its Affiliates lose eligibility for further SBA bond guarantees. One such event, described in paragraph (a)(3), is when the Surety has established a claim reserve for an SBA-guaranteed bond of at least \$1,000, an amount which was set by the SBG Program in 1996. In response to the ANPRM, SBA received 2 comments, including one from the trade association that represents surety companies, stating that the \$1,000 threshold is too low. SBA has considered the purpose of this provision, which is to exclude Principals that have demonstrated an unacceptable financial risk under a current SBA-guaranteed bond from receiving future SBA bond guarantees. SBA agrees that the \$1,000 claim reserve

threshold no longer reflects a degree of financial risk that should trigger the Principal's ineligibility for future SBA bond guarantees. After evaluating several factors, including inflation since 1996, the increase in the maximum contract amount for which SBA can issue a bond guarantee (from \$1,250,000 in 1996 to \$6,500,000 today), and historical claim reserve data, SBA proposes to increase the amount of the claim reserve that would result in the Principal and its Affiliates losing eligibility for further SBA bond guarantees from at least \$1,000 to at least \$10,000.

*Sections 115.19 and 115.64.* Under § 115.19(f)(1)(ii), SBA is relieved of liability under the bond guarantee if the bond was executed "after the work under the Contract had begun" unless the Surety submitted, and SBA executed, SBA Form 991, "Surety Bond Guarantee Agreement Addendum" with the evidence and certifications required by § 115.19(f)(1)(ii). Paragraph (f)(2)(i) currently provides that work under a contract is considered to have begun when a Principal "takes any action at the job site which would have exposed the Surety to liability under applicable law had a bond been Executed (or approved, if the Surety is legally bound by such approval) at the time." In addition, under 13 CFR 115.64, a Surety participating in the Preferred Surety Bond Program (PSB Surety) is prohibited from executing or approving a bond "after commencement of work under a contract" unless the Surety obtains written approval from the Director of Office of Surety Guarantees (OSG). To apply for such approval, the Surety must submit a completed SBA Form 991 with the evidence and certifications required under section 115.19(f)(1)(ii).

In response to the ANPRM, SBA received a comment requesting that SBA clarify what constitutes "commencement of work" under section 115.64. SBA agrees and is proposing to amend both sections 115.19(f)(2)(i) and 115.64 to clarify that work under a contract is considered to have begun or commenced when the contractor takes any action related to the contract or bond that would have exposed its Surety to liability under applicable law had a bond been executed (or approved, if the Surety is legally bound by such approval) at the time. The work would not have to occur "at the job site" to find that work has begun or commenced under the contract. For example, work would be deemed to have begun or commenced when the contractor takes any financial action that would be typically covered

under the bond, such as purchasing supplies that will be used to complete the contract.

*Section 115.30.* SBA proposes to revise the introductory language of paragraph (d)(2) to increase the maximum amount of the contracts for which a Prior Approval Surety would be permitted to use the Quick Bond Guarantee Application and Agreement (SBA Form 990A) (Quick Bond Application) from \$400,000 to \$500,000. SBA received eight comments to the ANPRM suggesting this change. In response to these comments, SBA conducted a risk assessment, considered factors such as the increasing average contract value, and considered the potential decrease in overall application burden on small businesses. In particular, SBA notes that, during Fiscal Years 2015 through 2019, the average default rate for contracts for which a Quick Bond Application was used was 2.53%, while the average default rate for contracts for which the SBA Form 990 was used was 5.66%. SBA has determined, therefore, that increasing the maximum contract value for using the Quick Bond Application would minimally increase program risk while reducing costs to Sureties and small businesses by \$36,343 per year.<sup>1</sup> In addition to reducing costs, SBA hopes that this change would result in the additional benefit of increasing overall access to the SBG Program.

SBA is also proposing to allow this streamlined form to be used in additional circumstances. Paragraph (d)(2)(ii) lists the circumstances under which the Quick Bond Application may not be used. Under paragraph (d)(2)(ii)(D), the Quick Bond Application may not be used if the contract includes a provision for liquidated damages that exceeds \$1,000 per day. SBA received eight comments to the ANPRM stating that the \$1,000 limitation on liquidated damages was restrictive and inconsistent with current industry standards. Five commenters requested that the maximum amount of liquidated damages be set at \$2,500. SBA agrees and proposes to revise paragraph (d)(2)(ii)(D) to increase the

amount of liquidated damages from a maximum of \$1,000 per day to \$2,500 per day in accordance with current industry standards.

In addition, paragraph (d)(2)(ii)(E) provides that the Quick Bond Application may not be used for demolition contracts. SBA received five comments to the ANPRM requesting that SBA remove this exclusion, with one commenter arguing that the exclusion of all demolition contracts is too broad and another contending that removing this exclusion would bring the SBG Program more in line with similar fast track programs offered in the surety industry. After considering the comments, SBA proposes to remove demolition contracts from the list of categories that are excluded from using the Quick Bond Application. SBA expects that Sureties would, in their underwriting, ensure that the Principal has obtained any permit that is required for demolition pursuant to Federal, State or local law. If adopted, SBA will provide further guidance on the underwriting of demolition contracts in its Standard Operating Procedures.

*Sections 115.32 and 115.67.* Paragraph (d) of section 115.32 governs when a Prior Approval Surety must notify SBA of any increase or decrease in the contract or bond amount. It also governs when any increase or decrease in the Principal and Surety fees that results from a change in the contract amount must be remitted to SBA by the Principal or Surety or will be refunded by SBA. In addition, for the PSB Program, sections 115.67(a) and (b) govern when any increase or decrease in the Principal and Surety fees resulting from a change in the contract amount must be remitted or will be refunded or adjusted. Currently, the payment for any increase in either the Principal's or the Surety's fee is due to SBA when the total amount of the change in that fee equals or exceeds \$40, and any decrease in the fee is refunded to the Principal or rebated/adjusted to the Surety by SBA when the total amount of the change in the fee equals or exceeds \$40.

In response to the ANPRM, SBA received four comments stating that the \$40 threshold for remittance of the fees is not aligned with industry standards and causes additional burden and increased processing costs on small businesses and their Sureties and agents. One commenter stated that the industry standard for remitting and refunding bond premium charges is \$250 and a second commenter stated that the industry standard is between \$200 and \$300. SBA evaluated the process and determined that it would improve efficiencies and reduce

administrative costs to increase the threshold amount from \$40 to \$250 for both remitting and refunding, or rebating (or adjusting), changes in the fee amounts. Thus, SBA proposes to revise sections 115.32(d) and 115.67 to increase the threshold amount for when an increase in the Principal or Surety fee would be due, or for when SBA would refund or rebate/adjust any decrease in these fees, from \$40 to \$250.

*Section 115.33.* Under this section, SBA may approve a surety bonding line for a Prior Approval Surety under which the Surety may execute multiple bonds for a specified small business. SBA is proposing to revise paragraph (d)(1), which addresses the form that must be submitted for a Bid Bond executed under a bonding line, to remove the reference to SBA Form 994B, "Surety Bond Guarantee Underwriting Review", and replace it with SBA Form 990, "Surety Bond Guarantee Agreement". SBA Form 990 is the agreement between SBA and the Surety for SBA's guarantee of the bond and is, therefore, the appropriate form for Sureties to submit for SBA approval of a bond under a bonding line. There is no need to separately refer to SBA Form 994B in this regulation because that form, as the Surety indicates in its certification in SBA Form 990, is submitted with SBA Form 990 as a supporting document. In addition, for Final Bonds executed under a bonding line, paragraph (d)(2) of this section currently states that the Surety is to submit both SBA Forms 990 and 994B to SBA for approval. For consistency and for the same reasons described above, SBA is proposing to remove the reference to SBA Form 994B in paragraph (d)(2).

*Compliance With Executive Orders 12866, 12988, 13132, and 13563, the Congressional Review Act (5 U.S.C. 801–808), the Paperwork Reduction Act (44 U.S.C., Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)*

Executive Order 12866

The Office of Management and Budget has determined that this rule does not constitute a "significant regulatory action" under Executive Order 12866.

Executive Order 12988

This action meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. This action does not have preemptive effect or retroactive effect.

<sup>1</sup> SBA data indicates that about 742 bonds per year are issued for contracts which are in an amount between \$400,000 and \$500,000, and these contracts would be eligible for the Quick Bond Application if the proposed rule is adopted. Assuming a reduction in time for the Surety of 1 hour (with each hour valued at \$48.98 per hour, which is based on the median hourly wage for an insurance sales agent of \$24.49 plus 100 percent for benefits and overhead (from <https://www.bls.gov/ooh/sales/insurance-sales-agents.htm>, retrieved August 6, 2020)) in preparing the application by using SBA Form 990A, the estimated annual savings to Sureties and small businesses would be \$36,343.

## Executive Order 13132

This rule does not have federalism implications as defined in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in the Executive Order. As such it does not warrant the preparation of a Federalism Assessment.

## Executive Order 13563

Executive Order 13563, Improving Regulation and Regulatory Review (January 18, 2011), requires agencies to adopt regulations through a process that involves public participation, and to the extent feasible, base regulations on the open exchange of information and perspectives from affected stakeholders and the public as a whole. As discussed above, this proposed rule is based in part on the significant number of comments SBA received in response to a request for input from the public on the ANPRM published in the **Federal Register** in June 2019.

## Congressional Review Act, 5 U.S.C. 801–808

The Office of Management and Budget has determined that this is not a major rule under 5 U.S.C. 804(2).

## Paperwork Reduction Act, 44 U.S.C., Ch. 35

SBA has determined that this proposed rule would not impose new reporting or recordkeeping requirements under the Paperwork Reduction Act. However, the rule would require a minor revision to SBA Form 990A, Quick Bond Application, to conform to the change in 13 CFR 115.30 increasing the maximum amount of the contracts for which a Prior Approval Surety may use this streamlined application. Revising the form to change the amount from \$400,000 to \$500,000 will not have any impact on the burden for this information collection, which is currently approved under OMB Control Number 3245–0378. SBA will submit a request to OMB to make the non-substantive change if the proposed increase is finalized.

## Regulatory Flexibility Act, 5 U.S.C. 601–612

When an agency issues a proposed rule, the Regulatory Flexibility Act (RFA) requires the agency to “prepare and make available for public comment an initial regulatory flexibility analysis” which will “describe the impact of the proposed rule on small entities.” (5

U.S.C. 603(a)). However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

In the ANPRM (84 FR 25496), SBA solicited comments from the public to identify which of SBA’s regulations relating to the SBG program should be repealed, replaced, or modified because they are obsolete, unnecessary, ineffective, or burdensome. SBA also solicited comments from the public on how SBA can improve the surety bond products, procedures, forms, and reporting requirements of the SBG Program. SBA’s proposed revisions in response to comments received are consistent with these goals and with increasing the consistency of these regulations with industry standards.

Under 13 CFR 115.11, Sureties participating in SBA’s SBG Program must be a corporation listed by the U.S. Treasury as eligible to issue bonds in connection with Federal procurement contracts. There are 256 Treasury-listed Sureties, of which 41 are program partners in the SBG Program. SBA estimates that 12 of these 41 Surety companies are small under SBA’s size standards. In addition, most small businesses that receive an SBA-guaranteed bond operate within the 236220 NAICS industry code (Commercial and Institutional Building Construction). According to the U.S. Census Bureau, there are a total of 38,079 small business companies that operate within the 236220 NAICS code, and SBA provided guarantees in 2017 for 1,602 of these small businesses. Even if the number of entities that may be affected by this proposed rule is considered significant, SBA has determined that the economic impact on these entities would not be substantial. The proposed rules would repeal, replace, or modify obsolete or outdated SBG Program requirements that will have the effect of reducing the burden on Sureties and small businesses that receive bonds under the SBG Program. In addition, SBA anticipates that the proposed rules would streamline outdated procedures and increase small business access to bond guarantees. Further, the proposed rule would reduce costs<sup>2</sup> to Sureties and small businesses receiving an SBA-guaranteed bond while any costs of adjustment to revisions are de minimis. Thus, SBA does not expect that this rule would have a significant economic impact on

its program participants. Accordingly, the Administrator of the SBA hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

## List of Subjects in 13 CFR Part 115

Claims, Reporting and recordkeeping requirements, Small businesses, Surety bonds.

For the reasons stated in the preamble, SBA proposes to amend 13 CFR part 115 as follows:

**PART 115—SURETY BOND GUARANTEE**

- 1. The authority citation for part 115 continues to read as follows:

**Authority:** 5 U.S.C. app 3; 15 U.S.C. 687b, 687c, 694a, 694b note; and Pub. L. 110–246, Sec. 12079, 122 Stat. 1651.

- 2. Amend § 115.10 by revising the definition of “Contract” to read as follows:

**§ 115.10 Definitions.**

\* \* \* \* \*

*Contract* means a written obligation of the Principal, including an Order, requiring the furnishing of services, supplies, labor, materials, machinery, equipment or construction.

A Contract:

- (1) Must not prohibit a Surety from performing the Contract upon default of the Principal;
- (2) Does not include a permit, subdivision contract, lease, land contract, evidence of debt, financial guarantee (e.g., a contract requiring any payment by the Principal to the Obligor, except for contracts in connection with bid and performance bonds for the sale of timber and/or other forest products, such as biomass, that require the Principal to pay the Obligor), warranty of performance or efficiency, warranty of fidelity, or release of lien (other than for claims under a guaranteed bond); and

- (3) May include a maintenance agreement under the following circumstances:

- (i) The maintenance agreement is ancillary to a Contract for which SBA is guaranteeing a bond, is performed by the same Principal, is for a period of 2 years or less, and only covers defective workmanship or materials that are not covered by a manufacturer’s warranty. With SBA’s prior written approval, the agreement may cover a period longer than 2 years, or cover something other than defective workmanship or materials, if a longer period or something other than defective workmanship or materials is

<sup>2</sup> An example is the reduction in cost mentioned in the analysis of § 115.30.

customarily required in the relevant trade or industry; or

(ii) The maintenance agreement is stand-alone and is entered into in connection with a Contract for which a bond was not required and only covers defective workmanship or materials that are not covered by a manufacturer's warranty. The agreement must cover a period of 3 years or less that begins immediately after the Contract is complete and must be executed prior to the completion of the Contract. It must also be entered into with the same Principal that completed the Contract. With SBA's prior written approval, the agreement may cover a period longer than 3 years if a longer period is customarily required in the relevant trade or industry.

\* \* \* \* \*

■ 3. Amend § 115.12 by revising paragraph (e)(3) to read as follows:

**§ 115.12 General program policies and provisions.**

\* \* \* \* \*

(e) \* \* \*

(3) *Federal Contracts or Orders in excess of \$6,500,000 (as adjusted for inflation in accordance with section 1908 of title 41, United States Code).* SBA is authorized to guarantee bonds on Federal Contracts or Orders greater than \$6,500,000 (as adjusted for inflation in accordance with 41 U.S.C. 1908), but not exceeding \$10,000,000, upon a signed certification of a Federal contracting officer that the SBA guarantee is necessary. The certification must be either express mailed to SBA, Office of Surety Guarantees, 409 Third Street SW, Washington, DC 20416 or sent by email to [suretybonds@sba.gov](mailto:suretybonds@sba.gov), and include the following additional information:

(i) Name, address and telephone number of the small business;

(ii) Offer or Contract number and brief description of the contract; and

(iii) Estimated Contract value and date of anticipated award determination.

\* \* \* \* \*

**§ 115.14 [Amended]**

■ 4. In paragraph (a)(3), remove "\$1000" and add in its place "\$10,000".

■ 5. In § 115.19, revise paragraph (f)(2)(i) to read as follows:

**§ 115.19 Denial of liability.**

\* \* \* \* \*

(f) \* \* \*

(2)(i) For purposes of paragraph (f)(1)(ii) of this section, work under a Contract is considered to have begun when a Principal takes any action related to the contract or bond that would have exposed its Surety to

liability under applicable law had a bond been Executed (or approved, if the Surety is legally bound by such approval) at the time.

\* \* \* \* \*

**§ 115.30 [Amended]**

■ 6. Amend § 115.30 as follows:

■ a. In paragraph (d)(2), remove "\$400,000" and add in its place "\$500,000";

■ b. In paragraph (d)(2)(ii)(D), remove "\$1,000" and add in its place "\$2,500"; and

■ c. In paragraph (d)(2)(ii)(E), remove the term "demolition,".

**§ 115.32 [Amended]**

■ 7. In § 115.32(d), remove "\$40" wherever it appears and add in its place "\$250."

**§ 115.33 [Amended]**

■ 8. Amend § 115.33 by:

■ a. In paragraph (d)(1), removing the phrase "a "Surety Bond Guarantee Underwriting Review" (SBA Form 994B)" and adding in its place the phrase "a "Surety Bond Guarantee Agreement" (Form 990)"; and

■ b. In paragraph (d)(2), removing the phrase "a Surety Bond Guarantee Underwriting Review (SBA Form 994B) and" in the first sentence, and removing the phrase "these forms" in the second sentence and adding in its place the phrase "this form."

■ 9. Amend § 115.64 by adding a sentence at the end of the section to read as follows:

**§ 115.64 Timeliness requirement.**

\* \* \* For purposes of this section, work has commenced under a Contract when a Principal takes any action related to the contract or bond that would have exposed its Surety to liability under applicable law had a bond been Executed (or approved, if the Surety is legally bound by such approval) at the time.

**§ 115.67 [Amended]**

■ 10. In § 115.67, remove "\$40" wherever it appears and add in its place "\$250."

**Isabella Casillas Guzman,**

*Administrator.*

[FR Doc. 2021-20401 Filed 9-22-21; 8:45 am]

**BILLING CODE 8026-03-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2021-0827; Project Identifier MCAI-2021-00617-T]

**RIN 2120-AA64**

**Airworthiness Directives; Airbus SAS Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A350-941 and -1041 airplanes. This proposed AD was prompted by reports of slat transmission jams caused by frozen slat geared rotary actuators (SGRA) at slat 5 track 12. This proposed AD would require repetitive water drainage and plug cleaning of the left- and right-hand SGRA having a certain part number installed on slat 5 track 12 with certain functional item numbers, 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 November 8, 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](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://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–2021–0827.

#### 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–2021–0827; 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](mailto: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–2021–0827; Project Identifier MCAI–2021–00617–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](mailto: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 2021–0130R1, dated June 10, 2021 (EASA AD 2021–0130R1) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes.

This proposed AD was prompted by reports of slat transmission jams caused by frozen SGRA at slat 5 track 12. Further investigation showed that the jams occur when water in the SGRA freezes due to low temperature during cruise and insufficient water drainage. The FAA is proposing this AD to address SGRA jams, which could result in reduced control of the airplane. See the MCAI for additional background information.

#### Related Service Information Under 1 CFR Part 51

EASA AD 2021–0130R1 describes procedures for repetitive water drainage and plug cleaning of the left- and right-hand SGRA having part number 4775A0000–02 installed on slat 5 track 12 with functional item number (FIN) 5045CW and FIN 5145CW (including reinstalling incorrectly installed drain plug assemblies and replacing any damaged or missing nylon pins). 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 2021–0130R1 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 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 2021–0130R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0130R1 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 2021–0130R1 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 2021–0130R1. Service information required by EASA AD 2021–0130R1 for compliance will be available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0827 after the FAA final rule is published.

#### Costs of Compliance

The FAA estimates that this proposed AD affects 15 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

## ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost                                 | Parts cost | Cost per product | Cost on U.S. operators |
|--------------------------------------------|------------|------------------|------------------------|
| 4 work-hours × \$85 per hour = \$340 ..... | \$0        | \$340            | \$5,100                |

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**Airbus SAS:** Docket No. FAA–2021–0827; Project Identifier MCAI–2021–00617–T.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by November 8, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

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

**(d) Subject**

Air Transport Association (ATA) of America Code 27, Flight controls.

**(e) Reason**

This AD was prompted by reports of slat transmission jams caused by frozen slat geared rotary actuators (SGRA) at slat 5 track 12 due to low temperature during cruise and insufficient water drainage. The FAA is issuing this AD to address SGRA jams, which could result in reduced control of the airplane.

**(f) Compliance**

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

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0130R1, dated June 10, 2021 (EASA AD 2021–0130R1).

**(h) Exceptions to EASA AD 2021–0130R1**

(1) Where EASA AD 2021–0130R1 refers to "the effective date of the original issue of this [EASA] AD," this AD requires using the effective date of this AD.

(2) The "Remarks" section of EASA AD 2021–0130R1 does not apply to this AD.

**(i) No Reporting Requirement**

Although the service information referenced in EASA AD 2021–0130R1 specifies to submit certain information to the

manufacturer, this AD does not include that requirement.

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (j)(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.

**(k) Related Information**

(1) For information about EASA AD 2021–0130R1 contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADS@easa.europa.eu](mailto:ADS@easa.europa.eu); internet [www.easa.europa.eu](http://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–2021–0827.

(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](mailto:dan.rodina@faa.gov).

Issued on September 16, 2021.

**Gaetano A. Sciortino,**

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

[FR Doc. 2021–20405 Filed 9–22–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2021–0826; Project Identifier MCAI–2021–00300–R]

RIN 2120–AA64

#### Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters Deutschland GmbH Model EC135P2+, EC135P3, EC135T2+, and EC135T3 helicopters. This proposed AD was prompted by reports that certain aft and forward fitting assemblies, which are not approved for installation on certain helicopters, were installed on those helicopters as part of the outboard load system. Operators of those helicopters might not be aware of the applicable overhaul or life limits for those fitting assemblies. This proposed AD would require inspecting the aft and forward fitting assemblies of the outboard load system to determine the part number, re-identifying the part if necessary, inspecting each affected part for damage (which may be indicated by signs of corrosion, mechanical damage, loose rivets, or cracks) and, depending on the findings, corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). 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 November 8, 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 is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. The EASA material is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0826.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0826; 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 EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

#### FOR FURTHER INFORMATION CONTACT:

Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7323; email [Darren.Gassetto@faa.gov](mailto:Darren.Gassetto@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–2021–0826; Project Identifier MCAI–2021–00300–R” at the beginning of your comments. The most helpful

comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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 Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7323; email [Darren.Gassetto@faa.gov](mailto:Darren.Gassetto@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.

#### Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0066, dated March 8, 2021 (EASA AD 2021–0066), to correct an unsafe condition for Airbus Helicopters Deutschland GmbH (formerly Eurocopter Deutschland GmbH and Eurocopter España S.A.) Model EC135 P2+, EC135 P3, EC135 T2+, EC135 T3, EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters, serial numbers (S/Ns) 0866 to 1166 inclusive, except S/Ns 1007, 1102, and 1145, and except helicopters on which Airbus Helicopters Service

Bulletin EC135–85–063 has been embodied in service. Model EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters are not certificated by the FAA and are not included on the U.S. type certificate data sheet, except where the U.S. type certificate data sheet explains that the Model EC635T2+ helicopter having serial number 0858 was converted from Model EC635T2+ to Model EC135T2+. This proposed AD, therefore, does not include Model EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters in the applicability.

This proposed AD was prompted by reports that aft and forward fitting assemblies, having part number L851M2810103, were installed as part of the outboard load system on helicopters having S/Ns 0886 and up. The affected fitting assemblies are not approved for installation on helicopters having those serial numbers. Operators of those helicopters might not be aware of the applicable overhaul or life limits for those fitting assemblies. The FAA is proposing this AD to address failure of affected aft and forward fitting assemblies and consequent loss of external cargo, resulting in personal injury or injury to persons on the ground. See EASA AD 2021–0066 for additional background information.

#### Related Service Information Under 1 CFR Part 51

EASA AD 2021–0066 requires a one-time inspection of each aft and forward fitting assembly of the outboard load

system to identify the part number, re-identifying the part number if necessary, a one-time inspection of an affected fitting assembly for damage, and corrective action. The corrective action includes replacing any damaged fitting.

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

#### FAA's Determination

These 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 design.

#### Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0066, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text 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 2021–0066 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0066 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 2021–0066 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 2021–0066. Service information required by EASA AD 2021–0066 for compliance will be available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0826 after the FAA final rule is published.

#### Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 69 helicopters 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 to determine fitting assembly part number. | 0.50 work-hour × \$85 per hour = \$42.50 ..... | \$0        | \$42.50          | \$2,932.50             |

The FAA estimates the following costs to do any necessary actions 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 actions:

#### ON-CONDITION COSTS

| Action                                                           | Labor cost                                       | Parts cost | Cost per product |
|------------------------------------------------------------------|--------------------------------------------------|------------|------------------|
| Re-identification of affected fitting assembly with part number. | 0.25 work-hour × \$85 per hour = \$21.25 .....   | \$0        | \$21.25          |
| Detailed inspection of affected fitting assembly .....           | 1.75 work-hours × \$85 per hour = \$148.75 ..... | 0          | 148.75           |
| Replacement of damaged affected fitting assembly .....           | 1.50 work-hours × \$85 per hour = \$127.50 ..... | 1,363      | 1,490.50         |

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of

the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA

with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 39

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

### The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**Airbus Helicopters Deutschland GmbH:**  
Docket No. FAA–2021–0826; Project Identifier MCAI–2021–00300–R.

#### (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 8, 2021.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model EC135P2+,

EC135P3, EC135T2+, and EC135T3 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021–0066, dated March 8, 2021 (EASA AD 2021–0066).

#### (d) Subject

Joint Aircraft Service Component (JASC) Code: 2550, Cargo Compartments.

#### (e) Unsafe Condition

This AD was prompted by reports that certain aft and forward fitting assemblies, which are not approved for installation on certain helicopters, were installed on those helicopters as part of the outboard load system. Operators of those helicopters might not be aware of the applicable overhaul or life limits for those fitting assemblies. The FAA is issuing this AD to address failure of affected aft and forward fitting assemblies and consequent loss of external cargo, resulting in personal injury or injury to persons on the ground.

#### (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 2021–0066.

#### (h) Exceptions to EASA AD 2021–0066

(1) Where EASA AD 2021–0066 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2021–0066 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (4) of, and the service information referenced in, EASA AD 2021–0066, specify contacting Airbus Helicopters Deutschland GmbH for applicable instructions if any damage (which may be indicated by signs of corrosion, mechanical damage, loose rivets, or cracks) is found, the corrective action must be accomplished using a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Airbus Helicopters Deutschland GmbH EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(4) Where the service information referenced in EASA AD 2021–0066 specifies to discard certain parts, this AD requires removing the parts from service instead.

(5) This AD does not require the “Remarks” section of EASA AD 2021–0066.

#### (i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0066 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

#### (j) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be inspected (if the

operator elects to do so), provided the outboard load system is not used until the applicable corrective actions required by paragraph (4) of EASA AD 2021–0066 are completed.

#### (k) Alternative Methods of Compliance (AMOCs)

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

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

#### (l) Related Information

(1) For EASA AD 2021–0066, contact Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0826.

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

Issued on September 15, 2021.

**Gaetano A. Sciortino,**

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

[FR Doc. 2021–20413 Filed 9–22–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. FAA–2021–0796; Project Identifier MCAI–2021–00098–R]

RIN 2120–AA64

### Airworthiness Directives; Airbus Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Helicopters Model AS355NP helicopters. This proposed AD was prompted by a report of mechanical deformation found on the protective cover (also referred to as switch guard) of the “SHEAR” control pushbutton installed on a co-pilot collective stick of a Model EC225LP helicopter, caused by incorrect handling; due to having an identical design switch guard installed on the pilot collective stick, Model AS355NP helicopters are also affected. This proposed AD would require replacement of the protective cover of the “SHEAR” control pushbutton, and re-identification of the pilot collective stick, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). 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 November 8, 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 is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet: [www.easa.europa.eu](http://www.easa.europa.eu). You may find the EASA material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0796.

### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0796; 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 EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L’Enfant Plaza N SW, Washington, DC 20024; phone: (202) 267–9167; email: [hal.jensen@faa.gov](mailto:hal.jensen@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–2021–0796; Project Identifier MCAI–2021–00098–R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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 Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L’Enfant Plaza N SW, Washington, DC 20024; phone: (202) 267–9167; email: [hal.jensen@faa.gov](mailto:hal.jensen@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.

#### Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0027R1, dated January 22, 2021 (EASA AD 2021–0027R1), to correct an unsafe condition for all Airbus Helicopters (formerly Eurocopter) Model AS355NP helicopters.

This proposed AD was prompted by a report of mechanical deformation found on the protective cover of the “SHEAR” control pushbutton installed on a co-pilot collective stick of a Model EC225LP helicopter, caused by incorrect handling; due to having an identical design switch guard installed on the pilot collective stick, Model AS355NP helicopters are also affected. The FAA is proposing this AD to address mechanical deformation on the protective cover of the “SHEAR” control pushbutton installed on the pilot collective stick. The unsafe condition, if not addressed, could result in unintended shearing of the hoist cable, possibly resulting in injury to hoisted person(s). See EASA AD 2021–0027R1 for additional background information.

FAA AD 2020–15–15, Amendment 39–21178 (85 FR 45765, July 30, 2020), which was prompted by EASA AD 2018–0106, dated May 10, 2018, addresses the unsafe condition for Airbus Helicopters (formerly Eurocopter, Eurocopter France, and Aerospatiale) Model EC225LP helicopters.

#### Related Service Information Under 1 CFR Part 51

EASA AD 2021–0027R1 requires replacement of the protective cover of the “SHEAR” control pushbutton, and re-identification of the pilot collective stick. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### FAA’s Determination

These 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 design.

#### Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0027R1, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text 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 2021–0027R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0027R1 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 2021–0027R1 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 2021–0027R1. Service information required by EASA AD 2021–0027R1 for compliance will be available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0796 after the FAA final rule is published.

#### Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 2 helicopters of U.S. registry. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD:

#### ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost                                 | Parts cost | Cost per product | Cost on U.S. operators |
|--------------------------------------------|------------|------------------|------------------------|
| 2 work-hours × \$85 per hour = \$170 ..... | \$360      | \$530            | \$1,060                |

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

#### Authority for This Rulemaking

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

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

#### Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) 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 Helicopters:** Docket No. FAA–2021–0796; Project Identifier MCAI–2021–00098–R.

#### (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 8, 2021.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to all Airbus Helicopters Model AS355NP helicopters, certificated in any category.

#### (d) Subject

Joint Aircraft Service Component (JASC) Code: 6700, Rotorcraft Flight Control.

#### (e) Unsafe Condition

This AD was prompted by a report of mechanical deformation found on the protective cover (also referred to as switch guard) of the “SHEAR” control pushbutton installed on a co-pilot collective stick of a Model EC225LP helicopter, caused by incorrect handling; due to having an

identical design switch guard installed on the pilot collective stick, Model AS355NP helicopters are also affected. The FAA is issuing this AD to address mechanical deformation on the protective cover of the "SHEAR" control pushbutton installed on the pilot collective stick. The unsafe condition, if not addressed, could result in unintended shearing of the hoist cable, possibly resulting in injury to hoisted person(s).

#### (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 2021-0027R1, dated January 22, 2021 (EASA AD 2021-0027R1).

#### (h) Exceptions to EASA AD 2021-0027R1

(1) Where EASA AD 2021-0027R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not require the "Remarks" section of EASA AD 2021-0027R1.

#### (i) Flight Condition Limitation

As of the effective date of this AD: Do not perform external load operations until the modification required by Paragraph (1) of EASA AD 2021-0027R1 is complete.

#### (j) No Reporting Requirement

Although the service information referenced in EASA AD 2021-0027R1 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

#### (k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: [9-AVS-AIR-730-AMOC@faa.gov](mailto:9-AVS-AIR-730-AMOC@faa.gov).

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

#### (l) Related Information

(1) For EASA AD 2021-0027R1, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: [ADS@easa.europa.eu](mailto:ADS@easa.europa.eu); internet: [www.easa.europa.eu](http://www.easa.europa.eu). You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177.

For information on the availability of this material at the FAA, call (817) 222-5110. This material may be found in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0796.

(2) For more information about this AD, contact Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; phone: (202) 267-9167; email: [hal.jensen@faa.gov](mailto:hal.jensen@faa.gov).

Issued on September 15, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021-20407 Filed 9-22-21; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0797; Project Identifier MCAI-2021-00218-R]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, and EC135T3 helicopters. This proposed AD was prompted by reduced life limits being established for certain part-numbered tail rotor (TR) blades. This proposed AD would require determining the total hours time-in-service (TIS) of certain part-numbered TR blades, establishing a life limit for certain part-numbered TR blades, removing from service any TR blade that has reached or exceeded its life limit, creating a component history card, re-identifying certain part-numbered TR blades, and removing any TR blade from service before reaching its retirement life. This proposed AD would also prohibit installing certain TR blades on certain model helicopters. 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 November 8, 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 Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>. 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-2021-0797 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](mailto: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-2021-0797; Project Identifier MCAI-2021-00218-R" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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](mailto: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 2021-0050, dated February 23, 2021 (EASA AD 2021-0050), to correct an unsafe condition for Airbus Helicopters Deutschland GmbH (AHD), formerly Eurocopter Deutschland GmbH, Eurocopter España S.A., Model EC135 P1, EC135 P2, EC135 P2+, EC135 P3, EC135 T1, EC135 T2, EC135 T2+, EC135 T3, EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters, all variants, and all serial numbers. EASA advises that a reduced life limit has been established for certain part-numbered TR blades due to higher loads experienced in service. This condition, if not addressed, could result in fatigue and failure of a TR blade and loss of control of the helicopter.

Accordingly, EASA AD 2021-0050 requires determining the total hours TIS for certain part-numbered TR blades, recalculating the TIS for affected parts, and implementing a reduced life limit. EASA AD 2021-0050 also prohibits installing certain part-numbered TR blades and TR head assemblies and provides conditions for re-installation of certain TR blades.

#### 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 these same type designs.

#### Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin ASB EC135H-04A-002 and Airbus Helicopters Alert Service Bulletin ASB EC135-04A-014, both Revision 1, and both dated December 21, 2020. This service information specifies procedures to determine the total hours TIS of certain TR blades and provides instructions to re-identify certain part-numbered TR blades.

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

#### Proposed AD Requirements in This NPRM

This proposed AD would require within 350 hours time-in-service (TIS), determining the total hours TIS of certain part-numbered TR blades and removing from service certain part-numbered TR blades that have accumulated or exceeded 6,800 total hours TIS. This proposed AD would also require for certain part-numbered TR blades with less than 6,800 total hours TIS, creating a component history card or equivalent record to establish a life limit of 6,800 total hours TIS, and removing these TR blades from service before accumulating 6,800 total hours TIS. This proposed AD would require for certain model helicopters re-identifying certain part-numbered TR blades with new part numbers and removing those newly re-identified TR blades from service before exceeding 6,800 total hours TIS.

This proposed AD would also require for certain model helicopters with certain part-numbered TR blades installed that have been previously installed on certain model helicopters determining the total hours TIS of the TR blade in accordance with a method approved by the FAA or EASA. Finally, for certain model helicopters this proposed AD would prohibit installing certain part-numbered TR blades and for certain model helicopters this proposed AD would prohibit installing certain part-numbered TR blades that have exceeded or accumulated 500 total hours TIS while previously installed on certain model helicopters.

#### Differences Between This Proposed AD and EASA AD 2021-0050

EASA AD 2021-0050 requires compliance using calendar time, whereas this proposed AD would require compliance using hours TIS instead. EASA AD 2021-0050 applies to Model EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters, which are not certificated by the FAA and are not included on the U.S. type certificate data sheet, except where the U.S. type certificate data sheet explains that the model EC635 T2+ helicopter having serial number 0858 was converted from Model EC635 T2+ to Model EC135 T2+. This proposed AD, therefore, does not include Model EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters in the applicability. EASA AD 2021-0050 specifies contacting Airbus Helicopters Deutschland GmbH to determine the total hours TIS accumulated by certain TR blades whereas this proposed AD would require determining the total hours TIS accumulated by the TR blade in accordance with a method approved by the FAA or EASA. EASA AD 2021-0050 prohibits installing certain part-numbered TR head assemblies as defined in its AD, whereas this AD would not contain this prohibition.

#### Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 341 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.

Determining the total hours TIS of each TR blade, updating the helicopter records and re-identifying each TR blade would take about 10 work-hours for each TR blade, for an estimated cost of \$850 per TR blade.

Replacing each TR blade would take about 10 work-hours and parts would

cost about \$4,400 for an estimated cost of \$5,250 per TR blade replacement.

### 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:

**Airbus Helicopters Deutschland GmbH:**  
Docket No. FAA–2021–0797; Project Identifier MCAI–2021–00218–R.

#### (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 8, 2021.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, and EC135T3 helicopters, certificated in any category, with tail rotor (TR) blade part number (P/N) L642A2002101, L642A2002103, L642A2002104, L642A2002111, or L642A2002112 installed.

#### (d) Subject

Joint Aircraft Service Component (JASC) Code: 6410, Tail rotor blades.

#### (e) Unsafe Condition

This AD was prompted by a notification of certain parts needing a reduced life limit when installed on certain model helicopters. The FAA is issuing this AD to prevent certain part-numbered TR blades from remaining in service beyond their fatigue life. The unsafe condition, if not addressed, could result in fatigue and failure of a TR blade and loss of helicopter control.

#### (f) Compliance

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

#### (g) Required Actions

(1) For all model helicopters identified in paragraph (c) of this AD, within 350 hours time-in-service (TIS) after the effective date of this AD, determine the total hours TIS of each TR blade P/N L642A2002101 or P/N L642A2002111 in accordance with paragraph 3.B.2 of the Accomplishment Instructions of Airbus Helicopters Alert Service Bulletin ASB EC135H–04A–002, Revision 1, dated December 21, 2020 (ASB EC135H–04A–002) or paragraph 3.B.2 (version A) or 3.B.4 (version B) of the Accomplishment Instructions of Airbus Helicopters Alert Service Bulletin ASB EC135–04A–014, Revision 1, dated December 21, 2020 (ASB EC135–04A–014) as applicable to your model helicopter. Remove from service any TR blade that has accumulated or exceeded 6,800 total hours TIS. For each TR blade that has accumulated less than 6,800 total hours TIS do the following:

- (i) Create a component history card or equivalent record to establish a life limit of 6,800 total hours TIS.
- (ii) Re-identify each TR blade P/N L642A2002101 as P/N L642A2002104 and re-identify each T/R blade P/N L642A2002111 as P/N L642A2002112 by following

paragraph 3.B.5 of the Accomplishment Instructions of ASB EC135H–04A–002, or paragraph 3.B.7 of the Accomplishment Instructions of ASB EC135–04A–014 as applicable to your model helicopter.

(iii) Thereafter, remove from service any TR blade P/N L642A2002104 or P/N L642A2002112 before it accumulates 6,800 total hours TIS.

(2) For Model EC135P1, EC135P2, EC135P2+, EC135T1, EC135T2, and EC135T2+ helicopters with TR blade P/N L642A2002103 that has previously been installed on Model EC135P3 or EC135T3 helicopters, within 350 hours TIS after the effective date of this AD, determine the total hours TIS of the TR blade in accordance with a method approved by the Manager, General Aviation and Rotorcraft Section, International Validation Branch, FAA; or European Union Aviation Safety Agency (EASA); or Airbus Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) For Model EC135P3 and EC135T3 helicopters within 350 hours TIS after the effective date of this AD, remove from service any TR blade P/N L642A2002103 before exceeding 6,800 total hours TIS.

(4) For Model EC135P3 and EC135T3 helicopters, as of the effective date of this AD, do not install any TR blade P/N L642A2002101, P/N L642A2002103, or P/N L642A2002111 on any helicopter.

(5) For Model EC135P1, EC135P2, EC135P2+, EC135T1, EC135T2, EC135T2+, and EC635T2+ helicopters, as of the effective date of this AD, do not install any TR blade P/N L642A2002101 or L642A2002111 that has accumulated or exceeded 500 total hours TIS while installed on a Model EC135P3 or EC135T3 helicopter.

#### (h) Alternative Methods of Compliance (AMOCs)

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

#### (i) 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](mailto:andrea.jimenez@faa.gov).

(2) For service information identified in this AD, contact Airbus Helicopters, 2701

North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>. 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 EASA AD 2021-0050, dated February 23, 2021. You may view the EASA AD on the internet at <https://www.regulations.gov> in Docket No. FAA-2021-0797.

Issued on September 15, 2021.

**Gaetano A. Sciortino,**

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

[FR Doc. 2021-20409 Filed 9-22-21; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0829; Project Identifier MCAI-2021-00189-R]

**RIN 2120-AA64**

#### Airworthiness Directives; Airbus Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2021-04-21, which applies to certain Airbus Helicopters Model EC120B helicopters. AD 2021-04-21 requires an inspection of the attachment bolts of the main rotor (MR) hub scissors assembly for discrepancies and repair if necessary; part marking of the attachment bolts of the MR hub scissors assembly; and repetitive inspections of the part marking of the attachment bolts, and repair if necessary. Since the FAA issued AD 2021-04-21, the FAA has determined that additional part marking of the washer, scissor branch, and mast ring of the corresponding nut side, and repetitive inspections of the additional part markings are necessary. This proposed AD would continue to require the actions in AD 2021-04-21; and also would require part marking of the washer, scissor branch, and mast ring of the corresponding nut side, and repetitive inspections of the additional part markings and repair if necessary; as specified in a European Union Aviation Safety Agency (EASA) AD, which is

proposed for incorporation by reference (IBR). 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 November 8, 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 is proposed for IBR in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: [ADS@easa.europa.eu](mailto:ADS@easa.europa.eu); internet: [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0829.

#### 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-2021-0829; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; phone: (202) 267-9167; email: [hal.jensen@faa.gov](mailto:hal.jensen@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-2021-0829; Project Identifier MCAI-2021-00189-R" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

#### Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; phone: (202) 267-9167; email: [hal.jensen@faa.gov](mailto:hal.jensen@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.

#### Background

The FAA issued AD 2021-04-21, Amendment 39-21443 (86 FR 17278, April 2, 2021) (AD 2021-04-21), which applies to certain Airbus Helicopters Model EC120B helicopters. AD 2021-04-21 requires an inspection of the attachment bolts of the MR hub scissors

assembly for discrepancies and repair if necessary; part marking of the attachment bolts of the MR hub scissors assembly; and repetitive inspections of the part marking of the attachment bolts, and repair if necessary. The FAA issued AD 2021-04-21 to address broken and bent attachment bolts of the MR hub scissors assembly, which could lead to detachment of a MR hub scissors attachment bolt, possibly resulting in complete loss of control of the helicopter.

#### Actions Since AD 2021-04-21 Was Issued

Since the FAA issued AD 2021-04-21, the FAA has determined that additional part marking of the washer, scissor branch, and mast ring of the corresponding nut side, and repetitive inspections of the additional part markings are necessary to detect rotation of the attachment bolts of the MR hub scissors assembly.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0046, dated February 12, 2021 (EASA AD 2021-0046) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model EC120B helicopters. Although EASA AD 2021-0046 applies to all Model EC120B helicopters, this proposed AD would apply to helicopters with an affected part installed instead.

This proposed AD was prompted by a report of broken and bent attachment bolts of the MR hub scissors assembly and a determination that additional part markings of the washer, scissor branch, and mast ring of the corresponding nut side, and repetitive inspections of the additional part markings are necessary. The FAA is proposing this AD to address broken and bent attachment bolts of the MR hub scissors assembly, which could lead to detachment of a MR hub scissors attachment bolt, possibly resulting in complete loss of control of the helicopter. See the MCAI for additional background information.

#### Related Service Information Under 1 CFR Part 51

EASA AD 2021-0046 specifies procedures for an inspection of the attachment bolts of the MR hub scissors assembly for discrepancies (discrepancies include corrosion, fretting, wear, cracking, bolt play, and bolt tightening torque) and repair if necessary; part marking of the washer, scissor branch, and mast ring of the attachment bolts and corresponding nut side of the MR hub scissors assembly; and repetitive inspections, after part marking, for discrepancies, and repair if necessary. The inspections of the attachment bolts of the MR hub assembly include checking the play and torque of the scissors attachment bolts and making sure that there are no hard spots in the scissors link hinge.

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

#### FAA's Determination and Requirements of This Proposed AD

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

#### Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2021-04-21, this proposed AD would retain all of the requirements of AD 2021-04-21. Those requirements are referenced in EASA AD 2021-0046, which, in turn, is referenced in paragraph (g) of this proposed AD.

#### Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2021-0046 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 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 to use this process. As a result, EASA AD 2021-0046 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021-0046 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 2021-0046 that is required for compliance with EASA AD 2021-0046 will be available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0829 after the FAA final rule is published.

#### Costs of Compliance

The FAA estimates that this proposed AD affects 89 helicopters 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      |
|--------------------------------------------------------------------------|-----------------------------------------------------------|------------|-------------------------|-----------------------------|
| Inspection for discrepancies (retained actions from AD 2021-04-21).      | 4 work-hours × \$85 per hour = \$340 .....                | \$0        | \$340 .....             | \$30,260.                   |
| Part Marking (retained actions from AD 2021-04-21).                      | 1 work-hour × \$85 per hour = \$85 .....                  | 0          | 85 .....                | 7,565.                      |
| Repetitive Inspection of Markings (retained actions from AD 2021-04-21). | 1 work-hour × \$85 per hour = \$85 per inspection cycle.  | 0          | 85 per inspection cycle | 7,565 per inspection cycle. |
| Additional Part Marking (new proposed action)                            | 1 work-hour × \$85 per hour = \$85 .....                  | 0          | 85 .....                | 7,565.                      |
| Repetitive Inspection (new proposed action) ....                         | 1 work-hours × \$85 per hour = \$85 per inspection cycle. | 0          | 85 per inspection cycle | 7,565 per inspection cycle. |

The FAA estimates that it would take about 1 hour per product to comply with the proposed reporting requirement in this proposed AD. The average labor rate is \$85 per hour. Based

on these figures, the FAA estimates the cost of reporting on U.S. operators to be \$7,565, or \$85 per product.

The FAA estimates the following costs to do any necessary on-condition

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

#### ON-CONDITION COSTS

| Action                               | Labor cost                                 | Parts cost | Cost per product |
|--------------------------------------|--------------------------------------------|------------|------------------|
| Repair of the attachment bolts ..... | 4 work-hours × \$85 per hour = \$340 ..... | \$40       | \$380            |

### Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this proposed AD is 2120–0056. The paperwork cost associated with this proposed AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this proposed AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Pkwy., Fort Worth, TX 76177–1524.

### Authority for This Rulemaking

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

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

### Regulatory Findings

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) 2021–04–21, Amendment 39–21443 (86 FR 17278, April 2, 2021); and
  - b. Adding the following new AD:

**Airbus Helicopters:** Docket No. FAA–2021–0829; Project Identifier MCAI–2021–00189–R.

#### (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 8, 2021.

#### (b) Affected ADs

This AD replaces AD 2021–04–21, Amendment 39–21443 (86 FR 17278, April 2, 2021) (AD 2021–04–21).

#### (c) Applicability

This AD applies to Airbus Helicopters Model EC120B helicopters, certificated in any category, having an affected part as defined in European Union Aviation Safety Agency (EASA) AD 2021–0046, dated February 12, 2021 (EASA AD 2021–0046).

#### (d) Subject

Joint Aircraft System Component (JASC) Code 6200, Main Rotor System.

#### (e) Unsafe Condition

This AD was prompted by a report of broken and bent attachment bolts of the main rotor (MR) hub scissors assembly and a determination that additional part markings of the washer, scissor branch, and mast ring of the corresponding nut side, and repetitive inspections of those part markings, are necessary to detect any rotation. The FAA is issuing this AD to address broken and bent attachment bolts of the MR hub scissors assembly, which could lead to detachment of a MR hub scissors attachment bolt, possibly resulting in complete loss of control of the helicopter.

#### (f) Compliance

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

#### (g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0046.

#### (h) Exceptions to EASA AD 2021–0046

(1) Where EASA AD 2021–0046 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2021–0046 refers to September 05, 2018 (the effective date of EASA AD 2018–0186), this AD requires using May 7, 2021 (the effective date of AD 2021–04–21).

(3) This AD does not mandate compliance with the “Remarks” section of EASA AD 2021–0046.

(4) Where the service information referenced in EASA AD 2021–0046 specifies to discard certain parts, this AD requires removing those parts from service.

(5) Where EASA AD 2021–0046 refers to flight hours (FH), this AD requires using hours time-in-service.

(6) Paragraphs (3) and (4) of EASA AD 2021–0046 refer to “discrepancies.” For this AD, discrepancies include corrosion, fretting, wear, cracking, bolt play, twist, shearing, rupture, and bolt tightening torque.

(7) Where EASA AD 2021–0046 specifies to contact the manufacturer for repair instructions, this AD requires the repair to be done in accordance with a method approved by the Manager, General Aviation and Rotorcraft Section, International Validation Branch, FAA; or EASA; or Airbus Helicopter’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(8) Paragraph (5) of EASA AD 2021–0046 specifies to report inspection results to Airbus Helicopters within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(8)(i) or (ii) of this AD.

(i) If the inspection was done on or after May 7, 2021 (the effective date of AD 2021–04–21): Submit the report within 30 days after the inspection.

(ii) If the inspection was done before May 7, 2021 (the effective date of AD 2021–04–21): Submit the report within 30 days after May 7, 2021.

#### (i) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

#### (j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: [9-AVS-AIR-730-AMOC@faa.gov](mailto:9-AVS-AIR-730-AMOC@faa.gov).

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

#### (k) Related Information

(1) For EASA AD 2021–0046, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet: [www.easa.europa.eu](http://www.easa.europa.eu). You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0829.

(2) For more information about this AD, contact Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L’Enfant Plaza N SW, Washington, DC 20024; phone: (202) 267–9167; email: [hal.jensen@faa.gov](mailto:hal.jensen@faa.gov).

Issued on September 16, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–20414 Filed 9–22–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2021–0803; Airspace Docket No. 19–AAL–58]

**RIN 2120–AA66**

### Proposed Amendment of United States Area Navigation Route (RNAV) T–222; Bethel, AK

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend United States Area Navigation (RNAV) route T–222 in the vicinity of Bethel, AK in support of a large and comprehensive T-route modernization project for the state of Alaska.

**DATES:** Comments must be received on or before November 8, 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–2021–0803; Airspace Docket No. 19–AAL–58 at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>. FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Rules and Regulations 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 the Order at NARA, email: [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

*nara.gov* or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

#### FOR FURTHER INFORMATION CONTACT:

Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

#### 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 the 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 expand the availability of RNAV routing in Alaska and improve the efficient flow of air traffic within the National Airspace System (NAS) by lessening the dependency on ground based navigation.

#### 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 (FAA Docket No. FAA–2021–0803; Airspace Docket No. 19–AAL–58) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA–2021–0803; Airspace Docket No. 19–AAL–58.” The postcard will be date/time stamped and returned to the commenter.

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

#### Availability of NPRM

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/](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 **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

#### Availability and Summary of Documents for Incorporation by Reference

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

#### Background

In 2003, Congress enacted the Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108–176), which established a joint planning and development office in the FAA to manage the work related to the Next Generation Air Transportation System (NextGen). Today, NextGen is an ongoing FAA-led modernization of the nation's air transportation system to make flying safer, more efficient, and more predictable.

In support of NextGen, this proposal is part of a larger and comprehensive T-route modernization project in the state

of Alaska. The project mission statement states: “To modernize Alaska's Air Traffic Service route structure using satellite based navigation Development of new T-routes and optimization of existing T-routes will enhance safety, increase efficiency and access, and will provide enroute continuity that is not subject to the restrictions associated with ground based airway navigation.” As part of this project, the FAA evaluated the existing Colored Airway structure for: (a) Direct replacement (*i.e.*, overlay) with a T-route that offers a similar or lower Minimum Enroute Altitude (MEA) or Global Navigation Satellite System Minimum Enroute Altitude (GNSS MEA); (b) the replacement of the colored airway with a T-route in an optimized but similar geographic area, while retaining similar or lower MEA; or (c) removal with no route structure (T-route) restored in that area because the value was determined to be insignificant.

The aviation industry/users have indicated a desire for the FAA to transition the Alaskan enroute navigation structure away from dependency on Non-Directional Beacons (NDB), and move to develop and improve the RNAV route structure. Given these facts, the FAA proposes to amend two segments of RNAV route T–222. The amendments would reroute the segment between the Bethel (BET), AK, VHF omnidirectional range beacon and tactical air navigation system (VORTAC) to the UTICE, AK, waypoint (WP), and cancel the segment between the BAERE, AK, WP and the Saint Paul Island (SPY), AK, NDB. The proposed amendment of these segments would provide for lower MEAs while also ensuring that the appropriate route criteria is met along the entire route.

#### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV route T–222 in the vicinity of Bethel, AK in support of a large and comprehensive T-route modernization project for the state of Alaska. The proposed route changes are described below.

**T–222:** T–222 currently extends from the BAERE, AK, WP to the Fairbanks (FAI), AK, VORTAC. The FAA proposes to reroute the segment between BET and the UTICE, AK, WP by adding five additional WPs (CABOT, WOGAX, IKUFU, JILSI, and CYCAS) in the vicinity of Aniak, AK. The additional WPs will allow for a lower GNSS MEA that would more closely match the current colored airway, R–39, and would serve as an acceptable alternative. The RUFVY WP, which was in the original legal description, would

be removed due to it not being a turn point. Additionally, the FAA proposes to cancel the segment between BAERE WP and SPY, due to changes in route criteria that would require a raising of the GNSS MEA due to terrain near BAERE WP and limitation of two-way VHF communications for the over-water portion to SPY. Loss of this segment would be mitigated by utilizing VOR Federal airway V–480 that parallels the existing route. The rest of the route would remain unchanged.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F dated August 10, 2021 and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document would be published subsequently in the Order.

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

#### Regulatory Notices and Analyses

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

#### Environmental Review

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

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

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

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

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

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

## **§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting

Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6011 United States Area Navigation Routes.*

\* \* \* \* \*

### **T-222 ST. PAUL ISLAND, AK TO FAIRBANKS, AK [AMENDED]**

|                           |        |                                              |
|---------------------------|--------|----------------------------------------------|
| ST. PAUL ISLAND, AK (SPY) | NDB    | (Lat. 57°09'25.20" N, long. 170°13'58.77" W) |
| BETHEL, AK (BET)          | VORTAC | (Lat. 60°47'05.41" N, long. 161°49'27.59" W) |
| CABOT, AK                 | WP     | (Lat. 61°12'01.32" N, long. 160°45'20.93" W) |
| WOGAX, AK                 | WP     | (Lat. 61°29'41.04" N, long. 160°06'19.41" W) |
| IKUFU, AK                 | WP     | (Lat. 61°40'34.53" N, long. 159°52'35.43" W) |
| JILSI, AK                 | WP     | (Lat. 61°46'52.14" N, long. 159°31'07.72" W) |
| CYCAS, AK                 | WP     | (Lat. 61°52'23.15" N, long. 159°13'52.38" W) |
| UTICE, AK                 | WP     | (Lat. 62°18'35.36" N, long. 157°37'56.78" W) |
| MC GRATH, AK (MCG)        | VORTAC | (Lat. 62°57'03.72" N, long. 155°36'40.97" W) |
| NENANA, AK (ENN)          | VORTAC | (Lat. 64°35'24.04" N, long. 149°04'22.34" W) |
| FAIRBANKS, AK (FAI)       | VORTAC | (Lat. 64°48'00.25" N, long. 148°00'43.11" W) |

\* \* \* \* \*

Issued in Washington, DC, on September 17, 2021.

**Michael R. Beckles,**

*Acting Manager, Rules and Regulations Group.*

[FR Doc. 2021–20577 Filed 9–22–21; 8:45 am]

**BILLING CODE 4910–13–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA–R04–OAR–2020–0428; FRL–8911–01–R4]

### **Air Plan Approval; TN; Montgomery County Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), Air Pollution Control Division, on June 23, 2020. The SIP revision includes the 1997 8-hour ozone national ambient air quality standards (NAAQS) Limited Maintenance Plan (LMP) for the Montgomery County, Tennessee portion of the Clarksville-Hopkinsville Area (hereinafter referred to as the “Montgomery County Area” or “Area”). The Clarksville-Hopkinsville Area is comprised of Montgomery County, Tennessee, and Christian County, Kentucky. EPA is proposing to approve Tennessee’s LMP for the Montgomery County Area because it provides for the maintenance of the 1997 8-hour ozone NAAQS within the Montgomery County Area through the end of the second 10-

year portion of the maintenance period. The effect of this action would be to make certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Montgomery County Area federally enforceable as part of the Tennessee SIP.

**DATES:** Comments must be received on or before October 25, 2021.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2020–0428 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### **FOR FURTHER INFORMATION CONTACT:**

Sarah LaRocca, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8994. Ms. LaRocca can also be reached

via electronic mail at [larocca.sarah@epa.gov](mailto:larocca.sarah@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

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##### **I. Summary of EPA’s Proposed Action**

In accordance with the Clean Air Act (CAA or Act), EPA is proposing to approve the Montgomery County Area LMP for the 1997 8-hour ozone NAAQS, adopted by TDEC on June 10, 2020, and submitted by TDEC as a revision to the Tennessee SIP on June 23, 2020. In 2004, the Montgomery County Area was designated as nonattainment for the 1997 8-hour ozone NAAQS. Subsequently, in 2005, after having clean data and EPA’s approval of a maintenance plan, the Area was redesignated to attainment for the 1997 8-hour ozone NAAQS. *See* 70 FR 55559 (September 22, 2005).

The Montgomery County Area LMP, submitted by TDEC on June 23, 2020, is designed to maintain the 1997 8-hour ozone NAAQS within the Montgomery County Area through the end of the second 10-year portion of the maintenance period beyond redesignation. EPA is proposing to approve the plan because it meets all applicable requirements under CAA sections 110 and 175A.

As a general matter, the Montgomery County Area LMP relies on the same

control measures and contingency provisions to maintain the 1997 8-hour ozone NAAQS during the second 10-year portion of the maintenance period as the maintenance plan submitted by TDEC for the first 10-year period.

## II. Background

Ground-level ozone is formed when oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOC) react in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of pollution 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. Scientific evidence indicates that adverse public health effects occur following exposure to ozone, particularly in children and in adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma and other lung diseases.

Ozone exposure also has been associated with increased susceptibility to respiratory infections, medication use, doctor visits, and emergency department visits and hospital admissions for individuals with lung disease. Children are at increased risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors, which increases their exposure.<sup>1</sup>

In 1979, under section 109 of the CAA, EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. *See* 44 FR 8202 (February 8, 1979). On July 18, 1997, EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. *See* 62 FR 38856 (July 18, 1997).<sup>2</sup> EPA set the 8-hour ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set. EPA determined that the 8-hour NAAQS would be more

protective of human health, especially children and adults who are active outdoors, and individuals with a pre-existing respiratory disease, such as asthma.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 15, 2004, EPA designated the Clarksville-Hopkinsville Area, which included Montgomery County, Tennessee, and Christian County, Kentucky, as nonattainment for the 1997 8-hour ozone NAAQS, and the designation became effective on June 15, 2004. *See* 69 FR 23858 (April 30, 2004). Similarly, on May 21, 2012, EPA designated areas as unclassifiable/attainment or nonattainment for the 2008 8-hour ozone NAAQS. EPA designated Montgomery County as unclassifiable/attainment for the 2008 8-hour ozone NAAQS. This designation became effective on July 20, 2012. *See* 77 FR 30088 (May 21, 2012). In addition, on November 16, 2017, areas were designated for the 2015 8-hour ozone NAAQS. The Montgomery County Area was designated attainment/unclassifiable for the 2015 8-hour ozone NAAQS, with an effective date of January 16, 2018. *See* 82 FR 54232 (November 16, 2017).

A state may submit a request to redesignate a nonattainment area that is attaining a NAAQS to attainment, and, if the area has met other required criteria described in section 107(d)(3)(E) of the CAA, EPA may approve the redesignation request.<sup>3</sup> One of the criteria for redesignation is to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the NAAQS for the period extending ten years after redesignation, and it must contain such additional measures as necessary to ensure maintenance and such contingency provisions as necessary to assure that violations of the NAAQS will be promptly corrected. Eight years after the effective date of redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the NAAQS for an additional ten years pursuant to CAA section 175A(b) (*i.e.*, ensuring

maintenance for 20 years after redesignation).

EPA has published long-standing guidance for states on developing maintenance plans.<sup>4</sup> The Calcagni memo provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that projected future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.*, attainment year inventory). *See* Calcagni memo at page 9. EPA clarified in three subsequent guidance memos that certain areas could meet the CAA section 175A requirement to provide for maintenance by showing that the area was unlikely to violate the NAAQS in the future, using information such as the area's design value<sup>5</sup> being significantly below the standard and the area having a historically stable design value.<sup>6</sup> EPA refers to a maintenance plan containing this streamlined demonstration as an LMP.

EPA has interpreted CAA section 175A as permitting the LMP option because section 175A of the Act does not define how areas may demonstrate maintenance, and in EPA's experience implementing the various NAAQS, areas that qualify for an LMP and have approved LMPs have rarely, if ever, experienced subsequent violations of the NAAQS. As noted in the LMP guidance memoranda, states seeking an LMP must still submit the other maintenance plan elements outlined in the Calcagni memo, including: An attainment emissions inventory, provisions for the continued operation of the ambient air quality monitoring network, verification of continued attainment, and a contingency plan in the event of a future violation of the NAAQS. Moreover, a state seeking an

<sup>1</sup> *See* "Fact Sheet, Proposal to Revise the National Ambient Air Quality Standards for Ozone," January 6, 2010 and 27 FR 2938 (January 19, 2010).

<sup>2</sup> In March 2008, EPA completed another review of the primary and secondary ozone NAAQS and tightened them further by lowering the level for both to 0.075 ppm. *See* 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed a review of the primary and secondary ozone NAAQS and tightened them by lowering the level for both to 0.070 ppm. *See* 80 FR 65292 (October 26, 2015).

<sup>3</sup> Section 107(d)(3)(E) of the CAA sets out the requirements for redesignating a nonattainment area to attainment. They include attainment of the NAAQS, full approval of the applicable SIP pursuant to CAA section 110(k), determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

<sup>4</sup> John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards (OAQPS), "Procedures for Processing Requests to Redesignate Areas to Attainment," September 4, 1992 (Calcagni memo).

<sup>5</sup> The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone area is the highest design value of any monitoring site in the area.

<sup>6</sup> *See* "Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas," from Sally L. Shaver, OAQPS, November 16, 1994; "Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas," from Joseph Paisie, OAQPS, October 6, 1995; and "Limited Maintenance Plan Option for Moderate PM<sub>10</sub> Nonattainment Areas," from Lydia Wegman, OAQPS, August 9, 2001. Copies of these guidance memoranda can be found in the docket for this proposed rulemaking.

LMP must still submit its section 175A maintenance plan as a revision to its SIP, with all attendant notice and comment procedures. While the LMP guidance memoranda were originally written with respect to certain NAAQS,<sup>7</sup> EPA has extended the LMP interpretation of section 175A to other NAAQS and pollutants not specifically covered by the previous guidance memos.<sup>8</sup>

In this case, EPA is proposing to approve Tennessee's LMP because the State has made a showing, consistent with EPA's prior LMP guidance, that the Clarksville-Hopkinsville Area's ozone concentrations are well below the 1997 8-hour ozone NAAQS and have been historically stable and that it has met the other maintenance plan requirements. TDEC submitted this LMP for the Montgomery County Area to fulfill the second maintenance plan requirement in the Act. EPA's evaluation of the Montgomery County Area's LMP is presented below.

In August of 2005, TDEC submitted to EPA a request to redesignate the Montgomery County Area to attainment for the 1997 8-hour ozone NAAQS. This submittal included a plan to provide for maintenance of the 1997 8-hour ozone NAAQS in Montgomery County through 2016 as a revision to the Tennessee SIP. EPA approved the Montgomery County Area's Maintenance Plan and the State's request to redesignate the Montgomery County Area to attainment for the 1997 8-hour ozone NAAQS, effective November 21, 2005. *See* 70 FR 55559 (September 22, 2005).

Under CAA section 175A(b), states must submit a revision to the first maintenance plan eight years after redesignation to provide for maintenance of the NAAQS for ten additional years following the end of the first 10-year period. EPA's final implementation rule for the 2008 8-hour ozone NAAQS revoked the 1997 8-hour ozone NAAQS and stated that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.*, maintenance areas) for the 1997 NAAQS no longer needed to submit second 10-year maintenance plans under CAA section 175A(b). *See* 80 FR 12264, 12315 (March 6, 2015).

In *South Coast Air Quality Management District v. EPA*, the United States Court of Appeals for the District

of Columbia Circuit (D.C. Circuit) vacated the EPA's interpretation that, because of the revocation of the 1997 8-hour ozone NAAQS, second maintenance plans were not required for "orphan maintenance areas," *i.e.*, areas that had been redesignated to attainment for the 1997 8-hour ozone NAAQS maintenance areas and were designated attainment for the 2008 ozone NAAQS. *South Coast*, 882 F.3d 1138 (D.C. Cir. 2018). Thus, states with these "orphan maintenance areas" under the 1997 8-hour ozone NAAQS must submit maintenance plans for the second maintenance period. Accordingly, on June 23, 2020, Tennessee submitted a second maintenance plan for the Montgomery County Area that shows that the Area is expected to remain in attainment of the 1997 8-hour ozone NAAQS through 2025.

In recognition of the continuing record of air quality monitoring data showing ambient 8-hour ozone concentrations in the Clarksville-Hopkinsville Area well below the 1997 8-hour ozone NAAQS, TDEC chose the LMP option for the development of a second 1997 8-hour ozone NAAQS maintenance plan. On June 10, 2020, TDEC adopted the second 10-year 1997 8-hour ozone maintenance plan, and on June 23, 2020, TDEC submitted the Montgomery County Area LMP to EPA as a revision to the Tennessee SIP.

### III. Tennessee's SIP Submittal

As mentioned above, on June 23, 2020, TDEC submitted the Montgomery County Area 1997 8-Hour Ozone NAAQS LMP to EPA as a revision to the Tennessee SIP. The submittal includes the LMP, air quality data, emissions inventory information, and appendices, as well as certification of adoption of the plan by TDEC. Appendices to the plan include comments and responses between EPA and TDEC; documentation of notice, hearing, and public participation prior to adoption of the plan by the TDEC on June 10, 2020; interagency consultation; and Air Pollution Control Board order, which notes that Tennessee's LMP submittal for the remainder of the 20-year maintenance period for the Montgomery County Area is in response to the D.C. Circuit's decision overturning aspects of EPA's

implementation rule for the 2008 8-hour ozone NAAQS. The Montgomery County Area LMP does not include any additional emissions reduction measures but relies on the same emission reduction strategy as the first 10-year Maintenance Plan that provides for maintenance of the 1997 ozone NAAQS through 2016. The measures upon which the second 10-year LMP for the Montgomery County Area relies include the SIP-approved version of Tennessee Air Pollution Control Regulation 1200-03-27-.12, NO<sub>x</sub> SIP Call Requirements for Stationary Boilers and Combustion Turbines, which established a state control program for sources that are subject to the NO<sub>x</sub> SIP Call but not covered under Cross State Air Pollution Rule (CSAPR).<sup>9</sup> The LMP also relies on continued implementation of federal measures (*e.g.*, interstate transport rules such as CSAPR, *see* 76 FR 48208 (August 8, 2011), and the CSAPR Update, *see* 81 FR 74504 (October 26, 2016)).

### IV. EPA's Evaluation of Tennessee's SIP Submittal

EPA has reviewed the Montgomery County Area's LMP which is designed to maintain the 1997 8-hour ozone NAAQS within Montgomery County through the end of the 20-year period beyond redesignation, as required under CAA section 175A(b). The following is a summary of EPA's interpretation of the section 175A requirements<sup>10</sup> and EPA's evaluation of how each requirement is met.

#### A. Attainment Emissions Inventory

For maintenance plans, a state should develop a comprehensive, accurate inventory of actual emissions for an attainment year to identify the level of emissions which is sufficient to maintain the NAAQS. A state should develop this inventory consistent with EPA's most recent guidance on emissions inventory development. For ozone, the inventory should be based on typical summer day emissions of VOCs and NO<sub>x</sub>, as these pollutants are precursors to ozone formation. The Montgomery County Area LMP includes an ozone attainment inventory for Montgomery County that reflects typical summer day emissions in 2014. Table 1 presents a summary of the inventory for 2014 contained in the LMP.

<sup>7</sup> The prior memos addressed: Unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM<sub>10</sub> (particulate matter with an aerodynamic diameter less than 10

microns) NAAQS, and nonattainment for the carbon monoxide (CO) NAAQS.

<sup>8</sup> *See, e.g.*, 79 FR 41900 (July 18, 2014) (approval of the second ten-year LMP for the Grant County 1971 SO<sub>2</sub> maintenance area).

<sup>9</sup> *See* 86 FR 12092 (March 2, 2021).

<sup>10</sup> *See* Calcagni memo.

TABLE 1—2014 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE MONTGOMERY COUNTY AREA  
[Tons/summer day]

| Source category | VOC emissions | NO <sub>x</sub> emissions |
|-----------------|---------------|---------------------------|
| Fire .....      | * 0.00        | * 0.00                    |
| Nonpoint .....  | 8.79          | 0.90                      |
| Nonroad .....   | 1.58          | 1.35                      |
| Onroad .....    | 4.76          | 7.64                      |
| Point .....     | 0.97          | 0.50                      |
| Total .....     | * 16.10       | 10.39                     |

\* This Total VOC Emissions value differs from Tennessee's submittal and has been re-calculated by TDEC to accurately reflect the total VOC emissions for Montgomery County.<sup>11</sup>

The Emissions Inventory section of the Montgomery County Area's LMP describes the methods, models, and assumptions used to develop the attainment inventory. As described in the Emissions Inventory section of the LMP, TDEC generally relied upon emissions inventory information from the EPA 2014 version 7.0 air quality modeling platform (2014v7.0 platform), which is based on the 2014 NEI. The emissions data in the 2014v7.0 platform are primarily based on the 2014NEIv1 for point sources, nonpoint sources, commercial marine vessels (CMV), onroad and nonroad mobile sources, and fires. This 2014 modeling platform includes all criteria air pollutants (CAPs) and precursors and two groups of hazardous air pollutants (HAPs).

Nonroad mobile source emissions in the 2014NEIv1, in part, were estimated using the latest version of the EPA's motor vehicle emissions model, MOVES 2014a (which includes estimates of nonroad emissions like agriculture, commercial and mining, industrial and recreational equipment, and commercial and residential lawn and garden equipment). Locomotives, aircraft, and marine nonroad sources are not included in MOVES, and TDEC relied on EPA-generated emissions for these sectors.<sup>12</sup> Onroad mobile sources in the 2014NEIv1 were estimated using MOVES 2014a and the latest planning assumptions regarding vehicle type, activity, and vehicle speeds to estimate vehicular emissions for 2014. MOVES2014a was used with inputs, where provided, by state and local agencies, in combination with EPA-

generated default data. In its entirety, the 2014v7.0 platform's set of estimates for vehicles reflects emissions inventories and ancillary data files used for emissions modeling, as well as the meteorological, initial condition, and boundary condition files needed to run the air quality model.

#### B. Maintenance Demonstration

The maintenance demonstration requirement is considered to be satisfied in an LMP if the state can provide sufficient weight of evidence indicating that air quality in the area is well below the level of the NAAQS, that past air quality trends have been shown to be stable, and that the probability of the area experiencing a violation over the second 10-year maintenance period is low.<sup>13</sup> These criteria are evaluated below with regard to the Clarksville-Hopkinsville Area as a whole.

##### 1. Evaluation of Ozone Air Quality Levels

To attain the 1997 8-hour ozone NAAQS, the three-year average of the fourth-highest daily maximum 8-hour average ozone concentrations (design value) at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, Appendix I, the NAAQS is attained if the design value is 0.084 ppm or below. There is currently one monitor measuring ozone, located within Christian County, Kentucky, which provides air quality data for the entire Clarksville-Hopkinsville Area. At the time of submission, EPA evaluated quality assured and certified 2016–2018

monitoring data<sup>14</sup> and determined that the design value for the Clarksville-Hopkinsville Area was 0.060 ppm, or 71 percent of the level of the 1997 8-hour ozone NAAQS. Based on quality assured and certified monitoring data for 2018–2020,<sup>15</sup> the current design value for the Clarksville-Hopkinsville Area is 0.058 ppm, or 69 percent of the level of the 1997 8-hour ozone NAAQS. Consistent with prior guidance, EPA believes that if the most recent air quality design value for the area is at a level that is well below the NAAQS (e.g., below 85 percent of the NAAQS, or in this case, below 0.071 ppm), then EPA considers the state to have met the section 175A requirement for a demonstration that the area will maintain the NAAQS for the requisite period. Such a demonstration assumes continued applicability of prevention of significant deterioration requirements and any control measures already in the SIP and that Federal measures will remain in place through the end of the second 10-year maintenance period, absent a showing consistent with section 110(l) that such measures are not necessary to assure maintenance.

Tables 2a and 2b present the design values for the Clarksville-Hopkinsville Area over the 2007–2020 period. As shown in Tables 2a and 2b, the Hopkinsville monitor has been well below the level of the 1997 8-hour ozone NAAQS since the Area was redesignated to attainment, and the most current design value is below the level of 85 percent of the NAAQS, consistent with prior LMP guidance.

<sup>11</sup> See email from James Johnston, TDEC, to Lynora Benjamin, EPA Region 4, on December 15, 2020, available in the docket for this proposed rulemaking.

<sup>12</sup> EPA developed emissions for these sectors based on AP-42 emissions factor, and information

supplied by the Eastern Regional Technical Advisory Committee for locomotives and Federal Aviation Administration's Emissions and Dispersion Modeling System (since replaced by the Aviation Environmental Design Tool).

<sup>13</sup> See footnote 4.

<sup>14</sup> See the spreadsheet titled "Ozone Design Values, 2018 (XLSX)" at <https://www.epa.gov/air-trends/air-quality-design-values#report>.

<sup>15</sup> See the spreadsheet titled "Ozone Design Values, 2020 (XLSX)" at <https://www.epa.gov/air-trends/air-quality-design-values#report>.

TABLE 2a—1997 8-HOUR OZONE NAAQS DESIGN VALUES (ppm) AT THE MONITORING SITE IN THE CLARKSVILLE-HOPKINSVILLE, TN-KY AREA FOR THE 2007–2013 TIME PERIOD

| Location           | County          | State | AQS Site ID | 2005–2007 DV | 2006–2008 DV | 2007–2009 DV | 2008–2010 DV | 2009–2011 DV | 2010–2012 DV | 2011–2013 DV |
|--------------------|-----------------|-------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Hopkinsville ..... | Christian ..... | KY    | 21–047–0006 | 0.081        | 0.078        | * 0.074      | 0.069        | 0.070        | 0.073        | 0.069        |

TABLE 2b—1997 8-HOUR OZONE NAAQS DESIGN VALUES (ppm) AT THE MONITORING SITE IN THE CLARKSVILLE-HOPKINSVILLE, TN-KY AREA FOR THE 2014–2020 TIME PERIOD

| Location           | County          | State | AQS Site ID | 2012–2014 DV | 2013–2015 DV | 2014–2016 DV | 2015–2017 DV | 2016–2018 DV | 2017–2019 DV | 2018–2020 DV |
|--------------------|-----------------|-------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Hopkinsville ..... | Christian ..... | KY    | 21–047–0006 | 0.067        | 0.063        | 0.062        | 0.061        | 0.060        | 0.058        | 0.058        |

\* The Hopkinsville, KY site (AQS ID: 21–047–0006) was operated by the Tennessee Valley Authority (TVA) until 2008. In 2008, the Kentucky Division for Air Quality began operation of an ozone monitor at the site (designated in AQS as Parameter Occurrence Code (POC) 2), and TVA discontinued operation of its POC 1 ozone monitor at the end of 2008. Both monitors met completeness requirements for the years that they operated during 2007–2009. AQS does not combine data from different POCs when calculating a design value for the 1997 Ozone NAAQS. However, to accurately present the data in the Table, a 2007–2009 design value was calculated using the combined datasets from the TVA and KY monitors. In 2008, when both monitors collected complete data, the KY monitor data was used because it is flagged as certified in AQS, while the 2008 TVA data is not. The combined 2007–2009 DV using 2007 data from the TVA monitor and 2008–2009 data from the KY monitor is 74 parts per billion and is shown in the Table.

Therefore, the Montgomery County Area is eligible for the LMP option, and EPA proposes to find that the long record of monitored ozone concentrations that attain the NAAQS, together with the continuation of existing VOC and NO<sub>x</sub> emissions control programs, adequately provide for the maintenance of the 1997 8-hour ozone NAAQS in Montgomery County through the second 10-year maintenance period and beyond.

Additional supporting information that the Area is expected to continue to maintain the NAAQS can be found in projections of future year design values that EPA recently completed to assist states with development of interstate transport SIPs for the 2015 ozone NAAQS.<sup>16</sup> Those projections, made for the year 2023, show that the highest design value in the Clarksville-Hopkinsville Area is expected to be 0.056 ppm.

## 2. Stability of Ozone Levels

As discussed above, the Montgomery County Area has maintained air quality well below the 1997 8-hour ozone NAAQS over the past thirteen years. Additionally, the design value data

shown within Tables 2a and 2b illustrates that ozone levels have been relatively stable over this timeframe, with an overall downward trend. For example, the data within Tables 2a and 2b indicates that the largest year over year change in design value at any one monitor during these thirteen years was five parts per billion which occurred between the 2007–2009 design value and the 2008–2010 design value, and it represented only a six percent change. Furthermore, the overall trend in design values for the Clarksville-Hopkinsville Area between 2007–2020 shows a decrease of 23 parts per billion at the Hopkinsville monitor (AQS Site ID 21–047–0006). This downward trend in ozone levels, coupled with the relatively small, year-over-year variation in ozone design values, makes it reasonable to conclude that Montgomery County Area will not exceed the 1997 8-hour ozone NAAQS during the second 10-year maintenance period.

## 3. Projected Emissions

Although under the LMP option there is no requirement to project emissions over the maintenance period, TDEC included an analysis of ozone precursor

emissions trends expected over the course of the second 10-year maintenance period. TDEC provided a VOC and NO<sub>x</sub> emissions trends analysis from 2014 to 2028. Tennessee selected 2014 as a baseline for the projection because that is the most recent year for which a complete set of data was available from EPA's National Emissions Inventory (NEI) database at the time the State developed its second maintenance plan for the Area.<sup>17</sup> Projected emissions data for the year 2028 were obtained from EPA,<sup>18</sup> and these data represent EPA emissions projections that are available for a date furthest out into the future.<sup>19</sup> The emissions projection trends show that between 2014 and 2028, VOC emissions are estimated to fall by approximately 43 percent, and NO<sub>x</sub> emissions are estimated to fall by approximately 56 percent within the Montgomery County Area. These projected declining emissions trends further support the conclusion that it is unlikely that the Area would violate the 1997 8-hour ozone NAAQS in the future. Table 3 presents a summary of projected emissions for 2028 contained in the maintenance plan.

TABLE 3—2028 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE MONTGOMERY COUNTY AREA [tons/day]

| Source category | VOC emissions | NO <sub>x</sub> emissions |
|-----------------|---------------|---------------------------|
| Fire .....      | 0.58          | 0.02                      |
| Nonpoint .....  | 5.31          | 1.36                      |

<sup>16</sup> See the spreadsheet titled "Ozone Monitoring Site Design Values for 2008 through 2017 and for 2023" at <https://www.epa.gov/airmarkets/memo-and-supplemental-information-regarding-interstate-transport-sips-2015-ozone-naaqs>.

<sup>17</sup> The 2017 NEI is the most recent NEI, but it was unavailable to Tennessee when the State developed its SIP revision.

<sup>18</sup> The projected emissions data is available at <https://www.epa.gov/air-emissions-modeling/2014-2016-version-7-air-emissions-modeling-platforms>.

<sup>19</sup> EPA's emissions projections to 2028 were made from the 2011 NEI, as that iteration of the NEI was the most recently available version when the projection work was performed.

TABLE 3—2028 TYPICAL SUMMER DAY 8-HOUR OZONE EMISSIONS FOR THE MONTGOMERY COUNTY AREA—Continued  
[tons/day]

| Source category | VOC emissions | NO <sub>x</sub> emissions |
|-----------------|---------------|---------------------------|
| Nonroad .....   | 1.12          | 0.67                      |
| Onroad .....    | 1.43          | 2.15                      |
| Point .....     | 0.73          | 0.31                      |
| Total .....     | 9.17          | 4.51                      |

### C. Monitoring Network and Verification of Continued Attainment

EPA periodically reviews the ozone monitoring network that the Commonwealth of Kentucky operates and maintains in Christian County, in accordance with 40 CFR part 58. This network plan, which is submitted annually to EPA, is consistent with the ambient air monitoring network assessment. The annual network plan developed by the Kentucky Division for Air Quality (KDAQ) follows a public notification and review process. EPA has reviewed and approved the 2020 Ambient Air Monitoring Network Plan (“2020 Annual Network Plan”).<sup>20</sup>

To verify the attainment status of the area over the maintenance period, the maintenance plan should contain provisions for continued operation of an appropriate, EPA-approved monitoring network in accordance with 40 CFR part 58. As noted above, KDAQ’s monitoring network in the Clarksville-Hopkinsville Area has been approved by EPA in accordance with 40 CFR part 58, and Kentucky committed, in its SIP-approved maintenance plan,<sup>21</sup> to continue to maintain a network in accordance with EPA requirements. TDEC supports continued ozone monitoring by KDAQ. EPA proposes to find that KDAQ’s monitoring network is adequate to verify continued attainment of the 1997 8-hour ozone NAAQS in the Montgomery County Area.

### D. Contingency Plan

Section 175A(d) of the Act requires that a maintenance plan include contingency provisions. The purpose of such contingency provisions is to prevent future violations of the NAAQS or to promptly remedy any NAAQS violations that might occur during the maintenance period. These contingency measures are required to be implemented expeditiously once they

are triggered by a future violation of the NAAQS or some other trigger. The state should identify specific triggers which will be used to determine when the contingency measures need to be implemented.

The LMP states that the trigger is a Quality Assured/Quality Controlled (QA/QC) violating design value of the 1997 8-hour ozone NAAQS in the Clarksville-Hopkinsville Area.<sup>22</sup> If this trigger is activated, the maintenance plan requires Tennessee to conduct a study to determine the cause of the higher ozone value, whether from an event not likely to recur or from an increasing trend in emissions that threatens the continued maintenance of the NAAQS. Tennessee will adopt and implement appropriate contingency measures tailored to the source of the violation (or increased concentrations) as expeditiously as practicable, but no later than 18 to 24 months after the trigger event.<sup>23</sup>

EPA proposes to find that the contingency provisions in Tennessee’s second maintenance plan for the 1997 8-hour Ozone NAAQS meet the requirements of the CAA section 175A(d).

### E. Conclusion

EPA proposes to find that the Montgomery County Area LMP for the 1997 8-hour ozone NAAQS includes an approvable update of the various elements (including attainment inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions) of the initial EPA-approved Maintenance Plan for the 1997 8-hour ozone NAAQS. EPA also proposes to find that the Montgomery County Area,

qualifies for the LMP option, and adequately demonstrates maintenance of the 1997 8-hour ozone NAAQS through the documentation of monitoring data showing maximum 1997 8-hour ozone levels well below the NAAQS and historically stable design values. EPA believes the Montgomery County Area’s LMP, which retains all existing control measures in the SIP, is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in Montgomery County over the second maintenance period (*i.e.*, through 2025) and thereby satisfies the requirements for such a plan under CAA section 175A(b). EPA is therefore proposing to approve Tennessee’s June 23, 2020, submission of the Montgomery County Area’s LMP as a revision to the Tennessee SIP.

### V. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. *See* CAA 176(c)(1)(A) and (B). EPA’s transportation conformity rule at 40 CFR part 93 subpart A requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether they conform. The conformity rule generally requires a demonstration that emissions from the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP) are consistent with the motor vehicle emissions budget (MVEB) contained in the control strategy SIP revision or maintenance plan. *See* 40 CFR 93.101, 93.118, and 93.124. A MVEB is defined as “the portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the NAAQS, for any criteria pollutant or its precursors,

<sup>20</sup> Kentucky’s network plan is available at <https://www.tn.gov/content/dam/tn/environment/air/documents/apcairqualitymonitoring/2020%20Tennessee%20Annual%20Monitoring%20Network%20Plan%20-%20Comment%20Update.pdf>.

<sup>21</sup> *See* 71 FR 4047 (January 25, 2006).

<sup>22</sup> If QA/QC data indicates a violating design value for the 8-hour ozone NAAQS, then the triggering event will be the date of the design value violation, and not the final QA/QC date. However, if initial monitoring data indicates a possible design value violation but later QA/QC indicates that a NAAQS violation did not occur, then a triggering event will not have occurred, and contingency measures will not need to be implemented.

<sup>23</sup> *See* the Contingency Plan section of the LMP for further information regarding the contingency plan, including measures that Tennessee will consider for adoption if the trigger is activated.

allocated to highway and transit vehicle use and emissions.” See 40 CFR 93.101.

Under the conformity rule, LMP areas may demonstrate conformity without a regional emissions analysis. See 40 CFR 93.109(e). On September 22, 2005, EPA made a finding that the MVEBs for the first 12 years of the 1997 8-hour ozone maintenance plan for the Montgomery County Area were adequate for transportation conformity purposes. In a **Federal Register** notice dated September 22, 2005, EPA notified the public of that finding. See 70 FR 55559. These new MVEBs became effective November 21, 2005. After approval of this LMP or an adequacy finding for this LMP, there is no requirement to meet the budget test pursuant to the transportation conformity rule for the maintenance area. All actions that would require a transportation conformity determination for the Montgomery County Area under EPA’s transportation conformity rule provisions are considered to have already satisfied the regional emissions analysis and “budget test” requirements in 40 CFR 93.118 as a result of EPA’s adequacy finding for the LMP. See 69 FR 40004 (July 1, 2004).

However, because LMP areas are still maintenance areas, certain aspects of transportation conformity determinations still will be required for transportation plans, programs, and projects. Specifically, for such determinations, RTPs, TIPs and transportation projects still will have to demonstrate that they are fiscally constrained (40 CFR 93.108) and meet the criteria for consultation (40 CFR 93.105) and Transportation Control Measure implementation in the conformity rule provisions (40 CFR 93.113) as well as meet the hot-spot requirements for projects (40 CFR 93.116).<sup>24</sup> Additionally, conformity determinations for RTPs and TIPs must be determined no less frequently than every four years, and conformity of plan and TIP amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104. In addition, in order for projects to be approved they must come from a currently conforming RTP and TIP. See 40 CFR 93.114 and 40 CFR 93.115.

## VI. Proposed Action

Under sections 110(k) and 175A of the CAA and for the reasons set forth above, EPA is proposing to approve the

Montgomery County Area LMP for the 1997 8-hour ozone NAAQS, submitted by TDEC on June 23, 2020, as a revision to the Tennessee SIP. EPA is proposing to approve the Montgomery County Area LMP because it includes an acceptable update of the various elements of the 1997 8-hour ozone NAAQS Maintenance Plan approved by EPA for the first 10-year period (including emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions), and retains the relevant provisions of the SIP.

EPA also finds that the Montgomery County Area qualifies for the LMP option and that, therefore, the Montgomery County Area’s LMP adequately demonstrates maintenance of the 1997 8-hour ozone NAAQS through documentation of monitoring data showing maximum 1997 8-hour ozone levels well below the NAAQS and continuation of existing control measures. EPA believes that the Montgomery County Area’s 1997 8-Hour Ozone LMP is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in Montgomery County over the second 10-year maintenance period, through 2025, and thereby satisfy the requirements for such a plan under CAA section 175A(b).

## VII. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely

affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

## List of Subjects in 40 CFR Part 52

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

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

Dated: September 1, 2021.

**John Blevins,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2021–20349 Filed 9–22–21; 8:45 am]

**BILLING CODE 6560–50–P**

<sup>24</sup> A conformity determination that meets other applicable criteria in Table 1 of paragraph (b) of this section (93.109(e)) is still required, including the hot-spot requirements for projects in CO, PM<sub>10</sub>, and fine particulate matter (PM<sub>2.5</sub>) areas.

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Parts 1, 25, and 52**

[FAR Case 2021–008; Docket No. FAR–2021–0008, Sequence No. 1]

RIN 9000–AO22

**Federal Acquisition Regulation:  
Amendments to the FAR Buy American  
Act Requirements; Extension of Time  
for Comments**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** DoD, GSA, and NASA issued a proposed rule on July 30, 2021, amending the Federal Acquisition Regulation (FAR) to implement an Executive order (E.O.) addressing domestic preferences in Government procurement. The deadline for submitting comments is being extended from September 28, 2021 to October 28, 2021 to provide additional time for interested parties to provide comments on the FAR case.

**DATES:** For the proposed rule published on July 30, 2021 (86 FR 40980), submit comments by October 28, 2021.

**ADDRESSES:** Submit comments in response to FAR Case 2021–008 to <https://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for “FAR Case 2021–008”. Select the link “Comment Now” that corresponds with “FAR Case 2021–008.” Follow the instructions provided on the screen. Please include your name, company name (if any), and “FAR Case 2021–008” on your attached

document. If your comment cannot be submitted using <https://www.regulations.gov>, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

**Instructions:** Please submit comments only and cite “FAR Case 2021–008” in all correspondence related to this case.

Comments submitted in response to this proposed rule will be made publicly available and are subject to disclosure under the Freedom of Information Act. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information, or any information that you would not want publicly disclosed unless you follow the instructions below for confidential comments. Summary information of the public comments received, including any specific comments, will be posted on [regulations.gov](https://www.regulations.gov).

All filers using the portal should use the name of the person or entity submitting comments as the name of their files, in accordance with the instructions below. Anyone submitting business confidential/proprietary information should clearly identify any business confidential/proprietary portion at the time of submission, file a statement justifying nondisclosure and referencing the specific legal authority claimed, and provide a non-confidential/non-proprietary version of the submission.

Any business confidential information should be in an uploaded file that has a file name beginning with the characters “BC.” Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL/ PROPRIETARY” on the top of that page. The corresponding non-confidential/non-proprietary version of those comments must be clearly marked “PUBLIC.” The file name of the non-confidential version should begin with

the character “P.” The “BC” and “P” should be followed by the name of the person or entity submitting the comments or rebuttal comments. All filers should name their files using the name of the person or entity submitting the comments. Any submissions with file names that do not begin with a “BC” will be assumed to be public and will be made publicly available through <https://www.regulations.gov>.

To confirm receipt of your comment(s), please check <https://www.regulations.gov>, approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mahruba Uddowla, Procurement Analyst, at 703–605–2868 or by email at [mahruba.uddowla@gsa.gov](mailto:mahruba.uddowla@gsa.gov), for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). Please cite FAR Case 2021–008.

**SUPPLEMENTARY INFORMATION:****I. Background**

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 86 FR 40980, on July 30, 2021. The comment period is extended to October 28, 2021 to allow additional time for interested parties to develop comments on the proposed rule as well as provide feedback on the questions posed in the preamble that will be used to further inform the rulemaking and future regulatory actions.

**List of Subjects in 48 CFR Parts 1, 25, and 52**

Government procurement.

**William F. Clark,**

*Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

[FR Doc. 2021–20567 Filed 9–22–21; 8:45 am]

**BILLING CODE 6820–EP–P**

# Notices

Federal Register

Vol. 86, No. 182

Thursday, September 23, 2021

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

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### 30-Day Notice of Public Information Collections

**AGENCY:** U.S. Agency for International Development.

**ACTION:** Notice of public information collections.

**SUMMARY:** The U.S. Agency for International Development (USAID) seeks Office of Management and Budget (OMB) approval to continue the information collections described below. In accordance with the Paperwork Reduction Act for 1995, USAID requests public comment on these collections from all interested individuals and organizations.

**DATES:** Submit comments on or before October 25, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Lyudmila Bond, at (202) 916-2622 or via email at [polycymailbox@usaid.gov](mailto:polycymailbox@usaid.gov).

**SUPPLEMENTARY INFORMATION:** This proposed information collection was published in the **Federal Register** on June 24, 2021 at 86 FR 33206, allowing for a 60-day public comment period. No comments were received, however USAID has adjusted the burden calculations to account for an error in the GS 13 step 5 rate used in the calculation. The purpose of this notice is to allow an additional 30 days for public comment. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of

functions of the agency, including the practical utility of the information; (b) the accuracy of USAID's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents.

OMB No: 0412-0579.

Form: AID 309-2.

**Title:** Offeror Information for Personal Services Contracts With Individuals.

**Type of Review:** Reinstatement, without change, of a previously approved collection for which approval has expired.

**Purpose:** USAID must collect information for reporting purposes to Congress and the Office of Acquisition and Assistance Contract Administration. This form will be used to collect information from offerors applying for PSC opportunities and to determine the most qualified offeror for award of a PSC contract.

**Annual Reporting Burden:**

**U.S. Respondents:** 12,600.

**Total Annual U.S. Responses:** 12,600.

**Total Annual Hours Requested:** 12,600 hours.

The burden estimate is based on the average number of PSC awards made over the past three years, which is 600. The average number of respondents to each solicitation is 21. Therefore, the total annual number of U.S. responses averages  $600 \times 21 = 12,600$ . The amount of time estimated to complete the form is one hour, for a total of 12,600 hours.

The cost estimate is based on the total annual hours requested. Most respondents are individuals from various sources submitting offers for positions that have an average salary equivalent to a GS13 step 5, which currently equals \$56.31/hr. Therefore, the total annual cost to respondents averages  $12,600 \times \$56.31 = \$709,506$ .

**Mark A. Walther,**

*Senior Procurement Executive.*

[FR Doc. 2021-20502 Filed 9-22-21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF AGRICULTURE

[Docket ID: FSA-2021-0011]

### Information Collection Request; Request for Geospatial Products and Services

**AGENCY:** Farm Production and Conservation Business Center, USDA.

**ACTION:** Notice; request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Farm Production and Conservation (FPAC) Business Center (BC) is requesting comments from all interested individuals and organizations on a revision and an extension of a currently approved information collection associated with Request for Geospatial Products and Service under the FPAC Geospatial Enterprise Operations (GEO) Program (formerly FSA Aerial Photography Program). The FPAC Geospatial Enterprise Operations (GEO) uses the information from the forms to collect the customer and product information needed to produce and ship the various geospatial and photographic products ordered.

**DATES:** We will consider comments that we receive by November 22, 2021.

**ADDRESSES:** We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and search for Docket ID FSA-2021-0011. Follow the online instructions for submitting comments.

- **Mail:** David Parry, Lead Aerial Imagery Specialist, USDA, Farm Production and Conservation, GEO Customer Services, 125 South State Street, Suite 6416, Salt Lake City, Utah 84138-1102. In your comment, specify the docket ID FSA-2021-0011.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting David Parry at the above address.

**FOR FURTHER INFORMATION CONTACT:** David Parry, (801) 844-2923; email: [david.parry@usda.gov](mailto:david.parry@usda.gov). Persons with disabilities who require alternative mean for communication should contact

the USDA's TARGET Center at (202) 720-2600 (Voice).

#### SUPPLEMENTARY INFORMATION:

*Title:* Request for Geospatial Products and Services.

*OMB Control Number:* 0560-0176.

*Expiration Date:* December 31, 2021.

*Type of Request:* Extension with a revision.

*Abstract:* The information collection is needed to enable the Department of Agriculture to effectively administrate the Geospatial and Aerial Photography Programs. GEO has the responsibility for acquiring and conducting coordination of the FPAC's geospatial datasets and the aerial photography flying contracts and remote sensing programs. The geospatial data and digital aerial imagery secured by FPAC BC is public domain and reproductions are available at cost to any customer with a need. All receipts from the sale of geospatial products and services are retained by FPAC BC. The FPAC-ISD-441, Request for Geospatial Products and Services, is the form FPAC supplies to the customers for placing an order for aerial imagery products and services. The burden hours have increased because of the additional form FPAC-ISD-441D One Time Credit Card Payment Authorization form requesting credit card information.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per responses hours multiplied by the estimated total annual responses.

*Estimate of Burden:* Public reporting burden for the information collection is estimated to average 16 minutes per response.

*Type of Respondents:* Farmers, Ranchers and other customers who wish to purchase imagery products and services.

*Estimated Number of Respondents:* 2,477.

*Estimated Annual Number of Responses per Respondent:* 1.

*Estimated Total Annual Responses:* 2,477.

*Estimated Average Time per Response:* 0.219.

*Estimated Total Annual Burden Hours on Respondents:* 542 hours.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of FPAC, including whether the information will have practical utility;

(2) Evaluate the accuracy of FPAC's estimate of the burden of the collection

of information including the validity of the methodology and assumptions used;

(3) Evaluate the quality, utility, and clarity of the information technology; and

(4) Minimize the burden of the collection of information on those who are respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses where provided, will be made a matter of public record. Comments will be summarized and included in the request for OMB approval of the information collection.

**Robert Ibarra,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 2021-20609 Filed 9-22-21; 8:45 am]

**BILLING CODE 3410-05-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Wenatchee-Okanogan Resource Advisory Committee

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of meeting.

**SUMMARY:** The Wenatchee-Okanogan Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, and to also make recommendations on recreation fee proposals for sites on the Okanogan-Wenatchee National Forest within Okanogan, Chelan, Kittitas, and Yakima Counties, consistent with the Federal Lands Recreation Enhancement Act. RAC information and virtual meeting information can be found at the following website: [https://www.fs.usda.gov/detail/okawen/workingtogether/advisorycommittees/?cid=fsbdev3\\_053646](https://www.fs.usda.gov/detail/okawen/workingtogether/advisorycommittees/?cid=fsbdev3_053646).

**DATES:** The meeting will be held virtually on October 27, 2021, from 9:00 a.m.-4:00 p.m., Pacific Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting

prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held virtually via telephone and/or video. Details for meeting participation can be found on the website linked in the **SUMMARY**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

**FOR FURTHER INFORMATION CONTACT:** Robin DeMario, RAC Coordinator by phone at 509-664-9292 or via email at [robin.demario@usda.gov](mailto:robin.demario@usda.gov).

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

1. Hear from Title II project proponents and discuss project proposals;
2. Make funding recommendations on Title II projects;
3. Discuss and make decisions on proposed recreation fee implementation and increases across the forest; and
4. Schedule the next meeting.

Meetings are open to the public. The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement at the meeting should make their request in writing by October 18, 2021, to be scheduled on the agenda for this meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Robin DeMario, RAC Coordinator at 215 Melody Lane, Wenatchee, Washington 98801 or by email to [robin.demario@usda.gov](mailto:robin.demario@usda.gov).

**Meeting Accommodations:** If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 17, 2021

**Cikena Reid,**

*USDA Committee Management Officer.*

[FR Doc. 2021–20570 Filed 9–22–21; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### White Pine-Nye Resource Advisory Committee

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of meeting.

**SUMMARY:** The White Pine-Nye Resource Advisory Committee (RAC) will hold a virtual meeting with an option to join by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Humboldt-Toiyabe National Forest within White Pine, Nye, Lander and Eureka Counties, consistent with the Federal Lands Recreation Enhancement Act. Secure Rural Schools program information can be found at the following website: <https://www.fs.usda.gov/working-with-us-secure-rural-schools>.

**DATES:** The meeting will be held virtually on October 14, 2021, from 9:30 a.m. Pacific Daylight Time to 1:30 p.m. Pacific Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held virtually via Microsoft Teams with an option to join by conference call. *Click here to join the meeting* or join by telephone: 1–202–650–0123, Access Code: 495272996#.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

**FOR FURTHER INFORMATION CONTACT:** Jose Noriega, Designated Federal Officer

(DFO), by phone at 775–289–0176 or email at [jose.noriega@usda.gov](mailto:jose.noriega@usda.gov).

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

1. Provide an overview of the Title II project approval process;
2. Review Title II project proposals and make recommendations on those proposals;
3. Provide an overview of what happens next on project proposals; and
4. Discuss the current status of the The Act RAC Charter and what to expect over the next year.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make their request in writing by October 8, 2021, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Jose Noriega, DFO, Ely Ranger District, 825 Avenue E, Ely, NV 89301 or by email to [jose.noriega@usda.gov](mailto:jose.noriega@usda.gov).

**Meeting Accommodations:** If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

**Cikena Reid,**

*USDA Committee Management Officer.*

[FR Doc. 2021–20626 Filed 9–22–21; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Gallatin Resource Advisory Committee; Meeting

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of meeting.

**SUMMARY:** The Gallatin Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video

conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the RAC is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Custer Gallatin National Forest. The Forest has two RACs. The Southern Montana RAC encompasses Park, Sweet Grass, Stillwater, and Powder River Counties. The Gallatin RAC serves Gallatin County. Both are consistent with the Federal Lands Recreation Enhancement Act. Information on the RACs and upcoming virtual meeting can be found at the following website: <https://www.fs.usda.gov/detail/custergallatin/workingtogether/advisorycommittees/?cid=STELPRDB5304491>.

**DATES:** The meeting will be held virtually on October 13, 2021 from 8:00 a.m.–12:00 p.m., Mountain Daylight Time.

RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the RAC Coordinator listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meetings will be held virtually via video conference with a phone call-in option. Details regarding how to join the meeting are located on the website linked under **SUMMARY**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

**FOR FURTHER INFORMATION CONTACT:** Kathy Minor, Designated Federal Officer (DFO), by phone at 406–587–6776 or email at [kathleen.minor@usda.gov](mailto:kathleen.minor@usda.gov) or Kat Barker (RAC Coordinator) at 406–522–2536 or email at [kathryn.barker@usda.gov](mailto:kathryn.barker@usda.gov).

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours per day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

1. Hear from Title II project proponents and discuss project proposals;
2. Make funding recommendations on Title II projects;

3. Approve meeting minutes; and
4. Schedule the next meeting.

The meeting is open to the public.

The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make their request in writing by September 24, 2021, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Kat Barker, RAC Coordinator, at 3710 Fallon Street, Suite C, Bozeman, MT 59718 or by phone at 406-522-2536 or via email to [kathryn.barker@usda.gov](mailto:kathryn.barker@usda.gov).

**Meeting Accommodations:** If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 17, 2021.

**Cikena Reid,**

*USDA Committee Management Officer.*

[FR Doc. 2021-20568 Filed 9-22-21; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Southern Montana Resource Advisory Committee; Meeting

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of meeting.

**SUMMARY:** The Southern Montana Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the RAC is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Custer Gallatin National Forest. The Forest has two RACs. The Southern Montana RAC encompasses Park, Sweet

Grass, Stillwater, and Powder River Counties. The Gallatin RAC serves Gallatin County. Both are consistent with the Federal Lands Recreation Enhancement Act. Information on the RACs and upcoming virtual meetings can be found at the following website: <https://www.fs.usda.gov/detail/custergallatin/workingtogether/advisorycommittees/?cid=STELPRD3841767>.

**DATES:** The meeting will be held virtually on October 6, 2021, from 9:30 a.m.–5:00 p.m., Mountain Daylight Time.

RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the RAC Coordinator listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held virtually via video conference with a phone call-in option. Details regarding how to join the meeting are located on the website linked under the **SUMMARY**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Minor, Designated Federal Officer (DFO), by phone at 406-587-6776 or email at [kathleen.minor@usda.gov](mailto:kathleen.minor@usda.gov) or Vicki Regula, RAC Coordinator, at 406-848-7375 ext. 31 or email at [victoria.regula@usda.gov](mailto:victoria.regula@usda.gov).

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

1. Hear from Title II project proponents and discuss project proposals;
2. Make funding recommendations on Title II projects;
3. Approve meeting minutes; and
4. Schedule the next meeting.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make their request in writing by September 24, 2021, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Vicki Regula, RAC

Coordinator, at 3710 Fallon Street, Suite C, Bozeman, MT 59718 or by phone to 406-848-7375 ext. 31 or by email at [victoria.regula@usda.gov](mailto:victoria.regula@usda.gov).

**Meeting Accommodations:** If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 17, 2021.

**Cikena Reid,**

*USDA Committee Management Officer.*

[FR Doc. 2021-20569 Filed 9-22-21; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-64-2021]

#### Foreign-Trade Zone 218—St. Lucie County, Florida, Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by St. Lucie County, Florida, grantee of FTZ 218, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or “usage-driven” FTZ sites for operators/users located within a grantee’s “service area” in the context of the FTZ Board’s standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on September 17, 2021.

FTZ 218 was approved by the FTZ Board on October 24, 1996 (Board Order 851, 61 FR 58036, November 12, 1996). The current zone includes the following sites: *Site 1* (1,063 acres)—St. Lucie County International Airport, 3000 Curtis King Boulevard, Fort Pierce; *Site 2* (102 acres)—Kings Highway Industrial Park, Kings Highway and Commerce Circle, Fort Pierce; *Site 3* (315 acres)—St. Lucie West Commerce Park, 590 NW Peacock Boulevard, Port St. Lucie; and, *Site 4* (15 acres)—Crossroads Commerce

Park, State Road 70 and I-95, Fort Pierce.

The grantee's proposed service area under the ASF would be St. Lucie County, Indian River County and Okeechobee County, Florida, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the Fort Pierce U.S. Customs and Border Protection Customs Station.

The applicant is requesting authority to reorganize its existing zone to include all of the existing sites as "magnet" sites. The ASF allows for the possible exemption of one magnet site from the "sunset" time limits that generally apply to sites under the ASF, and the applicant proposes that Site 1 be so exempted. No subzones/usage-driven sites are being requested at this time.

In accordance with the FTZ Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is November 22, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to December 7, 2021.

A copy of the application will be available for public inspection in the "Online FTZ Information Section" section of the FTZ Board's website, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Christopher Kemp at [Christopher.Kemp@trade.gov](mailto:Christopher.Kemp@trade.gov).

Dated: September 17, 2021.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. 2021-20586 Filed 9-22-21; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-523-815]

#### **Certain Aluminum Foil From the Sultanate of Oman: Final Affirmative Determination of Sales at Less Than Fair Value**

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of certain aluminum foil (aluminum foil) from the Sultanate of Oman (Oman) are being, or are likely to be, sold at less than fair value (LTFV). The period of investigation (POI) is July 1 2019, through June 30, 2020.

**DATES:** Applicable September 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** Benjamin A. Smith, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2181.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On May 4, 2021, Commerce published the *Preliminary Determination* of this LTFV investigation in the **Federal Register**, in which we also postponed the final determination until September 16, 2021.<sup>1</sup> This investigation concerns one mandatory respondent, Oman Aluminium Rolling Company LLC (OARC). We invited interested parties to comment on the *Preliminary Determination*. A complete summary of the events that have occurred since publication of the *Preliminary Determination* may be found in the Issues and Decision Memorandum.<sup>2</sup>

##### **Scope of the Investigation**

The product covered by this investigation is aluminum foil from the Sultanate of Oman. For a complete description of the scope of this investigation, see Appendix I.

<sup>1</sup> See *Certain Aluminum Foil from the Sultanate of Oman: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 23681 (May 4, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Aluminum Foil from the Sultanate of Oman," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

## Scope Comments

In accordance with the *Preamble* to Commerce's regulations,<sup>3</sup> the *Initiation Notice*<sup>4</sup> set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*, and we addressed these comments in the Preliminary Scope Decision Memorandum.<sup>6</sup> Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum.<sup>7</sup> We received no scope briefs requesting changes to the scope of the antidumping or countervailing duty investigations of aluminum foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey. Additionally, we received a letter from the petitioners<sup>8</sup> urging Commerce to maintain the same scope language which was set forth in both the *Initiation Notice* or *Preliminary Determination*.<sup>9</sup> Accordingly, Commerce is not modifying the scope language as it appeared in the *Initiation Notice* or *Preliminary Determination*. See the appendix to this notice for the final scope of the investigation.

## Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum, which is hereby adopted by this notice. The issues are identified in Appendix II of 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

<sup>3</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>4</sup> See *Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

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

<sup>6</sup> See Memorandum, "Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum," dated April 27, 2021 (Preliminary Scope Decision Memorandum).

<sup>7</sup> *Id.*

<sup>8</sup> The Aluminum Association Trade Enforcement Working Group and its individual members, Granges America Inc., JW Aluminum Company and Novelis Corporation constitute the petitioners.

<sup>9</sup> See Petitioners' Letter, "Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey—Petitioners' Final Scope Comments," dated September 8, 2021.

at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

### Verification

Commerce was unable to conduct on-site verification of the official record when making our final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>10</sup>

### Changes Since the Preliminary Determination

Based on our analysis of the comments received from parties, we have made certain revisions to the margin calculation for OARC. For a discussion of these changes, see the “Changes from the Preliminary Determination” section of the Issues and Decision Memorandum.

### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for OARC, the only individually-examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for OARC is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

### Final Determination

The final estimated weighted-average dumping margins are as follows:

| Producers/Exporters                             | Weighted-average dumping margins (percent) |
|-------------------------------------------------|--------------------------------------------|
| Oman Aluminium Rolling Company LLC (OARC) ..... | 3.89                                       |
| All Others .....                                | 3.89                                       |

### Disclosure

Commerce intends to disclose to interested parties the calculations performed for this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend the liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after May 4, 2021, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination*.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, we will instruct CBP to require a cash deposit for such entries of merchandise equal to the following: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of export subsidies countervailed in a companion CVD proceeding, when CVD provisional measures are in effect. Accordingly, where we preliminarily make an affirmative determination for countervailable export subsidies, we offset the estimated weighted-average dumping margin by the appropriate CVD rate. However, in the companion

CVD final determination, we did not countervail any export subsidies.<sup>11</sup> Accordingly, we made no adjustment for export subsidy offsets to the estimated weighted-average dumping margin.

### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce’s final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum foil no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

### Notification Regarding Administrative Protective Order

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

### Notification to Interested Parties

This determination and this notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

<sup>10</sup> See Commerce’s Letter, “Questionnaire in Lieu of Verification for Oman Aluminium Rolling Company LLC,” dated June 4, 2021; see also OARC’s Letter, “Aluminum Foil from Oman: Response Questionnaire in Lieu of Verification,” dated June 11, 2021.

<sup>11</sup> See unpublished **Federal Register** notice, “Certain Aluminum Foil from the Sultanate of Oman: Final Affirmative Countervailing Duty Determination,” dated concurrently with this notice.

Dated: September 16, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations.*

## Appendix I—Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II—List of Topics Discussed in the Final Decision Memorandum

### I. Summary

### II. Background

### III. Changes Since the Preliminary Determination

### IV. Discussion of Comments

Comment 1: Whether Commerce Should Continue to Find that OARC is Affiliated with Sohar Aluminium by Means of Common Control of Both Entities by OQ  
 Comment 2: Whether the Price Used by Commerce for Sohar Aluminium's Input Purchased from an Affiliated Party is an Appropriate Market Price

Comment 3: Whether Commerce Made Clerical Errors when Calculating Total Cost of Manufacturing and Currency Conversions of Third Country Market Variables

### V. Recommendation

[FR Doc. 2021–20538 Filed 9–22–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–821–828]

### Certain Aluminum Foil From the Russian Federation: Final Affirmative Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of certain aluminum foil from the Russian Federation (Russia) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020.

**DATES:** Applicable September 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Heaney, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4475.

### SUPPLEMENTARY INFORMATION:

#### Background

On May 4, 2021, Commerce published in the *Federal Register* the preliminary affirmative determination in the LTFV investigation of aluminum foil from Russia, and postponement of final determination until September 16, 2021.<sup>1</sup> We invited interested parties to comment on the *Preliminary Determination*. We received no comments from interested parties. Accordingly, the final determination is unchanged from the *Preliminary Determination*.

#### Scope of the Investigation

The product covered by this investigation is aluminum foil from Russia. For a complete description of the scope of this investigation, see the appendix to this notice.

#### Scope Comments

In accordance with the *Preamble* to Commerce's regulations,<sup>2</sup> the *Initiation Notice*<sup>3</sup> set aside a period of time for

<sup>1</sup> See *Certain Aluminum Foil from Russia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 23683 (May 4, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>3</sup> See *Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey:*

parties to raise issues regarding product coverage (*i.e.*, scope).<sup>4</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*, and we addressed these comments in the Preliminary Scope Decision Memorandum.<sup>5</sup> Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum.<sup>6</sup> We received no scope briefs requesting changes to the scope of the antidumping or countervailing duty investigations of aluminum foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey. Additionally, we received a letter from the petitioners<sup>7</sup> urging Commerce to maintain the same scope language which was set forth in both the *Initiation Notice* or *Preliminary Determination*.<sup>8</sup> Accordingly, Commerce is not modifying the scope language as it appeared in the *Initiation Notice* or *Preliminary Determination*. See the appendix to this notice for the final scope of the investigation.

#### Verification

Rusal Marketing GmbH, Rusal Products GmbH, RTI Limited, JSC United Company Trading House, JSC Rusal Sayanal, and JSC Ural Foil (collectively, Rusal), the sole mandatory respondent in this investigation, declined to participate and did not provide information requested by Commerce. Therefore, Commerce reached the *Preliminary Determination* entirely on the basis of facts available with the application of adverse inferences (AFA). Accordingly, because the *Preliminary Determination* was based entirely on AFA, Commerce conducted no verification of Rusal pursuant to section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>9</sup>

*Initiation of Less-Than-Fair-Value Investigations*, 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

<sup>4</sup> See *Initiation Notice*.

<sup>5</sup> See Memorandum, “Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum,” dated April 27, 2021 (Preliminary Scope Decision Memorandum).

<sup>6</sup> *Id.*

<sup>7</sup> The Aluminum Association Trade Enforcement Working Group and its individual members, Granges America Inc., JW Aluminum Company and Novelis Corporation constitute the petitioners.

<sup>8</sup> See Petitioners' Letter, “Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey—Petitioners' Final Scope Comments,” dated September 8, 2021.

<sup>9</sup> See *Preliminary Determination*, 86 FR at 23685.

### All-Others Rate

Sections 733(d)(1)(A)(ii) and 735(c)(5)(A) of the Act provide that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis*, or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers and exporters.

Commerce continues to determine the estimated weighted-average dumping margin for Rusal based entirely on AFA, as stipulated in section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, Commerce's normal practice under these circumstances has been to calculate the all-others rate as a simple average of the alleged dumping margins from the petition. There is a single dumping margin alleged in the Petition (*i.e.*, 62.18 percent);<sup>10</sup> accordingly, we have used that rate as the estimated weighted-average dumping margin for all other producers and exporters.

### Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

| Exporter or producer                                                                                                              | Estimated weighted-average dumping margin (percent) |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Rusal Marketing GmbH/Rusal Products GmbH/RTI Limited/JSC United Company Rusal—Trading House/JSC Rusal Sayanal/JSC Ural Foil ..... | * 62.18                                             |
| All Others .....                                                                                                                  | * 62.18                                             |

### Disclosure

Normally, Commerce discloses its calculations and analysis performed to interested parties within five days of any public announcement or, if there is

<sup>10</sup> See Petitioners' Letter, "Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petitioners' Supplement to Volume V Relating to a Request for the Imposition of Antidumping Duties on Imports from Russia," dated October 6, 2020 at 4 and Exhibit AD-RU-S1-3; see also *Initiation Notice*, 85 FR at 67714; see also Memorandum, "Certain Aluminum Foil from Russia Antidumping Duty Investigation Initiation Checklist," dated October 19, 2020 at 8.

no public announcement, within five days of the date of publication of the notice of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we applied AFA and performed no margin calculations, no disclosure will be made in this final determination.

### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of certain aluminum foil from Russia, as described in the appendix to this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 4, 2021, the date of publication of the *Preliminary Determination* in the **Federal Register**. Pursuant to section 735(c)(1)(B)(ii) of the Act, upon the publication of this notice, Commerce will instruct CBP to require a cash deposit as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

These suspension of liquidation instructions will remain in effect until further notice.

### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of subject merchandise from Russia no later than 45 days after our final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon

further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

### Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

### Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: September 16, 2021.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

### Appendix

#### Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095,

7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2021–20540 Filed 9–22–21; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–489–844]

#### Certain Aluminum Foil From the Republic of Turkey: Final Affirmative Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of certain aluminum foil (aluminum foil) from the Republic of Turkey (Turkey) are being, or are likely to be, sold in the United States at less than fair value (LTFV) during the period of investigation, July 1, 2019, through June 30, 2020.

**DATES:** Applicable September 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3683.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 4, 2021, Commerce published in the **Federal Register** its preliminary negative determination in the LTFV investigation of aluminum foil from Turkey, in which it also postponed the final determination until September 16, 2021.<sup>1</sup> We invited interested parties to comment on the *Preliminary Determination*. A summary of the events that occurred since Commerce published the *Preliminary Determination* may be found in the Issues and Decision Memorandum.<sup>2</sup>

<sup>1</sup> See *Certain Aluminum Foil from the Republic of Turkey: Preliminary Negative Determination of Sales at Less Than Fair Value, Postponement of Final Determination*, 86 FR 23686 (May 4, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Aluminum Foil from the Republic of Turkey,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

#### Scope of the Investigation

The product covered by this investigation is aluminum foil from Turkey. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

In accordance with the *Preamble* to Commerce’s regulations,<sup>3</sup> the *Initiation Notice*<sup>4</sup> set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*, and we addressed these comments in the Preliminary Scope Decision Memorandum.<sup>6</sup> Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum.<sup>7</sup> We received no scope case briefs requesting changes to the scope of the investigation from interested parties in any of the LTFV or countervailing duty investigations of aluminum foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and Turkey. Additionally, we received a letter from the petitioners<sup>8</sup> urging Commerce to maintain the same scope language which was set forth in both the *Initiation Notice* or *Preliminary Determination*.<sup>9</sup> See Appendix I to this notice for the final scope of the investigation.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice

<sup>3</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>4</sup> See *Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

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

<sup>6</sup> See Memorandum, “Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum,” dated April 27, 2021 (Preliminary Scope Decision Memorandum).

<sup>7</sup> *Id.*

<sup>8</sup> The Aluminum Association Trade Enforcement Working Group and its individual members, Granges Americas Inc.; JW Aluminum Company; and Novelis Corporation constitute the petitioners.

<sup>9</sup> See Petitioners’ Letter, “Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey—Petitioners’ Final Scope Comments,” dated September 8, 2021.

at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn>.

#### Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>10</sup>

#### Changes Since the Preliminary Determination

Based on our analysis of the comments received, we made certain changes to the margin calculations for this final determination. For a discussion of these changes, see the “Changes from the Preliminary Determination” section of the Issues and Decision Memorandum.

#### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act (*i.e.*, facts otherwise available). Commerce calculated an individual estimated weighted-average dumping margin for the Assan Single Entity, the only individually examined exporter or producer in this investigation. Because the only individually calculated estimated weighted-average dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for all other

<sup>10</sup> See Commerce’s Letter, in-lieu of on-site Verification Questionnaire to the Assan Single Entity, dated July 9, 2021. Commerce determines that Assan Alüminyum Sanayi ve Ticaret A.Ş.; Kibar Dis Ticaret A.Ş.; and Ispak Esnek Ambalaj Sanayi A.Ş. are a single entity (collectively, the Assan Single Entity). See the “Affiliation and Single Entity Treatment” section of the Issues and Decision Memorandum.

producers and/or exporters is equal to the estimated weighted-average dumping margin calculated for the

single examined respondent, the Assan Single Entity, pursuant to section 735(c)(5)(A) of the Act.

### Final Determination

The final estimated weighted-average dumping margins are as follows:

| Exporter or producer                                                                                     | Estimated weighted-average dumping margin (percent) |
|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Assan Aluminyum Sanayi ve Ticaret A.S.; Kibar Dis Ticaret A.S.; and Ispak Esnek Ambalaj Sanayi A.S ..... | 2.28                                                |
| All Others .....                                                                                         | 2.28                                                |

### Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

### Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. These suspension of liquidation instructions will remain in effect until further notice.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for estimated antidumping duties for such entries as follows: (1) The cash deposit rate for the companies listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a company identified above but the producer is identified above, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

While Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect, we have not adjusted the estimated weighted-average dumping margins listed above because provisional measures in the companion

CVD proceeding were no longer in effect as of July 3, 2021.<sup>11</sup> However, if both antidumping and CVD orders are issued as a result of these LTFV and CVD investigations, respectively, Commerce will address the export subsidy offset to determine the cash deposit for estimated antidumping duties when the antidumping order is published.

### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum foil no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Suspension of Liquidation" section.

<sup>11</sup> See message number 1187402 dated July 6, 2021, "Discontinuation of suspension of liquidation in the countervailing duty investigation of aluminum foil from Turkey," where Commerce discontinued the suspension of liquidation of entries effective July 3, 2021, the first day provisional measures were no longer in effect. Although the provisional measures resulting from the CVD investigation have expired, we note that this final determination will initiate the provisional measures with regard to the LTFV investigation.

### Notification Regarding Administrative Protective Orders

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

### Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: September 16, 2021.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

### Appendix I

#### Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS)

subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II

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

- I. Summary
- II. Background
- III. Changes from the Preliminary Determination
- IV. Discussion of the Issues
  - Comment 1: Constructed Export Price Offset
  - Comment 2: Management Fees as U.S. Indirect Selling Expenses
  - Comment 3: Management Fees for Non-Subject Products
  - Comment 4: Bank Charges as Direct Selling Expenses
  - Comment 5: Section 232 Duties
  - Comment 6: Home-Market Rebates
  - Comment 7: Duty Drawback
  - Comment 8: Raw Material Metal Premium Costs
  - Comment 9: Hedging Gains and Losses as Cost of Manufacture
  - Comment 10: Adjustment to the Cost of Manufacture for Goods in Transit
  - Comment 11: Manual Adjustment Ratio
  - Comment 12: Packing Cost Offset in Reported Costs
  - Comment 13: General and Administrative (G&A) Expenses
  - Comment 14: Financial Expenses
- V. Recommendation

[FR Doc. 2021–20534 Filed 9–22–21; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–831–804]

### Certain Aluminum Foil From the Republic of Armenia: Final Affirmative Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of certain aluminum foil (aluminum foil) from the Republic of Armenia (Armenia) are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation, January 1, 2020, through June 30, 2020.

**DATES:** Applicable September 23, 2021.

### FOR FURTHER INFORMATION CONTACT:

Margaret Collins or George McMahon, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6250 or (202) 482–1167, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On May 4, 2021, Commerce published in the *Federal Register* the preliminary affirmative determination in the LTFV investigation of aluminum foil from Armenia, and the postponement of the final determination until September 16, 2021.<sup>1</sup> We invited interested parties to comment on the *Preliminary Determination*. A summary of the events that occurred since Commerce published the *Preliminary Determination* may be found in the Issues and Decision Memorandum.<sup>2</sup>

#### Scope of the Investigation

The product covered by this investigation is aluminum foil from Armenia. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

In accordance with the *Preamble* to Commerce's regulations,<sup>3</sup> the *Initiation Notice*<sup>4</sup> set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*, and we addressed these comments in the Preliminary Scope Decision Memorandum.<sup>6</sup>

<sup>1</sup> See *Certain Aluminum Foil from the Republic of Armenia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 23672 (May 4, 2021), (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Issues and Decision Memorandum for the Final Determination in the Less-Than-Fair-Value Investigation of Certain Aluminum Foil from the Republic of Armenia,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>4</sup> See *Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

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

<sup>6</sup> See Memorandum, “Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum,” dated

Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum.<sup>7</sup> We received no scope case briefs requesting changes to the scope of the investigation from interested parties in any of the antidumping or countervailing duty investigations of aluminum foil from Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey. Additionally, we received a letter from the petitioners<sup>8</sup> urging Commerce to maintain the same scope language which was set forth in both the *Initiation Notice* or *Preliminary Determination*.<sup>9</sup> Accordingly, Commerce is not modifying the scope language as it appeared in the *Initiation Notice* or *Preliminary Determination*, which was unchanged from the *Initiation Notice*. See Appendix I for the final scope of the investigation.

#### Analysis of Comments Received

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

#### Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination with respect to Rusal Armenal CJSC (Armenal), in accordance with section 782(i) of the

April 27, 2021 (Preliminary Scope Decision Memorandum).

<sup>7</sup> *Id.*

<sup>8</sup> The Aluminum Association Trade Enforcement Working Group and its individual members, Granges America Inc., JW Aluminum Company and Novelis Corporation constitute the petitioners.

<sup>9</sup> See Petitioners' Letter, “Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey—Petitioners' Final Scope Comments,” dated September 8, 2021.

Tariff Act of 1930, as amended (the Act).<sup>10</sup>

### Changes Since the Preliminary Determination

Based on our analysis of information provided at Commerce's request by Armenal after the *Preliminary Determination*,<sup>11</sup> the comments received, our findings related to our request for information in lieu of verification, and our correction of ministerial errors timely alleged following the *Preliminary Determination*,<sup>12</sup> we have made certain changes to the margin calculations for Armenal. For a discussion of these

changes, see the Issues and Decision Memorandum.

### Separate Rate Companies

No party commented on our preliminary separate rate determination with respect to the mandatory respondent.<sup>13</sup> Thus, there is no basis to reconsider our preliminary determination with respect to separate rate status, and we have continued to grant Armenal a separate rate in this final determination. In light of these changes to the margin calculations and the resulting revised estimated weighted average dumping margin for Armenal, we have also revised the Armenia-wide

rate. For a discussion of these changes, see the Issues and Decision Memorandum.

### Combination Rates

Consistent with the *Preliminary Determination* and Policy Bulletin 05.1,<sup>14</sup> Commerce calculated combination (producer/exporter) rates for the respondent that is eligible for a separate rate in this investigation.

### Final Determination

The final estimated weighted-average dumping margins are as follows:

| Producer                  | Exporter                   | Estimated weighted-average dumping margin (percent) |
|---------------------------|----------------------------|-----------------------------------------------------|
| Rusal Armenal CJSC .....  | Rusal Products GmbH .....  | 29.11                                               |
| Rusal Armenal CJSC .....  | Rusal Marketing GmbH ..... | 29.11                                               |
| Armenia-Wide Entity ..... | .....                      | 29.11                                               |

### Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend the liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after May 4, 2021, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination*.

Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which NV exceeds U.S. price, as indicated in the chart above, as follows: (1) For the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all

combinations of Armenia producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the Armenia-wide entity; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Armenia producer/exporter combination (or the Armenia-wide entity) that supplied that third-country exporter. These suspension of liquidation instructions will remain in effect until further notice.

### International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum foil no later

than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

### Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the 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 or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

<sup>10</sup> See Commerce's Letter, dated June 15, 2021; see also Armenal Letter, "Certain Aluminum Foil from Armenia: RUSAL Armenal Response to Questionnaire in Lieu of Verification," dated June 24, 2021.

<sup>11</sup> See Armenal Letter, "Certain Aluminum Foil from Armenia: RUSAL Armenal Supplemental

Section D Questionnaire Response," dated May 7, 2021.

<sup>12</sup> See Memorandum, "Certain Aluminum Foil from Armenia: Allegation of a Ministerial Error in the Preliminary Affirmative Determination of Sales in the Less-Than-Fair-Value Investigation," dated May 28, 2021.

<sup>13</sup> See *Preliminary Determination PDM* at 10–15.

<sup>14</sup> See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries," (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at <http://enforcement.trade.gov/policy/bull05-1.pdf>.

## Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: September 16, 2021.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

## Appendix I—Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Armenia-Wide Rate
- IV. Affiliation
- V. Changes Since the Preliminary Determination
- VI. Discussion of the Issues
  - Comment 1: Surrogate Country Selection
  - Comment 2: Surrogate Value for Electricity
  - Comment 3: Conversion Factor for Polyether Packing Tape
  - Comment 4: Conversion Factor for Sawm Timber
  - Comment 5: Global Trade Atlas (GTA) Data from South Africa

## VII. Recommendation

[FR Doc. 2021–20539 Filed 9–22–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–489–845]

### Certain Aluminum Foil From the Republic of Turkey: Final Affirmative Countervailing Duty Determination

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

**SUMMARY:** The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain aluminum foil (aluminum foil) from the Republic of Turkey (Turkey) during the period of investigation, January 1, 2019, through December 31, 2019.

**DATES:** Applicable September 23, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Whitley Herndon or Eliza Siordia, 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) 482–6274 or (202) 482–3878, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On March 5, 2021, Commerce published the *Preliminary Determination* in the **Federal Register**.<sup>1</sup> In the *Preliminary Determination*, and in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final determination of this countervailing duty (CVD) investigation with the final determination in the companion antidumping duty (AD) investigation of aluminum foil from Turkey.

A summary of the events that occurred since Commerce published the *Preliminary Determination* may be found in the Issues and Decision Memorandum.<sup>2</sup> The Issues and Decision

<sup>1</sup> See *Certain Aluminum Foil from the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 86 FR 12911 (March 5, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Aluminum Foil from the Republic of Turkey,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

#### Scope of the Investigation

The product covered by this investigation is aluminum foil from Turkey. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

In accordance with the *Preamble* to Commerce’s regulations,<sup>3</sup> the *Initiation Notice*<sup>4</sup> set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of this investigation as it appeared in the *Initiation Notice*, and we addressed these comments in the Preliminary Scope Decision Memorandum.<sup>6</sup> Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum.<sup>7</sup> We received no scope case briefs requesting changes to the scope of the investigation from interested parties in any of the AD or CVD investigations of aluminum foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and Turkey. Additionally, we received a letter from the petitioners<sup>8</sup> urging Commerce to maintain the same scope language which was set forth in both the *Initiation Notice* or *Preliminary Determination*.<sup>9</sup> Accordingly,

<sup>3</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>4</sup> See *Certain Aluminum Foil from the Sultanate of Oman and the Republic of Turkey: Initiation of Countervailing Duty Investigations*, 85 FR 68287 (October 28, 2020) (*Initiation Notice*).

<sup>5</sup> *Id.*, 85 FR at 68288.

<sup>6</sup> See Memorandum, “Preliminary Scope Determination and Comment Period,” dated September 3, 2021 (containing the Memorandum, “Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum,” dated April 27, 2021 (Preliminary Scope Decision Memorandum)).

<sup>7</sup> *Id.*

<sup>8</sup> The Aluminum Association Trade Enforcement Working Group and its individual members, Granges America Inc., JW Aluminum Company and Novelis Corporation constitute the petitioners.

<sup>9</sup> See Petitioners’ Letter, “Petitioners’ Final Scope Comments,” dated September 8, 2021.

Commerce is not modifying the scope language as it appeared in the *Initiation Notice* or *Preliminary Determination*. See Appendix I for the final scope of the investigation.

#### Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.<sup>10</sup>

#### Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs by parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, see Appendix II of this notice.

#### Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>11</sup> For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum. Commerce notes that, in making these findings, it relied, in part, on facts otherwise available and, because Commerce finds that the Government of Turkey did not act to the best of its ability to respond to Commerce’s requests for information, Commerce drew an adverse inference where appropriate in selecting from among the facts otherwise available.<sup>12</sup> For further information, see the section entitled “Use of Facts Otherwise Available and Application of Adverse Inferences” in the Issues and Decision Memorandum.

#### Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, we

made certain changes to the subsidy rate calculations for Assan Aluminyum Sanayi ve Ticaret A.S. (Assan) and its cross-owned affiliates Ispak Esnek Ambalaj Sanayi A.S., Kibar Holding, and Kibar Dis Ticaret A.S. (Kibar Dis). For a discussion of these changes, see the Issues and Decision Memorandum.

#### All-Others Rate

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis*, or based entirely under section 776 of the Act.

In this investigation, we continue to calculate the all-others rate using the estimated weighted-average rate calculated for Assan and its cross-owned affiliates.<sup>13</sup>

#### Final Determination

Commerce determines that the following countervailable subsidy rates exist:

| Producer/exporter                                          | Subsidy rate (percent) |
|------------------------------------------------------------|------------------------|
| Assan Aluminyum Sanayi ve Ticaret A.S. <sup>14</sup> ..... | 2.60                   |
| All Others .....                                           | 2.60                   |

#### Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in this final determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

#### Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for

consumption on or after March 5, 2021, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, effective July 3, 2021, we instructed CBP to discontinue the suspension of liquidation of all entries at that time, but to continue the suspension of liquidation of all entries from March 5, 2021, through July 2, 2021.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

#### ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of aluminum foil from Turkey. As Commerce’s final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured or threatened with material injury. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

#### Notification Regarding APO

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an

<sup>10</sup> See Commerce’s Letter, “Countervailing Duty Investigation of Certain Aluminum Foil from the Republic of Turkey—Request for Documentation,” dated March 15, 2021.

<sup>11</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>12</sup> See sections 776(a) and (b) of the Act.

<sup>13</sup> Commerce also selected Kibar Dis as a mandatory company respondent in this investigation. However, Commerce has found Kibar Dis to be a cross-owned affiliate of Assan, and we are not calculating a separate subsidy rate for Kibar Dis.

<sup>14</sup> Commerce has found Kibar Dis, Kibar Holding, and Ispak Esnek Ambalaj Sanayi A.S. to be cross-owned, pursuant to 19 CFR 351.525(b)(6)(vi), with Assan Aluminyum Sanayi ve Ticaret A.S.

APO is a violation which is subject to sanction.

### Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 771(i) of the Act, and 19 CFR 351.210(c).

Dated: September 16, 2021.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

### Appendix I

#### Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

### Appendix II

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

- I. Summary
- II. Background
- III. Subsidies Valuation Information
- IV. Use of Facts Otherwise Available and Application of Adverse Inferences
- V. Analysis of the Programs
- VI. Discussion of the Issues
  - Comment 1: Whether to Revise the Sales Denominators
  - Comment 2: Whether to Use Total Sales as the Denominator for the Exemptions on

Exchange Tax for Foreign Exchange Transactions

Comment 3: How to Compute the Benefit Calculation for the Rediscount Loan Program and the Export-Oriented Working Capital Credit Program

Comment 4: Whether to Apply Adverse Facts Available (AFA) to "Other" Subsidy Programs

Comment 5: Whether Certain Ministerial Errors Exist

Comment 6: Whether the Value-Added-Tax (VAT) Exemption on the Acquisition of Operating Rights Provided a Measurable Benefit to Assan

#### VII. Recommendation

[FR Doc. 2021-20535 Filed 9-22-21; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-856]

#### Certain Aluminum Foil From Brazil: Final Affirmative Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of certain aluminum foil (aluminum foil) from Brazil are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) July 1, 2019, through June 30, 2020.

**DATES:** Applicable September 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** George McMahon, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1167.

#### SUPPLEMENTARY INFORMATION:

#### Background

On May 4, 2021, Commerce published in the **Federal Register** the preliminary affirmative determination, and postponement of the final determination until September 16, 2021, in the LTFV investigation of aluminum foil from Brazil.<sup>1</sup> We invited interested parties to comment on the *Preliminary Determination*. A summary of the events that occurred since Commerce published the *Preliminary*

<sup>1</sup> See *Certain Aluminum Foil from Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 23678 (May 4, 2021), (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

*Determination* may be found in the Issues and Decision Memorandum.<sup>2</sup>

#### Scope of the Investigation

The product covered by this investigation is aluminum foil from Brazil. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

In accordance with the *Preamble* to Commerce's regulations,<sup>3</sup> the *Initiation Notice*<sup>4</sup> set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of this investigation as it appeared in the *Initiation Notice*, and we addressed these comments in the Preliminary Scope Decision Memorandum.<sup>6</sup> Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum.<sup>7</sup> However, we received no scope case briefs requesting changes to the scope of the investigation from interested parties in any of the antidumping duty or countervailing duty investigations of aluminum foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey.<sup>8</sup> Additionally, we received a

<sup>2</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Aluminum Foil from Brazil," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>4</sup> See *Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations*, 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

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

<sup>6</sup> See Memorandum, "Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum," dated April 27, 2021 (Preliminary Scope Decision Memorandum).

<sup>7</sup> *Id.*

<sup>8</sup> See Petitioners' Letter, "Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey—Petitioners' Final Scope Comments," dated September 8, 2021 (Petitioners' Final Scope Comments). On September 13, 2021, Commerce received a letter requesting that Commerce reject Petitioners' Final Scope Comments, to which Commerce rejected this request in its reply on September 15, 2021. See Matthew McConkey's Letter, "Certain Aluminum Foil from Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Comments Regarding Solicitation of Final Scope Comments," dated September 13, 2021; see also Commerce's Letter, "Antidumping Duty Investigations on Certain Aluminum Foil from Armenia, Brazil, the

letter from the petitioners urging Commerce to maintain the same scope language which was set forth in both the *Initiation Notice or Preliminary Determination*.<sup>9</sup> Accordingly, Commerce is not modifying the scope language as it appeared in the *Preliminary Determination*,<sup>10</sup> which was unchanged from the *Initiation Notice*. See Appendix I for the final scope of the investigation.

### Analysis of Comments Received

All the issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

### Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination with respect to Companhia Brasileira de Alumínio<sup>11</sup> and CBA Itapissuma (collectively, CBA), in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>12</sup>

Sultanate of Oman, Russia, and the Republic of Turkey and Countervailing Duty Investigations of Certain Aluminum Foil from the Sultanate of Oman and the Republic of Turkey: Request to Reject Submission," dated September 15, 2021.

<sup>9</sup> See Petitioners' Final Scope Comments.

<sup>10</sup> *Id.*

<sup>11</sup> Counsel for this respondent clarified that the correct spelling of the company's name is Companhia Brasileira de Alumínio. See CBA's Letter, "Aluminum Foil from Brazil: Case Brief," dated July 9, 2021 at 1.

<sup>12</sup> See Commerce's Letter, "Remote Verification—Request for Documentation," dated June 15, 2021; see also CBA's Letter, "Aluminum Foil from Brazil: Response to the Questionnaire in Lieu of On-Site Verification," dated June 24, 2021. Commerce did not issue a similar request for documentation from the mandatory respondent, Arconic Ind. E Com de Metias LTDA (Arconic), because Arconic failed to timely respond to Commerce's questionnaires prior to the *Preliminary Determination*. See *Preliminary Determination*.

### Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings related to our request for information in lieu of verification, we have made certain changes to the margin calculations for CBA. In light of these changes to the margin calculations and the resulting revised estimated weighted-average dumping margin for CBA, we have also revised the all-others rate. For a discussion of these changes, see the Issues and Decision Memorandum.

### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for CBA and assigned a rate based entirely on facts available to Arconic, the two respondents selected for individual examination in this investigation. Because the only individually calculated dumping margin not zero, *de minimis*, or based entirely on facts otherwise available, is the estimated weighted-average dumping margin calculated for CBA, we have assigned the margin calculated for CBA to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

### Final Determination

Pursuant to section 735 of the Act, the final estimated weighted-average dumping margins are as follows:

| Exporter or producer                                                | Estimated weighted-average dumping margin (percent) |
|---------------------------------------------------------------------|-----------------------------------------------------|
| Arconic Ind. E Com de Metias LTDA ....                              | * 63.05                                             |
| Companhia Brasileira de Alumínio/CBA Itapissuma <sup>13</sup> ..... | 13.93                                               |
| All Others .....                                                    | 13.93                                               |

\* Adverse Facts Available (AFA).

### Disclosure

We intend to disclose the calculations performed in this final determination

<sup>13</sup> Commerce preliminarily determined that Companhia Brasileira de Alumínio and CBA Itapissuma are affiliated, within the meaning of sections 771(33)(E) and (G) of the Act, and should

within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend the liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after May 4, 2021, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination*.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin or estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of aluminum foil from

be treated as a single entity, in accordance with 19 CFR 351.401(f). See *Preliminary Decision Memorandum*. Commerce received no comments regarding this preliminary determination. Accordingly, Commerce continues to find that Companhia Brasileira de Alumínio and CBA Itapissuma are affiliated and continues to treat these companies as a single entity.

Brazil no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

### Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the 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 or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

### Notification to Interested Parties

This determination and this notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: September 16, 2021.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

### Appendix I

#### Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within

the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

### Appendix II

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

- I. Summary
- II. Background
- III. Changes Since the Preliminary Determination
- IV. Discussion of the Issues
- V. Recommendation

[FR Doc. 2021–20537 Filed 9–22–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–523–816]

#### Certain Aluminum Foil From the Sultanate of Oman: Final Affirmative Countervailing Duty Determination

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

**SUMMARY:** The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain aluminum foil (aluminum foil) from the Sultanate of Oman (Oman) during the period of investigation, January 1, 2019, through December 31, 2019.

**DATES:** Applicable September 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1009.

#### SUPPLEMENTARY INFORMATION:

#### Background

On March 5, 2021, Commerce published the *Preliminary Determination* in the **Federal Register**.<sup>1</sup>

<sup>1</sup> See *Certain Aluminum Foil from the Sultanate of Oman: Preliminary Affirmative Countervailing*

In the *Preliminary Determination*, and in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final determination of this countervailing duty (CVD) investigation with the final determination in the companion antidumping duty (AD) investigation of aluminum foil from Oman.

A summary of the events that occurred since Commerce published the *Preliminary Determination*, may be found in the Issues and Decision Memorandum.<sup>2</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

#### Scope of the Investigation

The product covered by this investigation is aluminum foil from Oman. For a complete description of the scope of this investigation, see Appendix I.

#### Scope Comments

In accordance with the *Preamble* to Commerce's regulations,<sup>3</sup> the *Initiation Notice*<sup>4</sup> set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*, and we addressed the comments in the Preliminary Scope Decision Memorandum.<sup>6</sup> Interested parties were provided an opportunity to comment on the Preliminary Scope Decision Memorandum.<sup>7</sup> We received

*Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*; 86 FR 12913 (March 5, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, "Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Aluminum Foil from the Republic of Oman," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>3</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>4</sup> See *Certain Aluminum Foil from the Sultanate of Oman and the Republic of Turkey: Initiation of Countervailing Duty Investigations*, 85 FR 68287 (October 28, 2020) (*Initiation Notice*).

<sup>5</sup> *Id.*, 85 FR at 68288.

<sup>6</sup> See Memorandum, "Preliminary Scope Determination and Comment Period," dated September 3, 2021 (Preliminary Scope Decision Memorandum).

<sup>7</sup> *Id.*

no scope case briefs requesting changes to the scope of the AD or CVD investigations of aluminum foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey. Additionally, we received a letter from the petitioners<sup>8</sup> urging Commerce to maintain the same scope language which was set forth in both the *Initiation Notice* or *Preliminary Determination*.<sup>9</sup> Accordingly, Commerce is not modifying the scope language as it appeared in the *Preliminary Determination*. See Appendix I for the final scope of the investigation.

### Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.<sup>10</sup>

### Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs by parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, see Appendix II of this notice.

### Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>11</sup> For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

<sup>8</sup> The Aluminum Association Trade Enforcement Working Group and its individual members, Granges America Inc., JW Aluminum Company and Novelis Corporation constitute the petitioners.

<sup>9</sup> See Petitioners’ Letter, “Petitioners’ Final Scope Comments,” dated September 8, 2021.

<sup>10</sup> See Commerce’s Letter, “Countervailing Duty Investigation of Certain Aluminum Foil from the Sultanate of Oman: In Lieu of Verification Questionnaire,” dated July 13, 2021.

<sup>11</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

### Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, we made certain changes to the subsidy rate calculations for Oman Aluminium Rolling Company LLC (OARC). For a discussion of these changes, see the Issues and Decision Memorandum.

### All-Others Rate

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis*, or based entirely under section 776 of the Act.

In this investigation, we continue to calculate the all-others rate using the estimated weighted-average rate calculated for OARC and its cross-owned affiliates.<sup>12</sup>

### Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

| Producer/exporter                        | Subsidy rate (percent) |
|------------------------------------------|------------------------|
| Oman Aluminium Rolling Company LLC ..... | 1.93                   |
| All Others .....                         | 1.93                   |

### Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in this final determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

### Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after March 5, 2021, the date of publication of the

<sup>12</sup> OARC identified three companies as cross-owned companies with a reporting obligation: Takamul Investment Company LLC (Takamul), OQ SAOC (OQ) (formerly known as Oman Oil Company SAOC), and Sohar Paper Cores LLC (SPC). See *Preliminary Determination* PDM at 6.

*Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, effective July 3, 2021, we instructed CBP to discontinue the suspension of liquidation of all entries at that time, but to continue the suspension of liquidation of all entries from March 5, 2021, through July 2, 2021.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited, or securities posted as a result of the suspension of liquidation will be refunded or canceled.

### ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of aluminum foil from Oman. As Commerce’s final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured or threatened with material injury. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

### Notification Regarding APO

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

## Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 771(i) of the Act, and 19 CFR 351.210(c).

Dated: September 16, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations.*

## Appendix I

### Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II

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

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Period of Investigation
- V. Subsidies Valuation Information
- VI. Analysis of the Programs
- VII. Discussion of the Comments
  - Comment 1: Whether Commerce Should Amend its Preliminary Finding Regarding OARC's Financing
  - Comment 2: Whether Commerce Should Revise Its Preliminary Subsidy Findings Regarding the Provision of Land for LTAR Program

Comment 3: Selection of the Benchmark for the Provision of Land for LTAR Program

Comment 4: Whether Commerce Should Revise its Preliminary Subsidy Findings Regarding the Provision of Electricity for LTAR Program

Comment 5: Calculation of the Benefit for the Provision of Electricity for LTAR Program

Comment 6: Whether Commerce Should Revise OARC's Sales Denominator

VIII. Recommendation

[FR Doc. 2021–20536 Filed 9–22–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XB438]

### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council's is convening its Scientific and Statistical Committee (SSC) via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This webinar will be held on Wednesday, October 13, 2021, beginning at 9 a.m. Webinar registration information: <https://attendee.gotowebinar.com/register/1327024091005335819>. Call in information: +1 (562) 247–8422, Access Code: 606–978–888.

**ADDRESSES:** The meeting will be held via webinar.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

### SUPPLEMENTARY INFORMATION:

### Agenda

The Scientific and Statistical Committee will meet to review the information provided by the Council's Scallop Plan Development Team and recommend the overfishing limits (OFLs) and acceptable biological catches (ABCs) for Atlantic sea scallops for fishing years 2022 and 2023 (default).

Consider other business as necessary. Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: September 20, 2021.

**Tracey L. Thompson,**

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

[FR Doc. 2021–20596 Filed 9–22–21; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XB443]

### Pacific Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) will hold an online meeting that is not open to the public.

**DATES:** The Pacific Council will meet online Tuesday, October 12, 2021, beginning at 8 a.m. Pacific Daylight Time (PDT). The meeting will consist only of a Closed Session to address the employment matter of hiring a new executive director. The Pacific Council will meet as late as necessary to complete its scheduled business.

**ADDRESSES:** The meeting of the Pacific Council will be by webinar only. Specific meeting information, including

directions on joining the meeting will be provided only to Council members. Council members may send an email to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov)) or contact him at (503) 820-2412 for technical assistance.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

**FOR FURTHER INFORMATION CONTACT:** Mr. Chuck Tracy, Executive Director, Pacific Council; telephone: (503) 820-2415 or (866) 806-7204 toll-free.

**SUPPLEMENTARY INFORMATION:** The following items are on the Pacific Council agenda:

#### A. Call to Order

1. Opening Remarks
2. Roll Call
3. Approve Agenda

#### B. Employment Matters

1. Executive Director Selection Process
2. Candidate Interviews
3. Discussion and Action

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov); (503) 820-2412) at least 10 business days prior to the meeting date.

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

Dated: September 20, 2021.

**Tracey L. Thompson,**

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

[FR Doc. 2021-20595 Filed 9-22-21; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XB396]

#### Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR) Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The SEDAR Steering Committee will meet via webinar to discuss the SEDAR stock assessment process and assessment schedule. See **SUPPLEMENTARY INFORMATION.**

**DATES:** The SEDAR Steering Committee will meet Wednesday, October 13, 2021, from 9 a.m. to 5 p.m., Eastern, via webinar. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the SEDAR process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

#### ADDRESSES:

*Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie Neer (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

*SEDAR address:* 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; [www.sedarweb.org](http://www.sedarweb.org).

**FOR FURTHER INFORMATION CONTACT:** Julie A. Neer, SEDAR Program Manager, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571-4366 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: [Julie.neer@safmc.net](mailto:Julie.neer@safmc.net).

**SUPPLEMENTARY INFORMATION:** The SEDAR Steering Committee provides guidance and oversight of the SEDAR stock assessment program and manages assessment scheduling.

The items of discussion for this meeting are as follows:

- SEDAR Projects Update
- SEDAR Projects Schedule
- SEDAR Process Review and Discussions
- Other Business

Although non-emergency issues not contained in this agenda may come

before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 5 business days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: September 20, 2021.

**Tracey L. Thompson,**

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

[FR Doc. 2021-20598 Filed 9-22-21; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XB428]

#### Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will hold a meeting via webinar of its Law Enforcement Technical Committee (LETC), in conjunction with the Gulf States Marine Fisheries Commission's (GSMFC) Law Enforcement Committee (LEC).

**DATES:** The webinar will convene on Tuesday, October 12, 2021; beginning at 8:30 a.m. until 2:30 p.m., CDT.

**ADDRESSES:** The meeting will be held via webinar. Please visit the Gulf Council website at [www.gulfcouncil.org](http://www.gulfcouncil.org) for meeting materials and webinar registration information.

*Council address:* Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348-1630.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ava Lasseter, Anthropologist, Gulf of

Mexico Fishery Management Council; [ava.lassetter@gulfcouncil.org](mailto:ava.lassetter@gulfcouncil.org), telephone: (813) 348-1630, and Mr. Steve VanderKooy, Inter-jurisdictional Fisheries (IJF) Coordinator, Gulf States Marine Fisheries Commission; [svanderkooy@gsmfc.org](mailto:svanderkooy@gsmfc.org), telephone: (228) 875-5912.

**SUPPLEMENTARY INFORMATION:** The following items of discussion are on the agenda, though agenda items may be addressed out of order and any changes will be noted on the Council's website when possible.

*Tuesday, October 12, 2021; beginning at 8:30 a.m. until 2:30 p.m., CDT.*

**Joint Gulf Council's Law Enforcement Technical Committee (LETC) and Gulf States Marine Fisheries Commission's Law Enforcement Committee (LEC) Meeting Agenda**

General session will begin with introductions and adoption of agenda, and approval of minutes from the Joint LEC/LETC Meeting on March 9, 2021; and, election of Joint Committee Chair and Vice Chair.

The Gulf Council LETC will receive an update on changes to Electronic Reporting for Federally Permitted Vessels, changes to Cobia Management (Amendment 32), discuss the Heads and Fins Intact Regulation; and, review Nomination Process for 2021 Officer/Team of the Year Award.

The GSMFC LEC will discuss the Future of the Strategic and Operations Plans, review the IJF Program Activity for the status of the Red Drum Profile, and Commission Pubs.

The committee will present the State Report Highlights from Florida, Alabama, Mississippi, Louisiana, Texas, U.S. Coast Guard (USCG), NOAA Office of Law Enforcement (OLE), and U.S. Fish and Wildlife Service (USFWS); and will discuss any Other Business items.

—Meeting Adjourns

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on [www.gulfcouncil.org](http://www.gulfcouncil.org).

The Law Enforcement Technical Committee consists of principal law enforcement officers in each of the Gulf States, as well as the NOAA OLE, USFWS, the USCG, and the NOAA Office of General Counsel for Law Enforcement.

Although other non-emergency issues not on the agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues

specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

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

*Dated:* September 17, 2021.

**Tracey L. Thompson,**

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

[FR Doc. 2021-20528 Filed 9-22-21; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID: 0648-XB441]

#### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council will hold a webinar workshop to demonstrate electronic vessel trip reporting (eVTR) through an approved software application in preparation for required commercial electronic reporting.

**DATES:** The workshop will be held via webinar on Tuesday, October 12, 2021, beginning at 4 p.m. and concluding by 6 p.m. For details, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** This workshop will be held via webinar and connection and agenda information will be posted at the MAFMC's website: <https://www.mafmc.org/council-events>.

*Council address:* Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; [www.mafmc.org](http://www.mafmc.org).

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

**SUPPLEMENTARY INFORMATION:** This is a Council-hosted eVTR training workshop open to the public and targeted towards commercial operators. Beginning on November 10, 2021, all commercial vessels with federal permits for species managed by the Mid-Atlantic or New

England Council will be required to submit vessel trip reports (VTRs) electronically as eVTRs within 48 hours of the end of a trip (unless required sooner as with some sector allocations). This action does not change any other existing requirements associated with VTRs. These changes were recommended by the MAFMC and NEFMC in order to increase the timeliness and availability of data submitted through VTRs, reduce the reporting burden on commercial vessel operators, and increase the accuracy and quality of data. The training workshop will review step by step instructions for filling out an eVTR using an approved software application.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Mid-Atlantic Council Office, (302) 526-5251, at least 5 days prior to the meeting date.

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

*Dated:* September 20, 2021.

**Tracey L. Thompson,**

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

[FR Doc. 2021-20597 Filed 9-22-21; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Meeting of the U.S. Naval Academy Board of Visitors

**AGENCY:** Department of the Navy (DoN), U.S. Department of Defense (DoD).

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Naval Academy Board of Visitors, hereafter "Board," will take place.

**DATES:** Open to the public, September 27, 2021, from 9 a.m. to 11 a.m. Closed to the public, September 27, 2021, from 11 a.m. to noon (12 p.m.).

**ADDRESSES:** This meeting will be held at the United States Naval Academy in Annapolis, MD. Pending prevailing healthy directives, the meeting will be handicap accessible. Escort is required.

**FOR FURTHER INFORMATION CONTACT:** Major Raphael Thalakkottur, USMC, Executive Secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, Annapolis, MD

21402–5000, 410–293–1503, [thalakot@usna.edu](mailto:thalakot@usna.edu), or visit <https://www.usna.edu/PAO/Superintendent/bov.php>.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), the General Services Administration's (GSA) Federal Advisory Committee Management Final Rule (41 CFR part 102–3). Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer for the United States Naval Academy Board of Visitors, the United States Naval Academy was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its September 27, 2021 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

**Purpose of Meeting:** The U.S. Naval Academy Board of Visitors will meet to make such inquiry, as the Board deems necessary, into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy.

**Agenda:** Proposed meeting agenda for September 27, 2021.

0830–0900 Members Assemble  
0900 Call to Order (Open to Public)  
0900–1055 Business Session (Open to Public)  
1055–1100 Break (Open to Public)  
1100–1200 Executive Session (Closed to Public)

Current details on the board of visitors may be found at <https://www.usna.edu/PAO/Superintendent/bov.php>.

The executive session of the meeting from 11:00 a.m. to 12:00 p.m. on September 27, 2021, will consist of discussions of new and pending administrative or minor disciplinary infractions and non-judicial punishments involving midshipmen attending the Naval Academy to include but not limited to, individual honor or conduct violations within the Brigade, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. For this reason, the executive session of this meeting will be closed to the public, as the discussion of such information cannot be adequately segregated from other topics, which precludes opening the executive session of this meeting to the public. Accordingly, the Secretary of

the Navy, in consultation with the Department of the Navy General Counsel, has determined in writing that the meeting shall be partially closed to the public because the discussions during the executive session from 11 a.m. to noon (12 p.m.) will be concerned with matters protected under sections 552b(c) (5), (6), and (7) of title 5, United States Code.

**Authority:** 5 U.S.C. 552b.

**Meeting Accessibility:** Pursuant to FACA and 41 CFR 102–3.140, this meeting is open to the public. Any public attendance at the meeting will be governed by prevailing health directives at the United States Naval Academy. Please contact the Executive Secretary five days prior the meeting to coordinate access to the meeting.

**Written Statements:** Per Section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration at any time, but should be received by the Designated Federal Officer at least 5 days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting. Written statements should be submitted via mail to 121 Blake Rd., Annapolis, MD 21402. Please note that since the Board operates under the provisions of the FACA, as amended, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the board website. In the event that prevailing medical directives require a virtual meeting, the meeting will be virtually broadcasted live from the United States Naval Academy. The broadcast will be close captioned for the duration of the public portion of the meeting. The link to view the meeting will be posted at <https://www.usna.edu/PAO/Superintendent/bov.php> forty-eight hours prior to the meeting. A virtual event will preclude accommodation of the public to attend the meeting in person.

Dated: 20 September, 2021.

**J.M. Pike,**

*Commander, Judge Advocate General's Corps,  
U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2021–20579 Filed 9–22–21; 8:45 am]

**BILLING CODE 3810–FF–P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0106]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for the Educational Flexibility (Ed-Flex) Program

**AGENCY:** Office of Elementary and Secondary Education (OESE), 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 25, 2021.

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

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Christopher Fenton, 202–453–5515.

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

burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Application for the Educational Flexibility (Ed-Flex) Program.

*OMB Control Number:* 1810-0737.

*Type of Review:* An extension without change of a currently approved collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 40.

*Total Estimated Number of Annual Burden Hours:* 1,600.

*Abstract:* The Educational Flexibility (Ed-Flex) program is authorized under the Education Flexibility Partnership Act of 1999 and was reauthorized by section 9207 of the Every Student Succeeds Act (ESSA). The Ed-Flex program allows the Secretary to authorize a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more the included programs for any local educational agency (LEAs), educational service agency, or school within the State. This information collection includes data reporting requirements that States must follow as part of the process of applying to be designated an Ed-Flex Partnership State.

Dated: September 20, 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. 2021-20623 Filed 9-22-21; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0138]

### Agency Information Collection Activities; Comment Request; Student Assistance General Provisions—Readmission for Servicemembers

**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 November 22, 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-0138. 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 [www.regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto: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 6W208D, 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:* Student Assistance General Provisions—Readmission for Servicemembers.

*OMB Control Number:* 1845-0095.

*Type of Review:* An extension without change of a currently approved collection.

*Respondents/Affected Public:* Individuals and Households; Private Sector; State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 4,570.

*Total Estimated Number of Annual Burden Hours:* 1,531.

*Abstract:* The Department of Education (the Department) is requesting an extension without change of the current record keeping information collection. Due to the effects of the COVID-19 pandemic the Department lacks sufficient data to allow for more accurate updates to the usage of the form. There has been no change in either the statute as provided by the Higher Education Act of 1965, as amended (HEA) or in the regulations. The regulations identify the requirements under which an institution must readmit servicemembers with the same academic status they held at the institution when they last attended (or were accepted for attendance). The regulations require institutions to charge readmitted servicemembers, for the first academic year of their return, the same institutional charges they were charged for the academic year during which they left the institution (see section 484C of the HEA).

Dated: September 17, 2021.

**Kate Mullan,**

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

[FR Doc. 2021-20548 Filed 9-22-21; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG21-255-000.

*Applicants:* EnerSmart El Cajon BESS LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of EnerSmart El Cajon BESS LLC.

*Filed Date:* 9/17/21.

*Accession Number:* 20210917-5042.

*Comment Date:* 5 p.m. ET 10/8/21.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

*Docket Numbers:* EL21-78-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Answer of PJM Interconnection, L.L.C.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915-5111.

*Comment Date:* 5 p.m. ET 10/6/21.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER15-190-016; ER18-1343-011; ER10-2034-007.

*Applicants:* Duke Energy Renewable Services, LLC, Duke Energy Indiana, Inc., Carolina Solar Power, LLC.

*Description:* Second Amendment to December 18, 2020 Triennial Market Power Analysis for Central Region of Duke Companies.

*Filed Date:* 9/15/21.

*Accession Number:* 20210915-5200.

*Comment Date:* 5 p.m. ET 9/29/21.

*Docket Numbers:* ER20-227-004.

*Applicants:* Jersey Central Power & Light Company, PJM Interconnection, L.L.C.

*Description:* Compliance filing: Jersey Central Power & Light Company submits tariff filing per 35: JCP&L submits Amendment to pending Compliance Filing in ER20-227 to be effective 1/1/2020.

*Filed Date:* 9/17/21.

*Accession Number:* 20210917-5037.

*Comment Date:* 5 p.m. ET 10/8/21.

*Docket Numbers:* ER21-2329-001.

*Applicants:* Minonk Stewardship Wind LLC.

*Description:* Compliance filing: Revised Rate Schedule Under Docket ER21-2329 to be effective 10/1/2021.

*Filed Date:* 9/17/21.

*Accession Number:* 20210917-5101.

*Comment Date:* 5 p.m. ET 10/8/21.

*Docket Numbers:* ER21-2520-001.

*Applicants:* MATL LLP.

*Description:* Compliance filing: Amended Order 676-I Compliance Filing to be effective 12/31/9998.

*Filed Date:* 9/17/21.

*Accession Number:* 20210917-5120.

*Comment Date:* 5 p.m. ET 10/8/21.

*Docket Numbers:* ER21-2574-001.

*Applicants:* Arizona Public Service Company.

*Description:* Tariff Amendment: Rate Schedule No. 211 Supplemental Filing to be effective 9/29/2021.

*Filed Date:* 9/17/21.

*Accession Number:* 20210917-5122.

*Comment Date:* 5 p.m. ET 10/8/21.

*Docket Numbers:* ER21-2898-000.

*Applicants:* California Independent System Operator Corporation.

*Description:* § 205(d) Rate Filing: 2021-09-16 Non-Conforming Amendment to LGIA—Greenleaf to be effective 9/17/2021.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5130.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ER21-2900-000.

*Applicants:* Duke Energy Florida, LLC, Duke Energy Carolinas, LLC, Duke Energy Progress, LLC.

*Description:* § 205(d) Rate Filing: Duke Energy Florida, LLC submits tariff filing per 35.13(a)(2)(iii): Revisions to Joint OATT-Network Contract Demand Service and Ministerial Changes to be effective 11/17/2021.

*Filed Date:* 9/17/21.

*Accession Number:* 20210917-5005.

*Comment Date:* 5 p.m. ET 10/8/21.

*Docket Numbers:* ER21-2901-000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* § 205(d) Rate Filing: Amendment to Caltrain (RS 249) to be effective 11/17/2021.

*Filed Date:* 9/17/21.

*Accession Number:* 20210917-5070.

*Comment Date:* 5 p.m. ET 10/8/21.

*Docket Numbers:* ER21-2902-000.

*Applicants:* MATL LLP.

*Description:* § 205(d) Rate Filing: Section 205 Filing Related to 676-I to be effective 12/31/9998.

*Filed Date:* 9/17/21.

*Accession Number:* 20210917-5119.

*Comment Date:* 5 p.m. ET 10/8/21.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES21-69-000.

*Applicants:* Allegheny Generating Company.

*Description:* Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of Allegheny Generating Company.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5138.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21-70-000.

*Applicants:* Jersey Central Power & Light Company.

*Description:* Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of Jersey Central Power & Light Company.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5140.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21-71-000.

*Applicants:* Mid-Atlantic Interstate Transmission, LLC.

*Description:* Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of Mid-Atlantic Interstate Transmission, LLC.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5142.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21-72-000.

*Applicants:* Metropolitan Edison Company.

*Description:* Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of Metropolitan Edison Company.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5143.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21-73-000.

*Applicants:* Monongahela Power Company.

*Description:* Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of Monongahela Power Company.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5145.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21-74-000.

*Applicants:* Pennsylvania Power Company.

*Description:* Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of Pennsylvania Power Company.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5150.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21-75-000.

*Applicants:* Potomac Edison Company.

*Description:* Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of The Potomac Edison Company.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5152.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21-76-000.

*Applicants:* West Penn Power Company.

*Description:* Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of West Penn Power Company.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916-5171.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21-77-000.

*Applicants:* Trans-Allegheny Interstate Line Company.

*Description:* Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of Trans-Allegheny Interstate Line Company.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5170.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21–78–000.

*Applicants:* Pennsylvania Electric Company.

*Description:* Application under section 204 of the Federal Power Act for Authorization to Issue Securities of Pennsylvania Electric Company.

*Filed Date:* 9/16/21.

*Accession Number:* 20210916–5195.

*Comment Date:* 5 p.m. ET 10/7/21.

*Docket Numbers:* ES21–80–000.

*Applicants:* Georgia Power Company.

*Description:* Application under section 204 of the Federal Power Act for Authorization to Issue Securities of Georgia Power Company.

*Filed Date:* 9/17/21.

*Accession Number:* 20210917–5128.

*Comment Date:* 5 p.m. ET 10/8/21.

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: September 17, 2021.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2021–20610 Filed 9–22–21; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12514–087]

#### Northern Indiana Public Service Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Application Type:* Temporary Variance from Reservoir Elevation.

b. *Project No.:* 12514–087.

c. *Date Filed:* September 13, 2021.

d. *Applicant:* Northern Indiana Public Service Company.

e. *Name of Project:* Norway Oakdale Hydroelectric Project.

f. *Location:* The Norway Oakdale Hydroelectric Project is located on the Tippecanoe River in Carroll and White Counties, Indiana.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* M. Bryan Little, Senior Counsel, NiSource Corporate Services, 150 West Market Street, Ste. 600, Indianapolis, IN 46204, (317) 242–8236.

i. *FERC Contact:* Zeena Aljibury, (202) 502–6065, [zeena.aljibury@ferc.gov](mailto:zeena.aljibury@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protests:* 20 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/doc-sfiling/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–12514–087.

Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must

also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant requests Commission approval for a temporary variance from the reservoir elevation requirements at Lake Shafer which is part of the Norway Development. Due to the severe regional drought conditions and low river flow on the Tippecanoe River, the applicant is currently operating the project under abnormal river conditions and requests a variance from the allowable elevation at Lake Shafer (maintain fluctuation within of 0.25 feet below elevation 647.47 feet National Geodetic Vertical Datum) so that it can continue to meet the flow requirements from the downstream Lake Freeman (part of the Oakdale Development) to protect the federally endangered mussel species. Although the duration of drought conditions are difficult to predict, the applicant requests the temporary variance to remain into effect until March 31, 2022, which is when winter weather conditions typically begin to subside and will produce sufficient flow from melting snow and ice to allow Lake Shafer to return to its normal elevation.

l. *Locations of the Application:* 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 website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. Agencies may obtain copies of the application directly from the applicant. At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll free, (866) 208–3676 or TTY, (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214,

respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

**o. Filing and Service of Responsive Documents:** Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: September 17, 2021.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

[FR Doc. 2021-20612 Filed 9-22-21; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPAHQ-OAR-2004-0501; FRL-8938-01-OAR]

### Proposed Information Collection Request; Comment Request; Information Collection Request for Green Power Partnership and Combined Heat and Power Partnership; EPA ICR Number 2173.07 (Renewal); OMB Control No. 2060-0578

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency is planning to submit an information collection request (ICR), "Information Collection Request for Green Power Partnership and Combined Heat and Power Partnership" (EPA ICR Number 2173.07 (Renewal), OMB Control No. 2060-0578) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before

doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through March 31, 2019. 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.

**DATES:** Comments must be submitted on or before November 22, 2021.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2004-0501, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [a-and-r-docket@epamail.epa.gov](mailto:a-and-r-docket@epamail.epa.gov) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

#### FOR FURTHER INFORMATION CONTACT:

Rebecca Taylor, Climate Protection Partnerships Division, Office of Atmospheric Programs, MC 6202A Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-564-5211; fax number: 202-343-2208; email address: [taylor.rebecca@epa.gov](mailto:taylor.rebecca@epa.gov)

#### SUPPORTING DOCUMENTS:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and

clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

**Abstract:** In 2001, EPA's Energy Supply and Industry Branch (ESIB) launched two partnership programs with industry and other stakeholders: The Green Power Partnership (GPP) and the Combined Heat and Power Partnership (CHPP). These voluntary partnership programs, along with others in the ESIB, encourage organizations to invest in clean, efficient energy technologies, including renewable electricity and combined heat and power. To continue to be successful, it is critical that EPA collect information from these program stakeholders to ensure these organizations are meeting their clean energy goals and to assure the credibility of these voluntary non-regulatory programs.

EPA has developed this ICR to obtain authorization to collect information from organizations participating in the GPP and CHPP, and other ESIB voluntary programs. Organizations that join these programs voluntarily agree to the following respective actions: (1) Designating a Green Power or CHP liaison and filling out a Partnership Agreement or Letter of Intent (LOI) respectively, (2) for the GPP, reporting to EPA, on an annual basis, their progress toward their green power commitment via a 3-page reporting form; (3) for the CHP Partnership, reporting to EPA information on their existing CHP projects, new project development, and other CHP-related activities via a one-page reporting form (for projects) or via an informal email or phone call (for other CHP-related activities). In addition to these actions, organizations may voluntarily apply for recognition to the programs' established annual recognition events, which require submitting additional information. EPA uses the data obtained from its Partners to assess the success of these programs in achieving their national energy and greenhouse gas (GHG) reduction goals. Partners are organizational entities that have

volunteered to participate in either Partnership program.

*Respondents/affected entities:* Entities potentially affected by this action are company, institutional, and public-sector organizations that voluntarily participate in the EPA's Green Power Partnership (GPP) or Combined Heat and Power Partnership (CHPP). These include both service and goods providing industries, educational institutions and non-governmental organizations, commercial and industrial organizations, and local, state, or federal government agencies.

*Forms:* EPA-430-K-013, EPA-430-F-05-034; EPA-5900-353.

*Respondent's obligation to respond:* Voluntary.

*Estimated number of respondents:* 761 (total).

*Frequency of response:* Annually, on occasion, one time.

*Total estimated burden:* 1,445 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$81,314 (per year), includes annualized capital or operation & maintenance costs.

*Changes in Estimates:* There is a substantial decrease in hours in the total estimated respondent burden compared with the ICR currently approved by OMB. Since the last ICR renewal, both the GPP and CHPP have updated their program requirements to reduce program burden and simplified collection forms into pre-populated spreadsheets or documents. As a result of these changes, the average number of hours per Partner has decreased from 2.87 hours to 1.89 hours, additionally the total number of partners has been drastically reduced in both programs. For perspective on the magnitude of Partner decline, the number of Partners at year-end of 2018 there was an estimated 1959 (GPP has 1546, and CHP has 413). As of submitting this ICR the total of partners reporting annually is 761 (GPP has 751, and CHP has 10). The decrease in cost is due to O&M cost being mistakenly included in the past ICR. This ICR does not include O&M due to them not being relevant.

**Jean Lupinacci Rausch,**

*Acting Director, Climate Protection Partnership Division.*

[FR Doc. 2021-20562 Filed 9-22-21; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2012-0978; FRL-8994-01-OECA]

### Access by United States Environmental Protection Agency (EPA) Contractor and Subcontractors to Information Claimed as Confidential Business Information (CBI) Submitted Under Clean Air Act (CAA) and Act To Prevent Pollution From Ships (APPS)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The United States Environmental Protection Agency's (EPA's) Office of Enforcement and Compliance Assurance (OECA) plans to authorize a contractor and several subcontractors to access information that will be submitted to the EPA under the Clean Air Act (CAA) and the Act to Prevent Pollution from Ships (APPS) that may be claimed as, or may be determined to be, confidential business information (CBI).

**DATES:** Comments must be received on or before September 28, 2021. The contractor's and subcontractors' access to information collected under the CAA and the APPS, will begin on September 29, 2021.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA HQ-OECA-2012-0978, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
- *Email:* [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov).

Include Docket ID No. EPA-HQ-OECA-2012-0978 in the subject line of the message.

*Instructions:* All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Kimes, Air Enforcement Division, Office of Enforcement and Compliance Assurance (Mail Code 8MSU), Environmental Protection Agency, 1595 Wynkoop St., Denver, CO 80202; telephone number: (303) 312-6445; email address: [kimes.jeffrey@epa.gov](mailto:kimes.jeffrey@epa.gov).

## SUPPLEMENTARY INFORMATION:

### I. Does this notice apply to me?

This action is directed to the general public. However, this action may be of particular interest to certain parties,

including the following parties: owners and operators of stationary sources subject to the CAA including, but not limited to, State Implementation Plans (SIPs), hazardous air pollutants (HAPs, MACT Rules) under Section 112, permits including New Source Review and Prevention of Significant Deterioration (NSR/PSD), New Source Performance Standards (NSPS), and Prevention of Accidental Releases under Section 112(r); motor vehicle manufacturers and importers; engine manufacturers and importers; motor vehicle fuel and fuel additive producers and importers; manufacturers, importers, users and distributors of hydrofluorocarbons (HFCs); manufacturers, importers and distributors of motor vehicle and engine emission control equipment and parts; and any other parties subject to the regulations found in 40 CFR parts 52, 60, 63-80, 85, 86, 89-92, 94, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, 1068, and 1090.

This **Federal Register** notice may be of particular relevance to parties that have submitted data to the EPA under the above-listed regulations. Because other parties may also be interested, the EPA has not attempted to describe all the specific parties that may be affected by this action. If you have further questions regarding the applicability of this action to a particular party, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

### II. How can I get copies of this document and other related information?

#### A. Electronically

The EPA has established a public docket for this **Federal Register** notice under Docket ID No. EPA-HQ-OECA-2012-0978.

All documents in the docket are identified in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, such as CBI or other information for which disclosure is restricted by statute.

#### B. EPA Docket Center

The EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

### III. Description of Programs and Potential Disclosure of Information Claimed as CBI to Contractor and Subcontractors

The EPA's OECA has responsibility for protecting public health and the environment by enforcing standards for air pollution. In order to implement various CAA and APPS programs, OECA collects compliance reports and other information from the regulated industry. Occasionally, the information submitted to, or obtained by, the EPA is claimed to be CBI by persons submitting data to the EPA. Information submitted under such a claim is handled in accordance with the EPA's regulations at 40 CFR part 2, subpart B, and in accordance with the EPA procedures that are consistent with those regulations. When the EPA has determined that disclosure of information claimed as CBI to EPA contractors or subcontractors is necessary, the corresponding contract must address the appropriate use and handling of the information by the EPA contractor and subcontractors and the EPA contractor and subcontractors must require its personnel who require access to information claimed as CBI to sign written non-disclosure agreements before they are granted access to data.

In accordance with 40 CFR 2.301(h), the EPA has determined that EPA contractor Eastern Research Group, Incorporated (ERG), 14555 Avion Parkway, Suite 200, Chantilly, VA 20151, and ERG subcontractors PG Environmental, LLC; Aleksandrich Compliance & Engineering Services, LLC; Clearstone Engineering Ltd.; Process Profiles; and Matrix New World Engineering (collectively referred to as "subcontractors" in this notice) require access to CBI submitted to the EPA under Section 114 of the CAA, Section 208 of the CAA, and the APPS for the work they perform under Contract Number 68HERC21D0007. We are providing notice and an opportunity to comment on their access to information claimed as CBI. We are issuing this **Federal Register** notice to inform all affected submitters that we plan to grant access to material that may be claimed as CBI to ERG and its subcontractors on a need-to-know basis.

Under Contract Number 68HERC21D0007, ERG provides enforcement support for the EPA's regulatory and enforcement activities, including field inspections, investigations, audits, and other CAA regulatory and enforcement support that involve access to information claimed as CBI. ERG also employs subcontractors, who support these activities, under the

above-listed contract. ERG and its subcontractors require access to information claimed as CBI to support EPA enforcement activities described above. Access to data, including information claimed as CBI, will commence six days after the date of publication of this notice in the **Federal Register**, and will continue until March 9, 2026. If the contract and associated subcontracts are extended, this access will continue for the remainder of the ERG contract without further notice. If the contract expires prior to March 9, 2026, the access will cease at that time. If ERG employs additional subcontractors to support the EPA on a regular basis or on a limited or one-time basis under the above-listed contract, and those subcontractors require access to CBI, the EPA will notify affected companies of the contemplated disclosure and provide them with an opportunity to comment by either sending them a letter or by publishing an additional notice in the **Federal Register**.

Parties who wish to obtain further information about this **Federal Register** notice, or about OECA's disclosure of information claimed as CBI to ERG and its subcontractors, may contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: September 15, 2021.

**Evian Belser,**

*Acting Director, Air Enforcement Division.*

[FR Doc. 2021-20560 Filed 9-22-21; 8:45 am]

**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2021-0068; FRL-8732-03-OCSPF]

### Certain New Chemicals; Receipt and Status Information for August 2021

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is required under the Toxic Substances Control Act (TSCA) to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement

(NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 08/01/2021 to 08/31/2021.

**DATES:** Comments identified by the specific case number provided in this document must be received on or before October 25, 2021.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2021-0068 and the specific case number for the chemical substance related to your comment, using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

Due to the public health concerns related to COVID-19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Jim Rahai, Project Management and Operations Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8593; email address: [rahai.jim@epa.gov](mailto:rahai.jim@epa.gov).

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Executive Summary

##### A. What action is the Agency taking?

This document provides the receipt and status reports for the period from 08/01/2021 to 08/31/2021. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR

part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. This information is updated on a weekly basis.

#### *B. What is the Agency's authority for taking this action?*

Under TSCA, 15 U.S.C. 2601 *et seq.*, a chemical substance may be either an "existing" chemical substance or a "new" chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a "new chemical substance," while a chemical substance that is listed on the TSCA Inventory is classified as an "existing chemical substance." (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: <https://www.epa.gov/tsca-inventory>.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for "test marketing" purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements

applicable to a new chemical go to: <http://www.epa.gov/oppt/newchems>.

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

#### *C. Does this action apply to me?*

This action provides information that is directed to the public in general.

#### *D. Does this action have any incremental economic impacts or paperwork burdens?*

No.

#### *E. What should I consider as I prepare my comments for EPA?*

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through [regulations.gov](https://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

### **II. Status Reports**

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL-4942-7). Since the passage of the Lautenberg amendments

to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. This information is updated on a weekly basis.

### **III. Receipt Reports**

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.*, domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter "A" (*e.g.*, P-18-1234A). The version column designates submissions in sequence as "1", "2", "3", etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS APPROVED \* FROM 08/01/2021 TO 08/31/2021

| Case No.         | Version | Received date | Manufacturer                | Use                                                                                                                                                                                                                                          | Chemical substance                                                                                                                                                                                                                                       |
|------------------|---------|---------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P-18-0289A ..... | 11      | 08/19/2021    | Guard Products .....        | (G) Gas scrubbing landfill deodorizing.                                                                                                                                                                                                      | (G) 2-(2(methylcaboxymonocyclic)amino)ethoxy)-alcohol.                                                                                                                                                                                                   |
| P-18-0290A ..... | 11      | 08/19/2021    | Guard Products .....        | (G) Gas scrubbing, wastewater deodorizing.                                                                                                                                                                                                   | (G) Carbomonocyclic-oxazolidine.                                                                                                                                                                                                                         |
| P-18-0326A ..... | 11      | 08/03/2021    | CBI .....                   | (G) Chemical Intermediate ..                                                                                                                                                                                                                 | (G) Alkanoic acid, alkyl ester, manuf. of, byproducts from, distn. residues.                                                                                                                                                                             |
| P-20-0058A ..... | 8       | 08/04/2021    | CBI .....                   | (G) Additive for automatic dishwashing; Additive for hard surface cleaner.                                                                                                                                                                   | (G) Polysaccharide, polymer with unsaturated carboxylic acid and methacryloxyethyltrimethyl ammonium chloride, sodium salt, acid salt initiated.                                                                                                         |
| P-21-0003A ..... | 4       | 08/30/2021    | CBI .....                   | (G) Polymeric film former for coatings.                                                                                                                                                                                                      | (G) 4, 4 methylenebis (2, 6 dimethyl phenol) polymer with 2-(chloromethyl) oxirane, 1,4-benzene diol, 2-methyl-2-propenoic acid, mixed alkyl substituted 2-methyl 2-propenoate, and ethyl 2-propenoate, reaction products with 2-(dimthylamino) ethanol. |
| P-21-0049A ..... | 3       | 08/06/2021    | CBI .....                   | (G) Monomer .....                                                                                                                                                                                                                            | (G) Alkanoic acid, polyhalo-(halo-oxo-alkenyl)oxyalkyl ester.                                                                                                                                                                                            |
| P-21-0049A ..... | 4       | 08/13/2021    | CBI .....                   | (G) Monomer .....                                                                                                                                                                                                                            | (G) Alkanoic acid, polyhalo-(halo-oxo-alkenyl)oxyalkyl ester.                                                                                                                                                                                            |
| P-21-0050A ..... | 3       | 08/06/2021    | CBI .....                   | (G) Monomer .....                                                                                                                                                                                                                            | (G) Alkenoic acid, halo-polyhaloalkyl ester.                                                                                                                                                                                                             |
| P-21-0050A ..... | 4       | 08/13/2021    | CBI .....                   | (G) Monomer .....                                                                                                                                                                                                                            | (G) Alkenoic acid, halo-polyhaloalkyl ester.                                                                                                                                                                                                             |
| P-21-0056A ..... | 3       | 08/19/2021    | CBI .....                   | (G) Component of coatings ..                                                                                                                                                                                                                 | (G) Isocyanic acid, polyalkylenepolyarylene ester, polymer with alkyl-hydroxyalkyl-alkanediol, alkoxyalcohol and alkoxyalkoxyalcohol-blocked.                                                                                                            |
| P-21-0057A ..... | 3       | 08/19/2021    | CBI .....                   | (G) Component in coatings ..                                                                                                                                                                                                                 | (G) Sulfur based acid, compound with aminoalkylalkyl-aminoalkylalkoxy-polyoxyalkylalkanediyl, polymer with haloalkyl-epoxide and alkylalkylidene-cycloarylalcohol.                                                                                       |
| P-21-0058A ..... | 3       | 08/19/2021    | CBI .....                   | (G) Component in coatings ..                                                                                                                                                                                                                 | (G) Substituted alkanolic acid, compound with aminoalkylalkyl-aminoalkylalkoxy-polyoxyalkylalkanediyl, polymer with haloalkyl-epoxide and alkylalkylidene-cycloarylalcohol.                                                                              |
| P-21-0060A ..... | 4       | 08/19/2021    | CBI .....                   | (G) Isolated intermediate .....                                                                                                                                                                                                              | (G) Bisphenol A epichlorohydrin polymer with alkylpolyalkene-polyarylene-hydroxypolyoxyalkyldiyl reaction products with alkylalkylidene-alkylalkylidene-aminoalkyl-alkanepolyamine and alkylaminoalkanol.                                                |
| P-21-0061A ..... | 4       | 08/19/2021    | CBI .....                   | (G) Component in coatings ..                                                                                                                                                                                                                 | (G) Sulfur based acid, compds. with modified bisphenol A-epichlorohydrin-polyalkylene polyol ether with bisphenol A polymer-N-dialkylalkylidene-N-(dialkylalkylidene)aminoalkyl-alkanepolyamine-alkylaminoalkanol reaction products.                     |
| P-21-0062A ..... | 4       | 08/19/2021    | CBI .....                   | (G) Component in coatings ..                                                                                                                                                                                                                 | (G) Substituted-alkanoic acid, compds. with modified bisphenol A-epichlorohydrin-polyalkylene polyol ether with bisphenol A polymer-N-dialkylalkylidene-N-dialkylalkylideneaminoalkyl-alkanepolyamine-alkylaminoalkanol reaction products.               |
| P-21-0078A ..... | 3       | 08/25/2021    | Pinova, Inc. ....           | (S) Tackifying additive used in tire manufacture; Tackifying additive used in hot melt adhesive applications (e.g., pressure sensitive adhesives, and graphic art applications such as bookbinding, magazine manufacture, and label making). | (G) Phenol, polymer with alkyl-(alkylalkylenyl)cyclohexene, mixed dialkylcyclohexadienes, mixed alkyl-(alkylalkylidene)cyclohexenes and 3,7,7-trimethylbicyclo[4.1.0]hept-3-ene.                                                                         |
| P-21-0098A ..... | 4       | 08/26/2021    | Hubergroup .....            | (S) Co-initiator for the curing of UV printing inks.                                                                                                                                                                                         | (G) Poly(oxy-1,2-ethanediyl), alpha-hydro-omega-[2(or 3)-[[substituted benzoyl]oxy]hydroxypropoxy]-, alpha, alpha', alpha"-ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1).                                                                   |
| P-21-0100A ..... | 2       | 08/17/2021    | ENI Trading & Shipping Inc. | (G) Used as a lubricant and lubricant additive (used in closed systems; non-dispersive use); Lubricant and lubricant additive (used in closed systems; non-dispersive use).                                                                  | (G) Raffinates (petroleum), vacuum distillate solvent, solvent-dewaxed, hydrotreated.                                                                                                                                                                    |
| P-21-0168A ..... | 2       | 08/10/2021    | CBI .....                   | (G) Colorant .....                                                                                                                                                                                                                           | (G) Metal, [heteropolycyclic]-, [[[hydroxyalkyl] amino]sulfonyl]alkyl[sulfonyl(sulfoalkyl)sulfonyl derivs., ammonium sodium salts.                                                                                                                       |
| P-21-0178 .....  | 2       | 08/19/2021    | CBI .....                   | (G) Coating additive .....                                                                                                                                                                                                                   | (G) Bisphenol A, polymer with aminoalkylalkyl-aminoalkylalkyl-poly[(oxy-alkyl-alkanepolyol)], haloalkyl-epoxide, epoxy-epoxyalkoxy-poly[(oxy-alkyl-alkanepolyol)], sulfur-based salt.                                                                    |
| P-21-0179 .....  | 2       | 08/19/2021    | CBI .....                   | (G) Coating additive .....                                                                                                                                                                                                                   | (G) Substituted-alkanoic acid, compd. with aminoalkylalkyl-aminoalkylalkyl-poly[(oxy-alkyl-alkanepolyol)] polymer with haloalkyl-epoxide, bisphenol A, epoxy-epoxyalkoxy-poly[(oxy-alkyl-alkanepolyol)].                                                 |
| P-21-0199 .....  | 2       | 08/12/2021    | Avery Dennison Mill Hall.   | (G) Processing aid .....                                                                                                                                                                                                                     | (G) 1,6-Disubstituted hexane.                                                                                                                                                                                                                            |
| P-21-0199A ..... | 3       | 08/18/2021    | CBI .....                   | (G) Processing aid .....                                                                                                                                                                                                                     | (G) 1,6-Disubstituted hexane.                                                                                                                                                                                                                            |

TABLE I—PMN/SNUN/MCANS APPROVED \* FROM 08/01/2021 TO 08/31/2021—Continued

| Case No.         | Version | Received date | Manufacturer               | Use                                                                                                                                                                                                                                                                                                                     | Chemical substance                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------|---------|---------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P-21-0200 .....  | 1       | 08/02/2021    | CBI .....                  | (G) Printing additive .....                                                                                                                                                                                                                                                                                             | (G) Saturated and unsaturated hydrocarbon waxes, oxidized, polymers with alkenoic acid, alkyl alkanoate, alkenedioic acid, polyalkylene glycol ether with substituted carbomonocycle (alkylidene)bis-, polyalkylene glycol ether with substituted carbomonocycle (alkylidene)bis-, substituted carbomonocycle, disubstituted carbomonocycle and substituted heteropolycyclic, alkyl peroxide-initiated. |
| P-21-0202 .....  | 1       | 08/04/2021    | CBI .....                  | (G) An ingredient used in the manufacture of photoresist.                                                                                                                                                                                                                                                               | (G) Sulfonium, carbomonocycle bis[(trihaloalkyl)carbomonocycle], substituted carbomonocyclic ester.                                                                                                                                                                                                                                                                                                     |
| P-21-0203 .....  | 3       | 08/10/2021    | CBI .....                  | (G) Surfactant will be used in various applications in oil and gas industry.                                                                                                                                                                                                                                            | (G) Glycolipids, sophorose-contg., <i>Stammerella bomicola</i> -fermented, from sugar and vegetable oils.                                                                                                                                                                                                                                                                                               |
| P-21-0204 .....  | 1       | 08/12/2021    | CBI .....                  | (G) Photolithography .....                                                                                                                                                                                                                                                                                              | (G) Sulfonium, bis(3,4-polyhalocarboxylic)aryl-, alpha, alpha, beta, beta-polyhalopolyhydro-2,2-diaryl-4,7-methano-1,3-heteropolycyclic-5-alkanesulfonate (1:1).                                                                                                                                                                                                                                        |
| P-21-0205 .....  | 1       | 08/13/2021    | CBI .....                  | (G) Additive in household consumer products.                                                                                                                                                                                                                                                                            | (S) Benzene, [2-[(2-methyl-1-undecen-1-yl)oxy]ethyl]-.                                                                                                                                                                                                                                                                                                                                                  |
| P-21-0206 .....  | 1       | 08/13/2021    | HollyFrontier Corporation. | (G) Component of gasoline ..                                                                                                                                                                                                                                                                                            | (G) Alkanes, branched and linear.                                                                                                                                                                                                                                                                                                                                                                       |
| P-21-0207 .....  | 2       | 08/18/2021    | CBI .....                  | (G) Emulsifier .....                                                                                                                                                                                                                                                                                                    | (G) Fatty alcohol ethoxylate, ethercarboxylate Branched and Linear, Fatty alcohol ethoxylate, ethercarboxylate.                                                                                                                                                                                                                                                                                         |
| P-21-0208 .....  | 1       | 08/17/2021    | CBI .....                  | (G) Adhesive for profile wrapping.                                                                                                                                                                                                                                                                                      | (G) Aromatic diacids, polymer with alkyldiacids, alkyldiols, benzofurandione, caprolactone and 1,1'-methylenebis[4-isocyanatobenzene].                                                                                                                                                                                                                                                                  |
| P-21-0209 .....  | 1       | 08/17/2021    | CBI .....                  | (G) Adhesive for profile wrapping.                                                                                                                                                                                                                                                                                      | (G) Aromatic diacid, polymer with alkyldiacid, alkyldiols, polypropylene glycol, benzofurandione, caprolactone and 1,1'-methylenebis[4-isocyanatobenzene].                                                                                                                                                                                                                                              |
| P-21-0210 .....  | 1       | 08/17/2021    | CBI .....                  | (G) Adhesive for profile wrapping.                                                                                                                                                                                                                                                                                      | (G) Aromatic diacids, polymer with alkyldiacids, alkyldiols, benzofurandione, polypropylene, alkylhydroxyacid glycolester, caprolactone and 1,1'-methylenebis[4-isocyanatobenzene].                                                                                                                                                                                                                     |
| SN-21-0006 ..... | 2       | 08/27/2021    | Carbice .....              | (S) For heat transfer, heat storage, thermal emission, and general temperature management in heat-generating systems such as electronics; Gap filling or sealing of opposing interfaces; For light absorption properties; To improve mechanical properties or electrical conductiveness of other materials or products. | (S) Multiwalled carbon nanotubes grown perpendicularly on an aluminum foil substrate using Fe catalyst.                                                                                                                                                                                                                                                                                                 |

\* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned

to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the

type of amendment (e.g., amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCs APPROVED \* FROM 08/01/2021 TO 08/31/2021

| Case No.         | Received date | Commencement date | If amendment, type of amendment | Chemical substance                                                                                                             |
|------------------|---------------|-------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| P-08-0246 .....  | 08/04/2021    | 06/13/2021        | N .....                         | (S) Fatty acids, C8-10, mixed tetraesters with heptanoic acid, pentaerythritol, 3,5,5-trimethylhexanoic acid and valeric acid. |
| P-10-0495 .....  | 08/20/2021    | 07/29/2021        | N .....                         | (G) Poly(oxy-1,2-ethanediyl),. alpha., -monoalkyl ethers-omega-mono (hydrogen maleate)-.                                       |
| P-11-0242 .....  | 08/03/2021    | 07/09/2021        | N .....                         | (G) Hydroxy-olefin.                                                                                                            |
| P-15-0607 .....  | 08/07/2021    | 07/26/2021        | N .....                         | (G) 1,2,4,5,7,8-hexoxonane,3,6,9-trimethyl-,3,6,9-tris(alkyl) derivs.                                                          |
| P-17-0343A ..... | 08/19/2021    | 04/09/2018        | Updated generic name.           | (G) Modified benzimidazole salt.                                                                                               |
| P-18-0267 .....  | 08/24/2021    | 08/23/2021        | N .....                         | (G) Branched alkanoic acid, epoxy ester, reaction products with monocyclicdialkanamine and polycyclic dialkanol ether polymer. |
| P-19-0028 .....  | 08/18/2021    | 08/05/2021        | N .....                         | (G) Alkyl salicylate, metal salts.                                                                                             |

TABLE II—NOCs APPROVED \* FROM 08/01/2021 TO 08/31/2021—Continued

| Case No.        | Received date | Commencement date | If amendment, type of amendment | Chemical substance                                                                                                                                                         |
|-----------------|---------------|-------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P-21-0051 ..... | 08/25/2021    | 08/24/2021        | N .....                         | (S) Fatty acids, C18-unsatd., dimers, hydrogenated, polymers with 2-hydroxyethyl-terminated hydrogenated polybutadiene, bis(2,5-dihydro-2,5-dioxo-1h-pyrrole-1-hexanoate). |
| P-21-0065 ..... | 08/13/2021    | 08/12/2021        | N .....                         | (G) Alkenoic acid, reaction products with alkylamine-alkanediyl diacrylate polymer and [oxybis(alkylene)]bis[alkyl-alkanediol].                                            |
| P-21-0103 ..... | 08/05/2021    | 08/02/2021        | N .....                         | (S) Urea, N-[3-[(4-methylphenyl)sulfonyl]oxy]phenyl]-N'-phenyl-.                                                                                                           |

\* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has

been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the

type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 08/01/2021 TO 08/31/2021

| Case No.        | Received date | Type of test information                                                                                   | Chemical substance                                      |
|-----------------|---------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| P-14-0712 ..... | 08/03/2021    | Quarterly PCDD/F Test of PMN Substance using EPA Test Method 8290A.                                        | (G) Plastics, wastes, pyrolyzed, bulk pyrolysate.       |
| P-18-0293 ..... | 08/02/2021    | Assessment of Acute Inhalation Toxicity with Dihexylmethylenemalonate in Wistar Han Rat (Nose Only) Study. | (S) Propanedioic acid, 2-methylene-, 1,3-dihexyl ester. |
| P-21-0144 ..... | 08/16/2021    | Composition Data .....                                                                                     | (G) Naphtha, heavy catalytic cracked.                   |
| P-21-0148 ..... | 08/16/2021    | Composition Data .....                                                                                     | (G) Naphtha, light catalytic cracked.                   |

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

*Authority:* 15 U.S.C. 2601 *et seq.*

Dated: September 17, 2021.

**Pamela Myrick,**

*Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 2021-20606 Filed 9-22-21; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-SFUND-2013-0549; FRL-8932-01-OLEM]

### Proposed Information Collection Request; Comment Request; Information Collection Request Submitted to OMB for Review and Approval; Notification of Episodic Releases of Oil and Hazardous Substances (Renewal) EPA ICR Number 1049.15, OMB Control Number 2050-0046

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency is planning to submit an information collection request (ICR), Notification of Episodic Releases of Oil and Hazardous Substances (Renewal) (EPA ICR Number 1049.15, OMB Control Number 2050-0046) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described in **SUPPLEMENTARY INFORMATION.** This is a proposed extension of the ICR, which is currently approved through May 31, 2022. 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.

**DATES:** Comments must be submitted on or before November 22, 2021.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-SFUND-2013-0549, to: (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and (2) OMB via email to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

#### FOR FURTHER INFORMATION CONTACT:

Wendy Hoffman, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-8794; email address: [hoffman.wendy@epa.gov](mailto:hoffman.wendy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at <http://www.regulations.gov>. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room is closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information about the EPA's public docket, Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

The telephone number for the Docket Center is 202–566–1744.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

**Abstract:** Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, requires the person in charge of a facility or vessel to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment if the amount of the release equals or exceeds the substance's reportable quantity (RQ) limit. The RQs for the hazardous substance can be found in Table 302.4 of 40 CFR 302.4. Section 311 of the Clean Water Act (CWA) as amended, requires the person in charge of a vessel to immediately notify the NRC of an oil spill into U.S. navigable waters if the spill causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. The reporting of a hazardous substance release that is at or above the substance's RQ allows the federal government to determine whether a federal response action is required to control or mitigate any potential adverse effects to public health or welfare or the environment. Likewise, the reporting of oil spills allows the federal government to determine whether cleaning up the oil spill is required to mitigate or prevent damage to public health or welfare or the environment. The

hazardous substance and oil release information collected under CERCLA section 103(a) and CWA section 311 also is available to EPA program offices and other federal agencies that use the information to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning.

Release notification information is stored in EPA's WebEOC, a web-based crisis management system which supports response management for significant incidents and daily operations in the Regional Response Centers and EPA's Headquarters Emergency Operations Center. State and local government authorities and the regulated community use release information for purposes of local emergency response planning. The general public has access to release information through the Freedom of Information Act. The public may request release information for purposes of maintaining an awareness of what types of releases are occurring in different localities and what actions, if any, are being taken to protect public health and welfare and the environment.

The burden estimates, numbers and types of respondents, wage rates and unit and total costs for this ICR renewal will be revised and updated if needed during the 60-day comment period while the ICR Supporting statement is undergoing review at OMB.

**Form Numbers:** None.

**Respondents/affected entities:** Facilities and vessels that may have releases of any hazardous substances or oil at or above its RQ.

**Respondent's obligation to respond:** Mandatory under CERCLA section 103 (a).

**Estimated number of respondents:** 18,447.

**Frequency of response:** As releases occur from a facility or a vessel.

**Total estimated burden:** 18,816 hours (per year). Burden is defined at 5 CFR 1320.03(b).

**Total estimated cost:** \$1,046,314 (per year), which includes no capital or operation and maintenance costs associated with this ICR.

**Changes in Estimates:** Any change in burden or cost resulting from the 60-day OMB review period will be described and explained in this section when the updated ICR Supporting Statement is completed.

Dated: September 16, 2021.

**Donna Salyer,**

*Director, Office of Emergency Management.*

[FR Doc. 2021–20561 Filed 9–22–21; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

[FRS 49349]

### Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**DATES:** The agency must receive comments on or before November 22, 2021.

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, 202–418–2054.

**SUPPLEMENTARY INFORMATION:** The following applicants filed AM or FM proposals to change the community of license: MOBILE RADIO PARTNERS, INC., WVNZ(AM), Fac. ID No. 52050, From RICHMOND, VA, To EAST HIGHLAND PARK, VA, File No. BP–20210617AAA; EDUCATIONAL MEDIA FOUNDATION, KAZK(FM), Fac. ID No. 176305, From WILLCOX, AZ, To CATALINA, AZ, File No. 0000158641; FAMILY LIFE MINISTRIES, INC., WCOR–FM, Fac. ID No. 21197, From PORTVILLE, NY, To LEWIS RUN, PA, File No. 0000156015; MAGNUM COMMUNICATIONS, INC., WKBH–FM, Fac. ID No. 72206, From LA CRESCENT, MN, To ONALASKA, WI, File No. 0000157919; SSR COMMUNICATIONS, INC., NEW(FM), Fac. ID No. 203590, From CALIENTE, NV, To SANTA CLARA, UT; File No. BNPH–20181129AAC; XANA HD SOLUTIONS, LLC, NEW(FM), Fac. ID No. 203618, From KAHLOTUS, WA, To MESA, WA, File No. BNPH–20190201AAR; ITM, LLC, NEW(FM), Fac. ID No. 762221, From ESSEX, CA, To FORT MOHAVE, AZ, File No. 0000159042; SMILE FM, NEW(FM), Fac. ID No. 762506, From LAKE ISABELLA, MI, To BIG RAPIDS, MI, File No. 0000159067; SUNNYLANDS BROADCASTING, LLC, NEW(FM), Fac. ID No. 762181, From TROUT LAKE, WA, To ODELL, OR, File No. 0000159271; SMILE FM, NEW(FM), Fac. ID No. 762510, From ENGLEWOOD, TN, To DELANO, TN, File No. 0000159148; SSR COMMUNICATIONS, INC., NEW(FM),

Fac. ID No. 762190, From BRUCE, MS, To TAYLOR, MS, File No. 0000157466; NYX COMMUNICATIONS, INC., NEW(FM), Fac. ID No. 762546, From CARTAGO, CA, To WILKERSON, CA, File No. 0000159324; MICHAEL RADIO COMPANY, LLC, NEW(FM), Fac. ID No. 762456, From RAWLINS, WY, To ATLANTIC CITY, WY, File No. 0000159323; JORDAN ZELLER, NEW(FM), Fac. ID No. 762370, From GACKLE, ND, To EMERADO, ND, File No. 0000158570; MICHAEL RADIO COMPANY, LLC, NEW(FM), Fac. ID No. 762448, From ALBIN, WY, To DIX, NE, File No. 0000159321; THE ERIE RADIO COMPANY, LLC, NEW(FM), Fac. ID No. 762230, From WESTFIELD, NY, To NORTH EAST TOWNSHIP, PA, File No. 0000158718; and ESTRELLA BROADCASTING, LLC, NEW(FM), Fac. ID No. 762491, From OVERGAARD, AZ, To VILLAGE OF OAK CREEK, AZ, File No. 0000159314. The full text of these applications is available electronically via the Media Bureau's Consolidated Data Base System, [https://licensing.fcc.gov/prod/cdbs/pubacc/prod/app\\_sear.htm](https://licensing.fcc.gov/prod/cdbs/pubacc/prod/app_sear.htm) or Licensing and Management System (LMS), <https://apps2int.fcc.gov/dataentry/public/tv/publicAppSearch.html>.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2021-20611 Filed 9-22-21; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0149; FR ID 49176]

### Information Collection Being Submitted for Review and Approval to Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25

employees.” The Commission 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 comments and recommendations for the proposed information collection should be submitted on or before October 25, 2021.

**ADDRESSES:** Comments should be sent to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Your comment must be submitted into [www.reginfo.gov](http://www.reginfo.gov) per the above instructions for it to be considered. In addition to submitting in [www.reginfo.gov](http://www.reginfo.gov) also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Nicole.Ongele@fcc.gov](mailto:Nicole.Ongele@fcc.gov). Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) 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; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

**OMB Control Number:** 3060-0149.

**Title:** Part 63, Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84, FCC 18-74.

**Form Number(s):** N/A.

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

**Respondents:** Business or other for profit.

**Number of Respondents and Responses:** 80 respondents; 88 responses.

**Estimated Time per Response:** 6-62 hours per response.

**Frequency of Response:** One-time reporting requirement and third-party disclosure requirements.

**Obligation to Respond:** Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 214 and 402 of the Communications Act of 1934, as amended. Total Annual Burden: 1,096 hours.

**Total Annual Cost:** \$27,900.

**Needs and Uses:** The Commission is seeking the Office of Management and Budget (OMB) approval for an extension of a currently approved collection to OMB. The Commission will submit this information collection to OMB after this 60-day comment period. Section 214 of the Communications Act of 1934, as amended, requires that a carrier must first obtain FCC authorization either to (1) construct, operate, or engage in transmission over a line of communications; or (2) discontinue, reduce or impair service over a line of communications. Part 63 of Title 47 of the Code of Federal Regulations (CFR) implements Section 214. Part 63 also implements provisions of the Cable Communications Policy Act of 1984 pertaining to video which was approved under this OMB Control Number 3060-0149. In 2009, the Commission modified Part 63 to extend to providers of

interconnected Voice of internet Protocol (VoIP) service the discontinuance obligations that apply to domestic non-dominant telecommunications carriers under Section 214 of the Communications Act of 1934, as amended. In 2014, the Commission adopted improved administrative filing procedures for domestic transfers of control, domestic discontinuances and notices of network changes, and among other adjustments, modified Part 63 to require electronic filing for applications for authorization to discontinue, reduce, or impair service under section 214(a) of the Act. In July 2016, the Commission concluded that applicants seeking to discontinue a legacy time division multiplexing (TDM)-based voice service as part of a transition to a new technology, whether internet Protocol (IP), wireless, or another type (technology transition discontinuance application) must demonstrate that an adequate replacement for the legacy service exists in order to be eligible for streamlined treatment and revised part 63 accordingly. The Commission concluded that an applicant for a technology transition discontinuance may demonstrate that a service is an adequate replacement for a legacy voice service by certifying or showing that one or more replacement service(s) offers all of the following: (i) Substantially similar levels of network infrastructure and service quality as the applicant service; (ii) compliance with existing federal and/or industry standards required to ensure that critical applications such as 911, network security, and applications for individuals with disabilities remain available; and (iii) interoperability and compatibility with an enumerated list of applications and functionalities determined to be key to consumers and competitors (the “adequate replacement test”). In June 2018, the Commission further modified the rules applicable to section 214(a) discontinuance applications. First, all carriers, whether dominant or non-dominant, that seek approval to grandfather data services below speeds of 25 Mbps download speed and 3 Mbps upload speed are now subject to a uniform reduced public comment period of 10 days and an automatic grant period of 25 days. Second, all carriers, whether dominant or nondominant, seeking authorization to discontinue data services below speeds of 25 Mbps download speed and 3 Mbps upload speed that have previously been grandfathered for a period of at least 180 days are subject to a uniform reduced public comment period of 10 days and an automatic

grant period of 31 days, provided they submit a statement as part of their discontinuance application that they have received Commission authority to grandfather the services at issue at least 180 days prior to the filing of the discontinuance application. This statement must reference the file number of the prior Commission authorization to grandfather the services the carrier now seeks to permanently discontinue. Third, carriers are no longer required to file an application to discontinue, reduce, or impair any service for which it has had no customers and no request for service for at least a 30-day period immediately preceding the discontinuance. Fourth, all carriers, whether dominant or nondominant, that seek approval to discontinue legacy voice service can obtain further streamlined processing with a public comment period of 15 days and an automatic grant period of 31 days, provided (1) they offer a standalone interconnected VoIP service throughout the service area, and (2) at least one alternative stand-alone, facilities-based voice service is available from an unaffiliated provider throughout the affected service area (the “alternative options test”). Finally, all carriers, whether dominant or nondominant, that seek approval to grandfather legacy voice service are now subject to a uniform reduced public comment period of 10 days and an automatic grant period of 25 days.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2021–20630 Filed 9–22–21; 8:45 am]

**BILLING CODE 6712–01–P**

## **FEDERAL COMMUNICATIONS COMMISSION**

**[OMB 3060–0355; FR ID 49675]**

### **Information Collection Being Submitted for Review and Approval to Office of Management and Budget**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business

Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.” The Commission 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 comments and recommendations for the proposed information collection should be submitted on or before October 25, 2021.

**ADDRESSES:** Comments should be sent to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Your comment must be submitted into [www.reginfo.gov](http://www.reginfo.gov) per the above instructions for it to be considered. In addition to submitting in [www.reginfo.gov](http://www.reginfo.gov) also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Nicole.Ongele@fcc.gov](mailto:Nicole.Ongele@fcc.gov). Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal

Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) 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; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

*OMB Control Number:* 3060-0355.

*Title:* Rate-of-Return Monitoring Reports.

*Form Number:* FCC Form 492.

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

*Respondents:* Business or other for-profit entities.

*Number of Respondents and Responses:* 35 respondents; 35 responses.

*Estimated Time per Response:* 10 hours.

*Frequency of Response:* Annual reporting requirement and recordkeeping requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 160, 161, 209(b) and 220 as amended by the Communications Act of 1934, as amended.

*Total Annual Burden:* 350 hours.

*Total Annual Cost:* No cost.

*Needs and Uses:* The filing of FCC Form 492 is required by 47 CFR 65.600 of the Commission's rules. The annual filing of FCC Form 492 is required from the National Exchange Carrier Association (NECA) collectively for carriers that participate in both its tariffs and revenue-sharing pools and each local exchange carrier that is subject to section 61.38 of the Commission's Rules and that has filed individual access tariffs during the enforcement period, excluding carriers that elected incentive regulation for business data services (BDS) pursuant to the *Rate-of-Return BDS Order*, WC Docket No. 16-143 et al., Report and Order, 33 FCC Rcd 10403 (2018).

These data provide the necessary detail to enable the Commission to fulfill its regulatory responsibilities. The Commission has granted AT&T, Verizon, legacy Qwest, and other similarly-situated carriers forbearance from FCC Form 492-A. See Petition of AT&T Inc. for Forbearance under 47 U.S.C. 160 from Enforcement of Certain of the Commission's Cost Assignment Rules, WC Docket Nos. 07-21, 05-342, Memorandum Opinion and Order, 23 FCC Rcd 7302 (2008) (AT&T Cost Assignment Forbearance Order).

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2021-20632 Filed 9-22-21; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 19-329; FRS 49098]

### Federal Advisory Committee Act; Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC or Commission) Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States (Task Force) will hold its next meeting via live internet link.

**DATES:** October 14, 2021. The meeting will come to order at 3:00 p.m. EDT.

**ADDRESSES:** The meeting will be held via conference call and be available to the public via live feed from the FCC's web page at [www.fcc.gov/live](http://www.fcc.gov/live).

**FOR FURTHER INFORMATION CONTACT:** Jesse Jachman, Designated Federal Officer, Federal Communications Commission, Wireline Competition Bureau, (202) 418-2668, or email: [Jesse.Jachman@fcc.gov](mailto:Jesse.Jachman@fcc.gov); Elizabeth Cuttner, Deputy Designated Federal Officer, Federal Communications Commission, Wireline Competition Bureau, (202) 418-2145, or email: [Elizabeth.Cuttner@fcc.gov](mailto:Elizabeth.Cuttner@fcc.gov); or Stacy Ferraro, Deputy Designated Federal Officer, Wireless Telecommunications Bureau, (202) 418-0795 or email: [Stacy.Ferraro@fcc.gov](mailto:Stacy.Ferraro@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be held on October 14,

2021 at 3:00 p.m. EDT and may be viewed live, by the public, at <http://www.fcc.gov/live>. Any questions that arise during the meeting should be sent to [PrecisionAgTF@fcc.gov](mailto:PrecisionAgTF@fcc.gov) and will be answered at a later date. Members of the public may submit comments to the Task Force in the FCC's Electronic Comment Filing System, ECFS, at [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs). Comments to the Task Force should be filed in GN Docket No. 19-329.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or by calling the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted but may not be possible to fill.

*Proposed Agenda:* At this meeting, the Task Force will hear updates from the Working Group leadership and discuss recommendations. This agenda may be modified at the discretion of the Task Force Chair and the Designated Federal Officer.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

[FR Doc. 2021-20550 Filed 9-22-21; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

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 whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

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 October 25, 2021.

*A. Federal Reserve Bank of Chicago* (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *North Shore, MHC, Waukegan, Illinois*; to convert from mutual to stock form. As part of the conversion, North Shore, MHC, and NSTS Financial Corporation, an existing mid-tier savings and loan holding company, will cease to exist and North Shore Trust and Savings, all of Waukegan, Illinois, will become a wholly-owned subsidiary of NSTS Bancorp, Inc., Waukegan, Illinois, a newly-formed Delaware corporation, which has applied to become a savings and loan holding company, pursuant to

section 10(e) of the HOLA, by acquiring North Shore Trust and Savings.

Board of Governors of the Federal Reserve System, September 20, 2021.

**Michele Taylor Fennell,**

*Deputy Associate Secretary of the Board.*

[FR Doc. 2021-20600 Filed 9-22-21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Proposed Information Collection Activity; Unaccompanied Children (UC) Program Budget Workbook Template (New Collection)

**AGENCY:** Office of Refugee Resettlement, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Administration for Children and Families' (ACF) Office of Refugee Resettlement (ORR) is requesting clearance for the proposed new collection titled "UC Program Budget Workbook" to streamline budget details and justifications of applicants to funding opportunities.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting

public comment on the specific aspects of the information collection described above.

**ADDRESSES:** Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

#### SUPPLEMENTARY INFORMATION:

**Description:** The UC Program Budget Workbook will streamline the budget detail and justification documentation for applicants to any upcoming Notice of Funding Opportunity (NOFO). This new information collection will provide guidance to the applicant as well as a fillable form to insert calculations and budget line items. With the assistance of this template, the review of applications will be expedited since documentation will be clearer and more unified. Additionally, this will facilitate the completion of applications that may not otherwise be completed due to lack of budget documentation guidance in past NOFOs.

**Respondents:** New and existing applicants to NOFOs for residential services for UC.

### ANNUAL BURDEN ESTIMATES

| Instrument                   | Total number of respondents | Total number of responses per respondent | Average burden hours per response | Total burden hours | Annual burden hours |
|------------------------------|-----------------------------|------------------------------------------|-----------------------------------|--------------------|---------------------|
| UC Program Budget Form ..... | 120                         | 3                                        | 90                                | 32,400             | 10,800              |

*Estimated Total Annual Burden Hours:* 10,800.

**Comments:** The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Authority:** 8 U.S.C. 1522 of the Immigration and Nationality Act (the Act) (Title IV, Sec. 412 of the Act) and 45 CFR 400.28(b).

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2021-20547 Filed 9-22-21; 8:45 am]

**BILLING CODE 4184-45-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[OMB #0970-0354]

#### Submission for OMB Review; Early Head Start Family and Child Experiences Survey 2022 (Baby FACES 2022)

**AGENCY:** Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) seeks approval to continue to collect descriptive

information for the Early Head Start Family and Child Experiences Survey 2022 (Baby FACES 2022). This information collection is to provide nationally representative data on Early Head Start (EHS) programs, centers, classrooms, staff, and families to guide program planning, technical assistance, and research. This data collection will complete the previously approved second round of data collection originally planned to take place in 2020 (OMB 0970–0354). The work began in early 2020 but had to be postponed after only 3 weeks due to the COVID–19 pandemic. No changes are proposed to the currently approved information collection materials.

**DATES:** *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**SUPPLEMENTARY INFORMATION:**

*Description:* Baby FACES 2018 and 2022 build upon a prior study (Baby FACES 2009; OMB 0970–0354) that longitudinally followed two cohorts of children through their experience in the program. While the 2009 study provided a great deal of information about program participation over time and about services received by children and families, it did not allow for national level estimates of service quality or inferences about children who enter the program after 15 months of age. To fill these knowledge gaps and to answer additional questions about how programs function, the design for the

information collection in 2022 will refresh the nationally representative cross-sectional sample of programs, centers, home visitors, teachers, classrooms, children, and families that was used in Baby FACES 2018. Freshening the sample will allow new programs that came into being since 2018 a chance to enter the study. This design allows for nationally representative estimates at all levels at a point in time and includes the entire age span of enrolled children.

The goal of this work is to obtain updated information on EHS programs and understand better how program processes support relationships (*e.g.*, between home visitors and parents, between parents and children, and between teachers and children) that are hypothesized to lead to improved child and family outcomes.

*Respondents:* EHS program directors, child care center directors, teachers and home visitors, and parents of enrolled children.

**ANNUAL BURDEN ESTIMATES**

| Instrument                                                 | Number of respondents (total over request period) | Number of responses per respondent (total over request period) | Avg. burden per response (in hours) | Total burden (in hours) | Annual burden (in hours) |
|------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------|-------------------------------------|-------------------------|--------------------------|
| Classroom/home visitor sampling form (from EHS staff) .... | 407                                               | 1                                                              | 0.17                                | 69                      | 35                       |
| Child roster form (from EHS staff) .....                   | 252                                               | 1                                                              | 0.33                                | 83                      | 42                       |
| Parent consent form .....                                  | 2,495                                             | 1                                                              | 0.17                                | 424                     | 212                      |
| Parent survey .....                                        | 2,084                                             | 1                                                              | 0.53                                | 1,105                   | 553                      |
| Parent Child Report .....                                  | 2,008                                             | 1                                                              | 0.33                                | 663                     | 332                      |
| Staff survey (Teacher survey and Home Visitor survey) .... | 1,317                                             | 1                                                              | 0.5                                 | 659                     | 330                      |
| Staff Child Report .....                                   | 1,046                                             | 2.13                                                           | 0.25                                | 557                     | 279                      |
| Program director survey .....                              | 120                                               | 1                                                              | 0.5                                 | 60                      | 30                       |
| Center director survey .....                               | 294                                               | 1                                                              | 0.5                                 | 147                     | 74                       |
| Parent-child interaction .....                             | 996                                               | 1                                                              | 0.17                                | 169                     | 85                       |

*Estimated Total Annual Burden Hours:* 1,972.

*Note:* In the **Federal Register** Notice providing a 60-day comment period on this information collection (86 FR 38490), while number of respondents, number of responses per respondent, and estimated response time were provided correctly for the Staff Child Report, there was a calculation error for total and annual estimated burden. The burden estimates in this current notice reflect accurate calculations.

*Authority:* Sec. 645A and 649 of the Improving Head Start for School Readiness Act of 2007.

**Mary B. Jones,**  
ACF/OPRE Certifying Officer.

[FR Doc. 2021–20572 Filed 9–22–21; 8:45 am]

**BILLING CODE 4184–22–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Proposed Information Collection Activity; Understanding the Value of Centralized Services Study (New Collection)**

**AGENCY:** Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing a new data collection activity as part of the Understanding the Value of Centralized

Services study. The objective of this descriptive study is to understand the advantages, disadvantages, and costs of centralizing social services for individuals and families with low incomes.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** Copies of the proposed collection of information can be obtained and comments may be submitted by emailing [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov). All requests should be identified by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

**Description:** This descriptive study aims to provide insight into the models that have been used to centralize services; organizations' history of and impetus for centralizing services; the benefits, challenges, and costs of centralizing services from the perspectives of staff and clients; and how organizations have coordinated their centralized services virtually. This

project will include site visits to three centralized community resource centers (CCRCs). The proposed information collection activities include interviews with staff, including leadership and administrative staff, frontline staff, finance staff, and IT/data staff, and focus groups with clients. The research team will also conduct observations of program activities.

**Respondents:** Respondents will include leadership and administrative staff at the CCRC, staff who manage finances at the CCRC, staff who manage data and/or technology at the CCRC, staff who provide services directly to clients at the CCRC, and clients who have accessed services at the CCRC.

#### ANNUAL BURDEN ESTIMATES

| Instrument                                                | Number of respondents (total over request period) | Number of responses per respondent (total over request period) | Avg. burden per response (in hours) | Total/annual burden (in hours) |
|-----------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------|-------------------------------------|--------------------------------|
| Interview guide for administrative/leadership staff ..... | 18                                                | 1                                                              | 1.25                                | 23                             |
| Interview guide for frontline staff .....                 | 48                                                | 1                                                              | 1.25                                | 60                             |
| Interview guide for finance staff .....                   | 9                                                 | 1                                                              | 1                                   | 9                              |
| Interview guide for IT/data staff .....                   | 9                                                 | 1                                                              | 1                                   | 9                              |
| Focus group guide for clients .....                       | 30                                                | 1                                                              | 1.5                                 | 45                             |

**Estimated Total Annual Burden Hours:** 146.

**Comments:** The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Authority:** Authorized by the Social Security Act 1110 [42 U.S.C. 1310], appropriated by the Continuing Appropriations Act of 2019.

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2021-20556 Filed 9-22-21; 8:45 am]

**BILLING CODE 4184-07-P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Administration for Children and Families

[OMB #0970-0391]

##### Proposed Information Collection Activity; National Survey of Early Care and Education COVID-19 Follow-Up

**AGENCY:** Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), plans to request from the Office of Management and Budget (OMB) an extension to complete data collection for a two-wave COVID-19 Follow-up data collection currently underway as part of the National Survey of Early Care and Education (NSECE). The objective of the NSECE COVID-19 Follow-up is to document the nation's current supply of early care and education services (that is, home-based providers, center-based providers, and the center-based provider workforce). There are no changes proposed.

**DATES:** *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

##### SUPPLEMENTARY INFORMATION:

**Description:** In the context of the COVID-19 pandemic, the NSECE COVID-19 Follow-up will deepen our understanding of the state of ECE supply and the ECE workforce following the initial period of crisis, including changes in supply or departures from and re-entries to the workforce. The NSECE COVID-19 Follow-up is collecting information from center-based ECE providers to children birth through age 5 years, not yet in kindergarten, home-based ECE providers that serve children under age 13, as well as the ECE workforce providing these services. The collection consists of three coordinated nationally representative surveys:

1. A two-wave survey of individuals who provided paid care for children under the age of 13 in a residential setting as of 2019 and participated in the 2019 NSECE (Home-based Provider Interview),

2. a two-wave survey of providers of care to children ages 0 through 5 years of age (not yet in kindergarten) in a non-residential setting (Center-based Provider Interview) as of 2019 and that participated in the 2019 NSECE, and

3. a two-wave survey conducted with individuals employed in center-based

child care programs working directly with children in classrooms (Center-based Classroom Staff [Workforce] Interview) as of 2019 and who participated in the 2019 NSECE.

*Respondents:* Home-based providers as of 2019 serving children under 13 years (listed and unlisted paid)—

regardless of their status serving children in 2020–2022, center-based child care providers as of 2019 serving children ages 0 through 5 years of age (not yet in kindergarten)—regardless of their status serving children in 2020–2022, and classroom-assigned instructional staff members working

with children ages 0 through 5 years of age (not yet in kindergarten) in center-based child care providers as of 2019, regardless of their employment status in 2020–2022.

*Annual Burden Estimates:* This request is for an extension through spring 2022.

| Instrument                                                                                  | Number of respondents (total over request period) | Number of responses per respondent (total over request period) | Avg. burden per response (in hours) | Total burden (in hours) |
|---------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------|-------------------------------------|-------------------------|
| Home-based Provider Interview, Wave 2—In ECE during focal week .....                        | 2,025                                             | 1                                                              | 0.35                                | 709                     |
| Home-based Provider Interview, Wave 2—Not in ECE during focal week ....                     | 506                                               | 1                                                              | 0.25                                | 126                     |
| Center-based Provider Interview, Wave 2 spring or fall; in ECE during focal week .....      | 3,291                                             | 1                                                              | 0.38                                | 1,251                   |
| Center-based Provider Interview, Wave 2 spring or fall; not in ECE during focal week .....  | 1,097                                             | 1                                                              | 0.22                                | 241                     |
| Center-based Provider Fall 2021 Funding Receipt Supplement .....                            | 1,255                                             | 1                                                              | 0.20                                | 251                     |
| Center-based Provider Interview Wave 2 fall; Centers completing in Wave 2 spring also ..... | 1,136                                             | 1                                                              | 0.29                                | 329                     |
| (Center-based) Workforce Interview—Wave 2; In ECE during Focal Week ..                      | 1,775                                             | 1                                                              | 0.37                                | 657                     |
| (Center-based) Workforce Interview—Wave 2; Not in ECE during Focal Week .....               | 874                                               | 1                                                              | 0.24                                | 210                     |

*Estimated Total Burden Hours:* 3,774.

*Authority:* Child Care and Development Block Grant (CCDBG) Act of 1990 as amended by the CCDBG Act of 2014 (Pub. L. 113–186).

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2021–20573 Filed 9–22–21; 8:45 am]

**BILLING CODE 4184–23–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2021–D–0399]

#### Good Manufacturing Practices for Animal Cells, Tissues, and Cell- and Tissue-Based Products; Draft Guidance for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a draft guidance for industry #253 entitled “Good Manufacturing Practices for Animal Cells, Tissues, and Cell- and Tissue-Based Products.” FDA’s Center for Veterinary Medicine (CVM) is issuing this guidance to provide establishments that manufacture animal cells, tissues, and cell- and tissue-based products (ACTPs) meeting the definition of new animal drugs with recommendations for meeting

requirements for current good manufacturing practices (CGMPs). All new animal drugs, including ACTPs, are required to be manufactured in accordance with CGMPs to ensure that such drugs meet the requirements of the Federal Food, Drug, and Cosmetic Act (FD&C Act) as to safety, and have the identity, strength, quality, and purity characteristics, which they purport to or are represented to possess. This guidance also provides FDA’s recommendations for those aspects of manufacturing specific to ACTPs in accordance with existing CGMP regulations, as applicable, and with the FD&C Act. In this guidance, we specifically address the methods, facilities, and controls used for manufacturing ACTPs.

**DATES:** Submit either electronic or written comments on the draft guidance by November 22, 2021 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are

solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

**Instructions:** All submissions received must include the Docket No. FDA–2021–D–0399 for “Good Manufacturing Practices for Animal Cells, Tissues, and Cell- and Tissue-Based Products.”

Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:** Lynne Boxer, Center for Veterinary Medicine (HFV–114), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0611, [Lynne.Boxer@fda.hhs.gov](mailto:Lynne.Boxer@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA is announcing the availability of a draft guidance for industry (GFI) #253 entitled “Good Manufacturing Practices for Animal Cells, Tissues, and Cell- and Tissue-Based Products.” CVM is issuing this guidance to provide establishments that manufacture ACTPs with recommendations for meeting CGMP requirements. All new animal drugs, including ACTPs, are required to be manufactured in accordance with CGMPs to ensure that such drugs meet the requirements of the FD&C Act as to safety and have the identity, strength, quality, and purity characteristics that they purport to or are represented to possess. The CGMP requirements for new animal drugs are found in Title 21 parts 210 and 211 of the Code of Federal Regulations (parts 210 and 211 (21 CFR parts 210 and 211)). The CGMP regulations in parts 210 and 211 are broad in scope, and we recognize that these regulations do not specifically or fully address all aspects of the manufacture of ACTPs, including early stages of the manufacturing process. This guidance provides our recommendations for complying with section 501(a)(2)(B) of the FD&C Act (21 U.S.C. 351(a)(2)(B)) for those aspects of manufacturing specific to ACTPs.

ACTPs that meet the definition of a new animal drug are subject to the same statutory and regulatory requirements found under the FD&C Act and Title 21 of the CFR. Sponsors are responsible for ensuring that their products are manufactured in accordance with Federal law, including parts 210 and 211 and section 501(a)(2)(B) of the FD&C Act. New animal drugs not manufactured in conformity with CGMPs are adulterated under the relevant provisions of the FD&C Act.

This guidance specifically addresses the methods, facilities, and controls used for manufacturing ACTPs, including steps in recovery, processing, storage, labeling, packaging, and distribution. We refer to our recommendations for meeting CGMPs in the manufacture of ACTPs as ACTP CGMPs. These ACTP CGMPs should be applied to consistently produce quality and to ensure that ACTPs are not contaminated and do not become contaminated during manufacturing.

This level 1 draft guidance is being issued consistent with FDA’s good

guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on good manufacturing practices for animal cells, tissues, and cell- and tissue-based products. 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 514 have been approved under OMB control number 0910–0032.

**III. Electronic Access**

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm>, <http://inside.fda.gov:9003/PolicyProcedures/GuidanceRegulations/FederalRegister/default.htm>, or <https://www.regulations.gov>.

Dated: September 16, 2021.

**Lauren K. Roth,**  
Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–20514 Filed 9–22–21; 8:45 am]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**[Docket No. FDA–2021–D–0401]**

**Donor Eligibility for Animal Cells, Tissues, and Cell- and Tissue-Based Products; Draft Guidance for Industry; Availability**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or Agency or we) is announcing the availability of a draft guidance for industry #254 entitled “Donor Eligibility for Animal Cells, Tissues, and Cell- and Tissue-Based Products.” FDA’s Center for Veterinary Medicine (CVM) is issuing this guidance

for sponsors, firms, individuals, and establishments that participate in the manufacture of, or perform any aspect of, the donor eligibility determination for animal cells, tissues, and cell- and tissue-based products (ACTPs), which meet the definition of new animal drugs under the Federal Food, Drug, and Cosmetic Act (FD&C Act). Donor eligibility is a critical component of current good manufacturing practices (CGMPs) when manufacturing ACTPs. A donor should be considered eligible to donate ACTPs only if screening of the donor shows that the donor is free from risk factors for, and clinical evidence of, infection with relevant disease agents and diseases, and the donor (and product/source material) test results for relevant disease agents are negative or nonreactive.

**DATES:** Submit either electronic or written comments on the draft guidance by November 22, 2021 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and

Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2021-D-0401 for "Donor Eligibility for Animal Cells, Tissues, and Cell- and Tissue-Based Products." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Policy and Regulations Staff (HFV-6), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

#### **FOR FURTHER INFORMATION CONTACT:**

Lynne Boxer, Center for Veterinary Medicine (HFV-114), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-402-0611, [Lynne.Boxer@fda.hhs.gov](mailto:Lynne.Boxer@fda.hhs.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

FDA is announcing the availability of a draft guidance for industry (GFI) #254 entitled "Donor Eligibility for Animal Cells, Tissues, and Cell- and Tissue-Based Products." This draft guidance is for sponsors, firms, individuals, and establishments that participate in the manufacture of, or perform any aspect of, the donor eligibility determination for ACTPs, which meet the definition of new animal drugs under section 201(v) of the FD&C Act (21 U.S.C. 321(v)). ACTPs that are intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or are intended to affect the structure or function of the animal generally meet the definition of a new animal drug. All new animal drugs, including ACTPs, are required to be manufactured in accordance with CGMPs to ensure that such drugs meet the requirements of the FD&C Act as to safety, and have the identity, strength, quality, and purity characteristics that they purport to or are represented to possess. Advances in the field of veterinary regenerative medicine have resulted in increasing research into veterinary applications for ACTPs, and many of these products are intended for use as new animal drugs.

Donor eligibility is a critical component of CGMPs when manufacturing ACTPs. Selecting appropriate donors is critical to product quality and compliance with ACTP CGMPs. Establishments performing any function related to donor eligibility should comply with the ACTP CGMPs related to that function. A donor should be considered eligible to donate ACTPs only if screening of the donor shows that the donor is free from risk factors for, and clinical evidence of, infection with relevant disease agents and

diseases, and the donor (and product/source material) test results for relevant disease agents are negative or nonreactive. To prevent transmission of disease when manufacturing ACTPs, it is necessary to determine that donors are healthy and free from relevant disease agents. Transmission of relevant disease agents by an ACTP may be the result of the presence of relevant disease agents in the donated cells/tissues (either within the cells/tissues, within other accompanying cells/tissues, or in the extracellular components of the product).

The CGMP requirements for new animal drugs are found in Title 21 parts 210 and 211 of the Code of Federal Regulations (21 CFR parts 210 and 211). These regulations are broad in scope, and FDA recognizes that they do not specifically or fully address some aspects of the manufacture of ACTPs, including donor eligibility determinations. This guidance offers FDA's recommendations for determining that a donor is free from relevant disease agents and is an eligible source of cells, tissues, or both, used in the manufacture of allogeneic or xenogeneic ACTPs. We encourage sponsors and manufacturers of ACTPs to contact CVM early in the product development process to discuss considerations specific to approval of a new animal drug product.

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on donor eligibility for animal cells, tissues, and cell- and tissue-based products. 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 514 have

been approved under OMB control number 0910–0032.

## III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/animal-veterinary/guidance-regulations/guidance-industry>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: September 16, 2021.

**Lauren K. Roth,**

*Acting Principal Associate Commissioner for Policy.*

[FR Doc. 2021–20517 Filed 9–22–21; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

[OMB No. 0906–XXXX]

#### Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: SHIP COVID–19 Testing and Mitigation Program Data Collection—New, Emergency

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

**DATES:** Comments on this ICR should be received no later than October 4, 2021.

**ADDRESSES:** Submit your comments to [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or by mail to the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and draft

instruments, email [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or call Samantha Miller, the HRSA Information Collection Clearance Officer at (301) 443–9094.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the ICR title for reference.

*Information Collection Request Title:* SHIP COVID–19 Testing and Mitigation Program Data Collection, OMB No. 0906–XXXX—New, Emergency.

*Abstract:* The American Rescue Plan Act of 2021 (Pub. L. 117–2) provided one-time funding for awards that will be carried out under Section 711 of the Social Security Act (42 U.S.C. 912(b)(5)). The Small Rural Hospital Improvement Program (SHIP) is requesting approval of an emergency ICR. State grantees will improve health care in rural areas by using the funding to provide support to eligible rural hospitals to increase COVID–19 testing efforts, expand access to testing in rural communities, and expand the range of mitigation activities.

*Need and Proposed Use of the Information:* The terms and conditions for this program specify that, “hospitals will be required to report on the number of tests provided and categories in which the funding is spent.” The data will allow HRSA to ensure SHIP COVID–19 recipients are meeting the terms and conditions of their funding, while providing HRSA with information on the effectiveness of funds distributed through this program.

*Likely Respondents:* The respondents will be hospital staff and designated representatives.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

## TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

| Form name                                            | Number of respondents                                             | Number of responses per respondent                                                                                           | Total responses | Average burden per response (in hours) | Total burden hours                                                                       |
|------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------------------------|------------------------------------------------------------------------------------------|
| SHIP COVID-19 Testing and Mitigation Data Reporting. | 1,540: Number of unique organizations funded through the program. | 6: Reported on a quarterly basis during the 18 month program or the end of the public health emergency (whichever is first). | 9,240           | .25                                    | 2,310: Total hours spent on responses for all funded organizations over a 2-year period. |
| Total .....                                          | 1,540 .....                                                       | .....                                                                                                                        | 9,240           | .....                                  | 2,310.                                                                                   |

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2021-20601 Filed 9-22-21; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Minority Health and Health Disparities; 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 Minority Health and Health Disparities Special Emphasis Panel; Impact of Structural Racism and Discrimination on Minority Health and Health Disparities.

*Date:* November 15-17, 2021.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Gateway Plaza, 7201 Wisconsin Avenue, Bethesda, MD 20817 (Virtual Meeting).

*Contact Person:* Karen Nieves-Lugo, M.P.H., Ph.D., Scientific Review Officer, Office of Extramural Research Activities, National Institute on Minority Health and Health Disparities, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 480-4727, [karen.nieveslugo@nih.gov](mailto:karen.nieveslugo@nih.gov).

*Dated:* September 17, 2021.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-20583 Filed 9-22-21; 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; Exploratory Data Science Methods and Algorithm Development, Early-Stage Development of Data Science Technologies, and Enhancement or Sustainment of Data Science Tools for Infectious and Immune-Mediated Diseases (R21, U01, U24).

*Date:* October 26-28, 2021.

*Time:* 10:00 a.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 3G42, Rockville, MD 20892 (Virtual Meeting).

*Contact Person:* Sandip Bhattacharyya, 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 3G42, Rockville, MD 20852, 240-292-0189, [sandip.bhattacharyya@nih.gov](mailto:sandip.bhattacharyya@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:* September 17, 2021.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-20585 Filed 9-22-21; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meetings will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

*Date:* October 24–26, 2021.

*Time:* 12:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate personnel qualifications and performance, and competence of individual investigators.

*Place:* Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Nina F. Schor, MD, Ph.D., Deputy Director, National Institute of Neurological Disorders and Stroke, NIH, Building 31, Room 8A52, Bethesda, MD 20892, 301-496-9746, [nina.schor@nih.gov](mailto:nina.schor@nih.gov). (Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

*Dated:* September 17, 2021.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-20580 Filed 9-22-21; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public, 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.

*Name of Committee:* National Heart, Lung, and Blood Advisory Council.

*Date:* October 26, 2021.

*Closed:* 10:00 a.m. to 11:00 a.m.

*Agenda:* To Review and Evaluate Grant Applications.

*Place:* National Institutes of Health, Rockledge 1, 6705 Rockledge Dr., Bethesda, MD 20892 (Virtual Meeting).

*Open:* 11:30 a.m. to 5:00 p.m.

*Agenda:* To Discuss Program Policies and Issues.

*Place:* National Institutes of Health, Rockledge 1, 6705 Rockledge Dr., Bethesda, MD 20892 (Virtual Meeting).

*Virtual Access:* The meeting will be videocast and can be accessed from the NIH Videocast. <https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council>. Please note, the link to the videocast meeting will be posted within a week of the meeting date.

*Contact Person:* Laura K. Moen, Ph.D., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood

Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206-Q, Bethesda, MD 20892, 301-827-5517, [moenl@mail.nih.gov](mailto:moenl@mail.nih.gov)

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: [www.nhlbi.nih.gov/meetings/nhlbiac/index.htm](http://www.nhlbi.nih.gov/meetings/nhlbiac/index.htm), where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

*Dated:* September 17, 2021.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-20584 Filed 9-22-21; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Advancing Translational Sciences; 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 Center for Advancing Translational Sciences Special Emphasis Panel; SEP Limited Competition: Clinical and Translational Science Award (CTSA) Consortium-Wide Centers: Resources for Rapid Demonstration and Dissemination (U24 Clinical Trials Not Allowed).

*Date:* October 20, 2021.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Victor Henriquez, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20817, (301) 435-0813, [henriquv@mail.nih.gov](mailto:henriquv@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

*Dated:* September 17, 2021.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-20582 Filed 9-22-21; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Exploratory Studies to Investigate Mechanisms of HIV Infection, Replication, Latency, and/or Pathogenesis in the Context of Substance Use Disorders (R61/R33—Clinical Trial Not Allowed).

*Date:* October 26, 2021.

*Time:* 11:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Trinh T. Tran, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827-5843, [trinh.tran@nih.gov](mailto:trinh.tran@nih.gov).

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; NIDA Animal Genomics Program (U01—Clinical Trial Not Allowed).

*Date:* November 5, 2021.

*Time:* 11:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ipolia R. Ramadan, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827-4471, [ramadanir@mail.nih.gov](mailto:ramadanir@mail.nih.gov).

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Assessing the Effects of Cannabinoids on HIV-Associated Persistent Inflammation (R01 Clinical Trial Optional).

*Date:* November 19, 2021.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Soyoun Cho, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 594-9460, [Soyoun.cho@nih.gov](mailto:Soyoun.cho@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist

Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: September 17, 2021.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-20581 Filed 9-22-21; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276-0361.

#### Proposed Project: Division of State Programs—Management Reporting Tool (DSP-MRT)

(OMB No. 0930-0354)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) aims to monitor several substance use prevention programs through the DSP-MRT, which reports data using the Strategic Prevention Framework (SPF). Programs monitored through the DSP-MRT include: SPF-Partnerships for Success

(PFS), SPF- Prescription Drugs (Rx), Prescription Drug Overdose (PDO), and First Responder-Comprehensive Addiction and Recovery Act (FR-CARA). SAMHSA also proposed adding a new program: Sober Truth on Preventing Underage Drinking Act Grants (STOP Act). This request for data collection includes minor revisions from a previously approved OMB instrument.

Monitoring data using the SPF model will allow SAMHSA's project officers to systematically collect data to monitor their grant program. In addition to assessing activities related to the SPF steps, the performance monitoring instruments covered in this statement collect data to assess the following grantee required specific performance measures:

- Number of training and technical assistance activities per funded community provided by the grantee to support communities
- Reach of training and technical assistance activities (numbers served) provided by the grantee
- Percentage of subrecipient communities that submit data to the grantee data system
- Number of subrecipient communities that improved on one or more targeted National Outcome Measures
- Number of grantees who integrate Prescription Drug Monitoring Program data into their program needs assessment
- Number of naloxone toolkits distributed

Revisions to this package include the following:

- Inclusion of six performance targets
- Removal of outdated references
- Adjustments to the language in the Disparities Impact Section to refine response

## ANNUALIZED DATA COLLECTION BURDEN

| Instrument                       | Number of respondents | Responses per respondent | Total number of responses | Hours per response | Total burden hours | Average hourly wage | Total respondent cost <sup>a</sup> |
|----------------------------------|-----------------------|--------------------------|---------------------------|--------------------|--------------------|---------------------|------------------------------------|
| DSP-MRT .....                    | 521                   | 4                        | 2,084                     | 3                  | 6,252              | \$44.19             | \$276,276                          |
| PFS Supplemental .....           | 253                   | 1                        | 253                       | 1                  | 253                | 44.19               | 11,180                             |
| PDO/FR CARA Supplemental .....   | 109                   | 2                        | 218                       | 1                  | 218                | 44.19               | 9,633                              |
| SPF Rx Supplemental .....        | 26                    | 4                        | 104                       | 1                  | 104                | 44.19               | 4,596                              |
| STOP Act Supplemental .....      | 133                   | 1                        | 133                       | 1                  | 133                | 44.19               | 5,877                              |
| <b>FY2021-FY2024 Total .....</b> | <b>521</b>            | <b>.....</b>             | <b>.....</b>              | <b>.....</b>       | <b>6,960</b>       | <b>.....</b>        | <b>307,562</b>                     |

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting

“Currently under 30-day Review—Open

for Public Comments” or by using the search function.

**Carlos Graham,**

*Social Science Analyst.*

[FR Doc. 2021-20608 Filed 9-22-21; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer at (240) 276-0361 or [carlos.graham@samhsa.hhs.gov](mailto:carlos.graham@samhsa.hhs.gov).

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

#### Proposed Project: Survey of State Underage Drinking Prevention Policies, Programs, and Practices

(OMB No. 0930-0316)—Extension

The *Sober Truth on Preventing Underage Drinking Act* (the “STOP Act”) (Pub. L. 109-422, reauthorized in 2016 by Pub. L. 114-255) states that the “Secretary [of Health and Human Services] shall . . . annually issue a report on each state's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” The Secretary has delegated responsibility for this report to SAMHSA. Therefore, SAMHSA has developed a Survey of State Underage Drinking Prevention Policies, Programs, and Practices (the “*State Survey*”) to provide input for the state-by-state report on prevention and enforcement activities related to the underage drinking component of the *Annual Report to Congress on the Prevention and Reduction of Underage Drinking* (“*Report to Congress*”).

The STOP Act also requires the Secretary to develop “a set of measures

to be used in preparing the report on best practices” and to consider categories including but not limited to the following:

*Category #1:* Sixteen specific underage drinking laws/regulations enacted at the state level (e.g., laws prohibiting sales to minors; laws related to minors in possession of alcohol). Note that ten additional policies have been added to the *Report to Congress* pursuant to Congressional appropriations language or the Secretary's authority granted by the STOP Act;

*Category #2:* Enforcement and educational programs to promote compliance with these laws/regulations;

*Category #3:* Programs targeted to youths, parents, and caregivers to deter underage drinking and the number of individuals served by these programs;

*Category #4:* The amount that each state invests, per youth capita, on the prevention of underage drinking broken into five categories: (a) Compliance check programs in retail outlets; (b) checkpoints and saturation patrols that include the goal of reducing and deterring underage drinking; (c) community-based, school-based, and higher-education-based programs to prevent underage drinking; (d) underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and (e) any other state efforts or programs that target underage drinking.

Congress' purpose in mandating the collection of data on state policies, programs, and practices through the *State Survey* is to provide policymakers and the public with otherwise unavailable but much needed information regarding state underage drinking prevention policies and programs. SAMHSA and other federal agencies that have underage drinking prevention as part of their mandate use the results of the *State Survey* to inform federal programmatic priorities, as do other stakeholders, including community organizations. The information gathered by the *State Survey* has established a resource for state agencies and the general public for assessing policies and programs in their own state and for becoming familiar with the policies, programs, practices, and funding priorities of other states.

Because of the broad scope of data required by the STOP Act, SAMHSA relies on existing data sources where possible to minimize the survey burden on the states. SAMHSA uses data on state underage drinking policies from the National Institute of Alcohol Abuse and Alcoholism's Alcohol Policy Information System (APIS), an

authoritative compendium of state alcohol-related laws. The APIS data is augmented by SAMHSA with original legal research on state laws and policies addressing underage drinking to include all of the STOP Act's requested laws and regulations (Category #1 of the four categories included in the STOP Act, as described above, page 2).

The STOP Act mandates that the *State Survey* assess “best practices” and emphasize the importance of building collaborations with federally recognized tribal governments (“tribal governments”). It also emphasizes the importance at the federal level of promoting interagency collaboration and to that end establishes the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD). SAMHSA has determined that to fulfill the Congressional intent, it is critical that the *State Survey* gather information from the states regarding the best practices standards that they apply to their underage drinking programs, collaborations between states and tribal governments, and the development of state-level interagency collaborations similar to ICCPUD.

SAMHSA has determined that data on Categories #2, #3, and #4 mandated in the STOP Act (as listed on page 2) (enforcement and educational programs; programs targeting youth, parents, and caregivers; and state expenditures) as well as states' best practices standards, collaborations with tribal governments, use of social marketing or counter-advertising campaigns, and state-level interagency collaborations are *not available from secondary sources* and therefore must be collected from the states themselves. The *State Survey* is therefore necessary to fulfill the Congressional mandate found in the STOP Act. Furthermore, the uniform collection of these data from the states over the last ten years has created a valuable longitudinal dataset, and the *State Survey's* renewal is vital to maintaining this resource.

The *State Survey* is a single document that is divided into four sections, as follows:

Section 1: Enforcement programs to promote compliance with underage drinking laws and regulations (as described in Category #2);

Section 2A: Programs and media campaigns targeted to youth, parents, and caregivers to deter underage drinking (as described in Category #3 above);

Sections 2B and 2C: State interagency collaboration to implement prevention programs and media campaigns, state best-practice standards, and

collaborations with tribal governments (as described above);

Section 2D: The amount that each state invests on the prevention of underage drinking in the categories specified in the STOP Act (see description of Category #4 above) and descriptions of any dedicated fees, taxes, or fines used to raise these funds.

The number of questions in each section is as follows:

Section 1: 38 questions

Section 2A: 15 questions

Section 2B: 12 questions

Section 2C: 10 questions

Section 2D: 10 questions

Total: 85 questions

Note that the number of questions in Section 2A is an estimate. This section asks states to identify up to ten programs that are specific to underage drinking prevention. For each program identified, there are three follow-up questions. Based on the average number of programs per state reported in the *State Survey's* ten-year history, it is anticipated that states will report an average of five programs for a total of 15 questions.

It is anticipated that most respondents will actually respond to only a subset of this total. The *State Survey* is designed with "skip logic," which means that many questions will only be directed to a subset of respondents who report the existence of particular programs or activities.

No changes in content are proposed for the current version of the *Survey*. Note that the title of the survey has been modified from "*Survey of State Underage Drinking Prevention Policies and Practices*" to "*Survey of State Underage Drinking Prevention Policies, Programs, and Practices*" to better reflect the subjects addressed by the *State Survey* questions.

To ensure that the *State Survey* obtains the necessary data while minimizing the burden on the states, SAMHSA has conducted a lengthy and comprehensive planning process. It sought advice from key stakeholders (as mandated by the STOP Act) including hosting multiple stakeholders' meetings, conducting two field tests with state officials likely to be responsible for completing the *State Survey*, and investigating and testing various *State*

*Survey* formats, online delivery systems, and data collection methodologies.

Based on these investigations, SAMHSA collects the required data using an online survey data collection platform (SurveyMonkey). Links to the four sections of the survey are distributed to states via email. The *State Survey* is sent to each state governor's office and the Office of the Mayor of the District of Columbia. Based on the experience from the last ten years of administering the *State Survey*, it is anticipated that the state governors will designate staff from state agencies that have access to the requested data (typically state Alcohol Beverage Control [ABC] agencies and state Substance Abuse Program agencies). SAMHSA provides both telephone and electronic technical support to state agency staff and emphasizes that the states are expected to provide data from existing state databases and other data sources available to them. The burden estimate below takes into account these assumptions.

The estimated annual response burden to collect this information is as follows:

| Instrument                | Number of respondents | Responses/ respondent | Burden/ response (hrs) | Annual burden (hrs) |
|---------------------------|-----------------------|-----------------------|------------------------|---------------------|
| <i>State Survey</i> ..... | 51                    | 1                     | 17.7                   | 902.7               |

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

Carlos Graham,

Social Science Analyst.

[FR Doc. 2021–20607 Filed 9–22–21; 8:45 am]

BILLING CODE 4162–20–P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0005]

#### Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Family Unity Benefits

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 30-Day notice.

**SUMMARY:** The U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

**DATES:** Comments are encouraged and will be accepted until October 25, 2021.

**ADDRESSES:** Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS–2009–0021. All submissions received must include the OMB Control Number 1615–0005 in the body of the letter, the agency name and Docket ID USCIS–2009–0021.

**FOR FURTHER INFORMATION CONTACT:** USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS

Contact Center at (800) 375-5283; TTY (800) 767-1833.

#### SUPPLEMENTARY INFORMATION:

##### Comments

The information collection notice was previously published in the **Federal Register** on June 14, 2021 at 86 FR 31514, allowing for a 60-day public comment period. USCIS did receive two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2009-0021 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:*

Application for Family Unity Benefits.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I-817; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. The information collected will be used to determine whether the applicant meets the eligibility requirements for benefits under 8 CFR 236.14 and 245a.33.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-817 is approximately 1,000 and the estimated hour burden per response is 2 hours per response; the estimated number of respondents providing biometrics is 1,000 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,170 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$122,500.

Dated: September 17, 2021.

**Samantha L. Deshommes,**

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021-20563 Filed 9-22-21; 8:45 am]

**BILLING CODE 9111-97-P**

#### DEPARTMENT OF HOMELAND SECURITY

##### U.S. Citizenship and Immigration Services

[OMB Control Number 1615-NEW]

#### Agency Information Collection Activities; New Collection: Request for a Certificate of Non-Existence

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 60-Day notice.

**SUMMARY:** The U.S. Citizenship and Immigration Services (USCIS),

Department of Homeland Security (DHS), invites the general public and other Federal agencies to comment on this proposed new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

**DATES:** Comments are encouraged and will be accepted for 60 days until November 22, 2021.

**ADDRESSES:** All submissions received must include the OMB Control Number 1615-NEW in the body of the letter, the agency name and Docket ID USCIS-2021-0021. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2021-0021.

**FOR FURTHER INFORMATION CONTACT:** USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

#### SUPPLEMENTARY INFORMATION:

##### Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS-2021-0021 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information,

please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* New Collection.

(2) *Title of the Form/Collection:* Request for a Certificate of Non-Existence.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G-1566; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. USCIS will use the information collected on Form G-1566 to determine whether any immigration records about the subject of record listed on the form exist. If no records about the subject of record exist, USCIS will provide a Certificate of Nonexistence. If USCIS finds records related to the subject of record, a Certificate of Non-Existence will not be issued, but the requestor will be notified that records were found.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection G-1566 is 2,000 and the estimated hour burden per response is 0.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual

hour burden associated with this collection is 1,000 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$122,000.

Dated: September 17, 2021.

**Samantha L. Deshommies,**

Chief, Regulatory Coordination Division,  
Office of Policy and Strategy, U.S. Citizenship  
and Immigration Services, Department of  
Homeland Security.

[FR Doc. 2021-20564 Filed 9-22-21; 8:45 am]

**BILLING CODE 9111-97-P**

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7038-N-18]

#### 60-Day Notice of Proposed Information Collection: Energy Efficient Mortgages (EEMs), OMB Control No: 2502-0561

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* November 22, 2021.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410-5000; email Colette Pollard at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) or telephone

202-402-3400 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

#### A. Overview of Information Collection

*Title of Information Collection:*

Energy Efficient Mortgages.

*OMB Approval Number:* 2502-0561.

*Type of Request:* Reinstatement of a currently approved collection.

*Form Number:* N/A.

*Description of the need for the information and proposed use:* FHA offers the Energy Efficient Mortgage (EEM) as an approved mortgage insurance product under Section 513 of the Housing and Community Development Act of 1992 (Section 106 of the Energy Policy Act of 1992). Section 2123 of the Housing and Economic Recovery Act of 2008 (HERA) (Public Law 110-289, approved July 30, 2008) amended Section 106 of the Energy Policy Act of 1992 by revising the maximum dollar amount that can be added to an FHA-insured mortgage for energy efficient improvements.

The EEM program allows the mortgagors to finance cost-effective energy efficient improvements to an existing property at the time of purchase or refinancing, or for upgrades above the established residential building code for new construction.

*Respondents:* Business or other for-profit (FHA-approved lenders).

*Estimated Number of Respondents:* 40.

*Estimated Number of Responses:* 90.

*Frequency of Response:* On occasion.

*Average Hours per Response:* 1.35.

*Total Estimated Burdens:* 122 hours.

#### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity

of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comments in response to these questions.

### C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Janet M. Golrick,

*Acting Chief of Staff for Housing.*

[FR Doc. 2021–20590 Filed 9–22–21; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[212D0102DR/DS5A300000/  
DR.5A311.1A000118]

#### Resumption of Preparation of an Environmental Impact Statement for the Proposed Redding Rancheria Fee-to-Trust and Casino Project, Shasta County, California

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

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is resuming the preparation of an environmental impact statement (EIS) for the Proposed Redding Rancheria Fee-to-Trust and Casino Project, Shasta County, California. The BIA is resuming preparation of the EIS following a request from the Redding Rancheria (Tribe) that the BIA continue processing the Tribe's fee-to-trust application.

**ADDRESSES:** The Draft EIS is available online at <http://www.reddingeis.com>.

**FOR FURTHER INFORMATION CONTACT:** Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W–2820, Sacramento, California 95825; telephone: (916) 978–6165; email: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov). Information is also available online at [www.reddingeis.com](http://www.reddingeis.com).

**SUPPLEMENTARY INFORMATION:** On November 29, 2016, the BIA published a Notice of Intent to prepare an EIS for the Tribe's application for a fee-to-trust and casino project in Shasta County, California (81 FR 86001). On April 10, 2019, the BIA published a Notice of Availability for the Draft EIS and

initiated a 45-day comment period (84 FR 14391). On June 6, 2019, the BIA published a Notice to extend the comment period for the Draft EIS (84 FR 26440). On May 14, 2020, the BIA published a Notice of Suspension of preparation of the EIS following a request by the Tribe for additional time to determine how it would proceed with its application (85 FR 28973). On January 19, 2021, the Tribe requested BIA continue processing the Tribe's application. Pursuant to this Notice to Resume, the BIA will resume preparation of the EIS for the Tribe's application.

The EIS is being prepared for the Tribe's application requesting that the United States acquire in trust approximately 232 acres of land in Shasta County, California. The proposed trust property is located in an unincorporated part of Shasta County, California, approximately 1.6 miles northeast of the existing Redding Rancheria, and about two miles southeast of downtown Redding. The proposed trust property includes seven parcels, bound by Bechelli Lane on the north, private properties to the south, the Sacramento River on the west, and Interstate 5 on the east. The Tribe is proposing to construct a casino resort that includes a casino, hotel, event/convention center, outdoor amphitheater, retail center, and associated parking/infrastructure. The new facility would replace the Tribe's existing casino, and the Tribe would convert the existing casino buildings to a different Tribal use. Additional information on the proposed action, alternatives to the proposed action, and potential environmental impacts associated with the proposed action and alternatives can be found in the Draft EIS.

**Authority:** This notice is published in accordance with sections 1501.7 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4345 *et seq.*), and the Department of the Interior National Environmental Policy Act Regulations (43 CFR part 46), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

**Bryan Newland,**

*Principal Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 2021–20555 Filed 9–22–21; 8:45 am]

BILLING CODE 4337–15–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Safety and Environmental Enforcement

[BOEM–2021–0043]

#### Programmatic Environmental Impact Statement for Oil and Gas Decommissioning Activities on the Pacific Outer Continental Shelf, Reopening Comment Period

**AGENCY:** Bureau of Safety and Environmental Enforcement (BSEE), Interior.

**ACTION:** Notice of Intent (NOI); reopening of public comment period.

**SUMMARY:** BSEE is reopening the public comment period on scoping in the NOI for the Programmatic Environmental Impact Statement (PEIS) for Oil and Gas Decommissioning Activities on the Pacific Outer Continental Shelf (OCS).

**DATES:** The NOI for the PEIS was published on July 23, 2021, initiating a public comment period which closed on September 7, 2021. BSEE is reopening this public comment period until October 15, 2021.

**ADDRESSES:** You may submit comments in writing or through [www.regulations.gov](http://www.regulations.gov). Written comments may be delivered by hand or by mail, enclosed in an envelope labeled, “Pacific Decommissioning” and addressed to Richard Yarde, Regional Supervisor, Office of Environment, BOEM Pacific Region, 760 Paseo Camarillo, Suite 102, Camarillo, CA 93010. Comments may also be submitted online through the [regulations.gov](http://www.regulations.gov) web portal: Navigate to <http://www.regulations.gov> and search for Docket No. BOEM–2021–0043. Click on the “Comment Now!” button to the right of the document link. Enter your information and comment, then click “Submit.”

**FOR FURTHER INFORMATION CONTACT:** For information on the PEIS, contact Richard Yarde, Regional Supervisor, Office of Environment, at [richard.yarde@boem.gov](mailto:richard.yarde@boem.gov) or 805–384–6379.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** On July 23, 2021, BSEE published a notice in the **Federal Register** [86 FR 39055] that provided a 45-day public comment period on the NOI for the PEIS for Oil and Gas Decommissioning Activities on the Pacific OCS. The comment period

closed on September 7, 2021. BSEE received requests to extend the comment deadline and is reopening the public comment period to allow time for review and comment on the NOI until October 15, 2021. Comments must now be received by October 15, 2021.

**Scott Mabry,**

*Acting Director, Bureau of Safety and Environmental Enforcement, Associate Director for Administration.*

[FR Doc. 2021-20588 Filed 9-22-21; 8:45 am]

**BILLING CODE 4310-VH-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1117-0015]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Application for Registration, Application for Registration Renewal, DEA Forms 363, 363a

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, allowing for a 60-day comment period. The burden in this 30-day notice differs from that in the previously published information collection, as that analysis was based on a proposal to remove the option of submitting a paper application. The proposed rule would mandate all applications be submitted

online; however, that rule has yet to be finalized. Therefore, DEA has returned to a burden analysis which shows both options an application can be submitted.

**DATES:** Comments are encouraged and will be accepted for 30 days until October 25, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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 proposed 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 forms of information technology, e.g., permitting electronic submission of responses.

## Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Application for Registration, Application for Registration Renewal.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers are DEA Forms 363, 363a. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public: Business or other for-profit. Affected public (Other): Not-for-profit institutions, Federal, State, local, and tribal governments.

**Abstract:** The Controlled Substances Act requires practitioners who dispense narcotic drugs to individuals for maintenance or detoxification treatment to register annually with DEA.<sup>1</sup> 21 U.S.C. 822, 823; 21 CFR 1301.11 and 1301.13. Registration is a necessary control measure and helps to prevent diversion by ensuring the closed system of distribution of controlled substances can be monitored by DEA and the businesses and individuals handling controlled substances are qualified to do so and are accountable.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* DEA Form 363 is submitted on an as needed basis by persons seeking to become registered; DEA Form 363a is submitted on an annual basis thereafter to renew existing registrations. The below table presents information regarding the number of respondents, responses and associated burden hours.

|                              | Number of annual respondents | Average time per response     | Total annual hours * |
|------------------------------|------------------------------|-------------------------------|----------------------|
| DEA Form 363 (paper) .....   | 5                            | 0.33 hours (20 minutes) ..... | 2                    |
| DEA Form 363 (online) .....  | 239                          | 0.33 hours (20 minutes) ..... | 80                   |
| DEA Form 363a (paper) .....  | 21                           | 0.17 hours (10 minutes) ..... | 4                    |
| DEA Form 363a (online) ..... | 1,635                        | 0.17 hours (10 minutes) ..... | 273                  |
| <b>Total</b> .....           | <b>1,900</b>                 | .....                         | <b>357</b>           |

\* Figures are rounded.

6. *An estimate of the total public burden (in hours) associated with the*

*proposed collection:* The DEA estimates

that this collection takes 357 annual burden hours.

<sup>1</sup> This registration requirement is waived for certain practitioners under specified circumstances. See 21 U.S.C. 823(g)(2).

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: September 20, 2021.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2021-20592 Filed 9-22-21; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On September 16, 2021, the Department of Justice lodged a proposed Consent Decree Amendment with the United States District Court for the District of Rhode Island in the lawsuit entitled *United States and Rhode Island v. Ashland, Inc., et al.*, Civil Action No. 11-558-M-DLM and 11-664-M-DLM.

The United States seeks performance of a remedial action under sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") concerning groundwater at the Davis Liquid Waste Superfund Site ("Site"), located in Smithfield, Rhode Island (the "Site"). On February 17, 2012, this Court approved a Consent Decree with seven Settling Defendants pursuant to CERCLA under which the Settling Defendants agreed to perform the remedial action addressing contamination in groundwater at the Site. In 2020, EPA amended its cleanup remedy for the groundwater at the Site. Under this proposed Amendment to the 2012 Consent Decree, the Settling Parties agree to perform the amended remedial action for groundwater at the Site.

The publication of this notice opens a period for public comment on the Consent Decree Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Ashland, Inc. et al.*, D.J. Ref. No. 90-11-2-137/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice.

Comments may be submitted either by email or by mail:

| <i>To submit comments:</i> | <i>Send them to:</i>                                                                          |
|----------------------------|-----------------------------------------------------------------------------------------------|
| By email .....             | <a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .            |
| By mail .....              | Assistant Attorney General,<br>U.S. DOJ—ENRD, P.O.<br>Box 7611, Washington, DC<br>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 \$5.75 for a copy of the Consent Decree without the appendices or for \$46.25 for a copy of the Consent Decree with appendices (25 cents per page reproduction cost) payable to the United States Treasury.

**Henry Friedman,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2021-20604 Filed 9-22-21; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On September 16, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of New Jersey in the lawsuit entitled *United States v. Wyeth Holdings LLC*, Civil Action No. 21-cv-17075.

In this action brought pursuant to Sections 106, 107, and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606, 9607 and 9613(g)(2) ("CERCLA"), the United States seeks injunctive relief requiring Wyeth Holdings LLC to abate the endangerment to the public health or welfare or the environment caused by the American Cyanamid Superfund Site ("Site"), located in Bridgewater Township, New Jersey, including to perform the remedy selected in the United States Environmental Protection Agency's Record of Decision for Operable Unit 8 of the Site. This includes the excavation, dewatering, and off-site disposal of acid tar in

Impoundments 1 and 2, as well as the construction of earthen berms, soil treatment, and capping of this area of the Site. The United States also seeks to recover costs incurred and to be incurred by the United States in response to releases or threatened releases of hazardous substances at or from the Site.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Wyeth Holdings LLC*, D.J. Ref. No. 90-11-3-07250/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice.

Comments may be submitted either by email or by mail:

| <i>To submit comments:</i> | <i>Send them to:</i>                                                                          |
|----------------------------|-----------------------------------------------------------------------------------------------|
| By email .....             | <a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .            |
| By mail .....              | Assistant Attorney General,<br>U.S. DOJ—ENRD, P.O.<br>Box 7611, Washington, DC<br>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 \$10.25 for a copy of the Consent Decree without the appendices or for \$16.00 for a copy of the Consent Decree with appendices (25 cents per page reproduction cost) payable to the United States Treasury.

**Henry Friedman,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2021-20603 Filed 9-22-21; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OJP (NIJ) Docket No. 1793]

### Special Technical Committee on Color Test Reagents/Kits for Preliminary Identification of Drugs of Abuse

**AGENCY:** National Institute of Justice, Office of Justice Programs, Justice.

**ACTION:** Notice.

**SUMMARY:** The National Institute of Justice (NIJ) is convening a Special Technical Committee (STC) on Drug Color Tests. The purpose of the STC will be to update and revise the minimum performance standard for NIJ Standard–0604.01, *Color Test Reagents/Kits for Preliminary Identification of Drugs of Abuse*. NIJ intends to use members and affiliates of the Organization of Scientific Area Committees (OSAC) Seized Drug Subcommittee as the members of the STC.

**FOR FURTHER INFORMATION CONTACT:**

Frances Scott, Office of Investigative and Forensic Sciences, National Institute of Justice, 810 7th Street NW, Washington, DC 20531; telephone number: (202) 305–9950; email address: [Frances.Scott@ojp.usdoj.gov](mailto:Frances.Scott@ojp.usdoj.gov).

**SUPPLEMENTARY INFORMATION:** (NIJ) is convening a Special Technical Committee (STC) on Color Drug Tests. The purpose of the STC will be to update and revise the minimum performance standard NIJ Standard–0604.01, *Color Test Reagents/Kits for Preliminary Identification of Drugs of Abuse*. The NIJ intends to use the members and affiliates of the Organization of Scientific Area Committees (OSAC) Seized Drug Subcommittee and affiliates as the members of the STC.

NIJ develops and publishes voluntary standards that specifically address the needs of forensic laboratories, law enforcement, corrections, and other criminal justice agencies to ensure that testing methods are accurate, precise, and perform according to established minimum performance requirements. NIJ standards are consensus-based and designed to articulate the criminal justice end user community's operational requirements regarding test performance. More information on NIJ standards is available at <http://www.nij.gov/standards>.

The OSAC Seized Drug Subcommittee members and affiliates, who will comprise the STC for Color Drug Tests, are 25 individual seized drug subject matter experts from federal, state, local, and private forensic laboratories; researchers; accrediting bodies; and other relevant technical or governmental organizations. Individuals have been selected to achieve the best possible balance of knowledge and expertise.

NIJ anticipates that the STC will meet virtually for one day at a time approximately four to five times over the course of approximately 12 months starting sometime in 2021. The

remainder of the work will be conducted by telephone and email, and in virtual meetings with smaller subgroups. NIJ anticipates that this standard will be used by forensic laboratory practitioners in the regular performance of their duties.

*Authority:* 34 U.S.C. 10122(c); 6 U.S.C. 161–165.

**Jennifer Scherer,**

*Acting Director and Principal Deputy Director, National Institute of Justice.*

[FR Doc. 2021–20605 Filed 9–22–21; 8:45 am]

**BILLING CODE 4410–18–P**

## **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**[Notice: (21–060)]**

### **National Space Council Users' Advisory Group (UAG); Public Nominations**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Extension to the invitation for public nominations for potential service on the National Space Council Users' Advisory Group.

**SUMMARY:** NASA announces an extension to the invitation for public nominations for potential members of the National Space Council Users' Advisory Group (UAG). The UAG is a Federal advisory committee under the Federal Advisory Committee Act (FACA) pursuant to the NASA Authorization Act, Fiscal Year 1991. The purpose of the UAG is to ensure that the interests of industry and other non-Federal entities are adequately represented in the deliberations of the National Space Council.

**FOR FURTHER INFORMATION CONTACT:** For any questions, please contact the UAG Designated Federal Officer/Executive Secretary, James Joseph Miller, NASA Headquarters, Washington, DC 20546, email: [jj.miller@nasa.gov](mailto:jj.miller@nasa.gov); phone: 202–262–0929.

**SUPPLEMENTARY INFORMATION:** NASA is sponsoring the UAG on behalf of the National Space Council, an Executive Branch interagency coordinating committee chaired by the Vice President, which is tasked with advising and assisting the President on national space policy and strategy. Members of the UAG will serve either as “Representatives” (*i.e.*, representing industry, other non-Federal entities, and other recognizable groups of persons involved in aeronautical and space activities), or as “Special Government Employees” (SGEs, *i.e.*, individual

subject matter experts or consultants). Membership will be a mix of Representatives and SGEs, and be balanced to ensure diversity and sector expertise as reflected by the National Space Council. Nominees will be evaluated on merit, subject matter expertise, and track record of contributions and accomplishments aligned with National Space Council goals.

**Deadline:** The deadline for NASA to receive all public nominations has been extended to October 29, 2021.

#### **Instructions for Public Nominations:**

Persons or organizations may nominate individuals for consideration as potential members of the UAG. Interested candidates may also self-nominate. The candidate may not be a regular Federal Government employee, and must not be registered by the Department of Justice under the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.* Additionally, a candidate for a SGE appointment must not be Federally registered as a lobbyist under the Lobbying Disclosure Act of 1995, 2 U.S.C. 1602, as amended. Nominations must be contained in an email to NASA attaching the required documents. All nominations should include a cover letter, a resume (including contact information for the individual) and/or a professional biography demonstrating professional stature, knowledge and experience commensurate with achieving the UAG's purpose as set forth in Public Law 101–611, Section 121. Each document must not exceed one page. The cover letter must be a signed letter saved as a PDF file, indicate the category of membership for which the individual is being nominated (“Representative” or “SGE”), and contain an affirmative statement that the individual meets all aforesaid requirements. Cover letters for Representative nominations must also indicate why the individual should be considered for membership, and be on the supporting organization's letterhead. Nominations must be submitted in a single email attaching the cover letter, resume, and/or professional biography to [nominations@spacecounciluag.org](mailto:nominations@spacecounciluag.org). For more information about the National Space Council UAG to further support the nomination submission, please see: <https://www.nasa.gov/content/national-space-council-users-advisory-group>. Hard copies such as paper documents sent through postal mail will not be accepted.

**Privacy Act Notification:** The information provided in response to this announcement will support membership selection of the National

Space Council Users' Advisory Group (UAG). Its collection is authorized by the Federal Advisory Committee Act (FACA), Public Law 92-463, 5 U.S.C. app., as amended; 5 U.S.C. 3109; Title V of Public Law 100-685; Public Law 101-611, Section 121; Executive Order 13803 of June 30, 2017, as amended by Executive Order 13906 of February 13, 2020, Section 6; and 44 U.S.C. 3101. Providing this information is voluntary, but not providing it or not providing it as requested may result in information or an individual not being considered in the UAG membership selection process. NASA may share this information for authorized purposes consistent with the purpose for which it is collected. Elaboration and conditions of information disclosure may be found under "Routine Uses" of the full System of Record Notice for System 10SPRE, "Special Personnel Records" (15-118, 81 FR10, pp. 2244-2247) at <https://www.gpo.gov/fdsys/pkg/FR-2016-01-16/pdf/2016-00689.pdf> and in Appendix B (11-091, 76 FR 200, pp. 64112-64114) at <https://www.gpo.gov/fdsys/pkg/FR-2011-10-17/pdf/2011-26731.pdf>.

**Patricia Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 2021-20575 Filed 9-22-21; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meeting

The National Science Board's Awards and Facilities Committee hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

**TIME AND DATE:** Tuesday, September 28, 2021, from 12:00-1:00 p.m. EDT.

**PLACE:** This meeting will be held by teleconference through the National Science Foundation.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** The agenda of the teleconference is Committee Chair's Opening Remarks; discussion of future MREFC account planning.

**CONTACT PERSON FOR MORE INFORMATION:** Point of contact for this meeting is: Michelle McCrackin, [mmccrack@nsf.gov](mailto:mmccrack@nsf.gov), (703) 292-7000. Meeting information and updates may be found

at the National Science Board website [www.nsf.gov/nsb](http://www.nsf.gov/nsb).

**Chris Blair,**

*Executive Assistant to the National Science Board Office.*

[FR Doc. 2021-20806 Filed 9-21-21; 4:15 pm]

**BILLING CODE 7555-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2021-0170]

### Acceptable Standard Format and Content for the Fundamental Nuclear Material Control Plan Required for Special Nuclear Material of Moderate Strategic Significance

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft NUREG; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft NUREG, NUREG-2159, "Acceptable Standard Format and Content for the Fundamental Nuclear Material Control Plan Required for Special Nuclear Material of Moderate Strategic Significance." This draft NUREG provides information to facilitate compliance with NRC regulations applicable to fundamental nuclear material control plans.

**DATES:** Submit comments by November 22, 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 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-2021-0170. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION** 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:** Tom Pham, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7254, email: [Tom.Pham@nrc.gov](mailto:Tom.Pham@nrc.gov).

## SUPPLEMENTARY INFORMATION:

### I. Obtaining Information and Submitting Comments

#### A. Obtaining Information

Please refer to Docket ID NRC-2021-0170 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-2021-0170.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Document collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, 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](mailto:pdr.resource@nrc.gov). The "Acceptable Standard Format and Content for the Fundamental Nuclear Material Control Plan Required for Special Nuclear Material of Moderate Strategic Significance," draft NUREG-2159 is available in ADAMS under Accession No. ML21263A119.

- *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](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

#### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2021-0170 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, 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

Draft NUREG-2159 provides guidance to facilitate compliance with applicable provisions in Subpart D of Part 74 of title 10 of the *Code of Federal Regulations* (10 CFR), "Material Control and Accounting of Special Nuclear Material." Draft NUREG-2159 provides guidance for fuel cycle and other licensees and applicants who may request authorization to hold SNM of moderate strategic significance. Generally, this draft guidance document discusses acceptable methods licensees and applicants may use to prepare and implement their fundamental nuclear material control plans, and how the NRC will review and inspect these plans. The draft NUREG is being made available for public comments to allow opportunity for further suggestions to improve its clarity and utility.

Dated: September 20, 2021.

**James L. Rubenstone,**

*Chief, Material Control and Accounting Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2021-20631 Filed 9-22-21; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2021-0087]

### Preparing Probabilistic Fracture Mechanics Submittals

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft regulatory guide; draft NUREG; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG-1382, "Preparing Probabilistic Fracture Mechanics Submittals" and accompanying draft NUREG/CR-7278, "Technical Basis for the use of Probabilistic Fracture Mechanics in Regulatory Applications." This DG is proposed new Regulatory Guide (RG)

1.245. This draft guide describes a framework to develop the contents of a licensing submittal that the staff of the NRC considers acceptable when performing probabilistic fracture mechanics (PFM) analyses in support of regulatory applications. The draft NUREG provides the technical basis for DG-1382.

**DATES:** Submit comments by October 25, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

**ADDRESSES:** You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2021-0087. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7A-06M, 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:

Patrick Raynaud, telephone: 301-415-1987, email: [Patrick.Raynaud@nrc.gov](mailto:Patrick.Raynaud@nrc.gov) and Kyle Song, telephone: 301-415-3612, email: [Kyle.Song@nrc.gov](mailto:Kyle.Song@nrc.gov). Both are staff of the Office of Nuclear Regulatory Research at the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC-2021-0087 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-2021-0087.

- *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](mailto:pdr.resource@nrc.gov). DG-1382, the associated regulatory analysis, and Draft NUREG/CR-7278 may be found in ADAMS under Accession Nos. ML21034A328, ML21034A261, and ML21257A237, respectively.

- *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](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

###### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2021-0087 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, 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. Additional Information

The NRC is issuing for public comment a draft guide in the NRC's "Regulatory Guide" series. This series was developed to describe methods that are acceptable to the NRC staff for

implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The DG, entitled "Preparing Probabilistic Fracture Mechanics Submittals," is temporarily identified by its task number, DG-1382.

DG-1382 is accompanied by draft NUREG/CR-7278, "Technical Basis for the use of Probabilistic Fracture Mechanics in Regulatory Applications." This draft NUREG provides the technical basis for the guidance recommended in DG-1382. The NRC is issuing the draft NUREG for public comment at the same time as the DG to allow for review of both documents.

The NRC developed this DG to support the increasing trend toward the use of PFM in regulatory applications. It is intended to ensure that minimum expectations are clear with regard to the contents of PFM regulatory applications. This DG will increase the efficiency of reviews for regulatory applications that use PFM as a supporting technical basis by providing a set of common guidelines for reviewers and licensees.

The staff is also issuing for public comment a draft regulatory analysis. The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

### III. Backfitting, Forward Fitting, and Issue Finality

DG-1382 and NUREG/CR-7278, if finalized, would not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), "Backfitting," and as described in NRC Management Directive (MD) 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests"; 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. As explained in DG-1382, applicants and licensees would not be required to comply with the positions set forth in DG-1382.

Dated: September 17, 2021.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021-20566 Filed 9-22-21; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-608; NRC-2021-0140]

### SHINE Medical Technologies, LLC; SHINE Medical Isotope Production Facility

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; opportunity to request a hearing and petition for leave to intervene; order imposing procedures.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Construction Permit No. CPMIF-001, issued to SHINE Medical Technologies, LLC, for the construction of the SHINE Medical Isotope Production Facility. The proposed amendment would allow the receipt and possession of certain radioactive materials necessary for the continued construction of the SHINE Medical Isotope Production Facility. Because this amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation.

**DATES:** A request for a hearing or petitions for leave to intervene must be filed by November 22, 2021. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by October 4, 2021.

**ADDRESSES:** Please refer to Docket ID NRC-2021-0140 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-2021-0140. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION** 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](mailto:pdr.resource@nrc.gov). The license amendment request is available in ADAMS under Accession No. ML21119A168.

- *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](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Steven Lynch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1524, email: [Steven.Lynch@nrc.gov](mailto:Steven.Lynch@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The NRC is considering issuance of an amendment to Construction Permit No. CPMIF-001, issued to SHINE Medical Technologies, LLC, for construction of the SHINE Medical Isotope Production Facility, located in Rock County, Wisconsin.

The proposed amendment would allow the receipt and possession of certain radioactive materials necessary for the continued construction of the SHINE Medical Isotope Production Facility.

Before any issuance of the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

##### II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at <https://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to

the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be issued in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinions that support the contention and on which the petitioner intends to rely at hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR

2.309(h) no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 and on the NRC website at <https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>.

### III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as discussed below, is granted. Detailed guidance on electronic submissions is located in the Guidance for Electronic Submissions to the NRC (ADAMS Accession No. ML13031A056), and on the NRC website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov), or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate).

Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. (ET) on the due date. Upon receipt of a transmission, the E-Filing system timestamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., (ET), Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants.

Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

For further details with respect to this action, see the application for amendment dated April 29, 2021.

*Attorney for licensee:* Nathan Schleifer, General Counsel, SHINE Medical Technologies, LLC, 101 East Milwaukee Street, Suite 600, Janesville, WI 53545.

*NRC Branch Chief:* Joshua M. Borromeo.

#### **Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation**

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be

considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov) and [RidsOgcMailCenter.Resource@nrc.gov](mailto:RidsOgcMailCenter.Resource@nrc.gov), respectively.<sup>1</sup> The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of

the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order<sup>2</sup> setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is

<sup>1</sup> While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

<sup>2</sup> Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by

the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.<sup>3</sup>

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have

standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

*It is so ordered.*

Dated: September 20, 2021.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

# ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

| Day           | Event/activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0 .....       | Publication of <b>Federal Register</b> notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10 .....      | Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.                                                                                                                                                                                                                                                         |
| 60 .....      | Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).                                                                                                                                                                                                                                                                                                                                                 |
| 20 .....      | U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).                                   |
| 25 .....      | If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access. |
| 30 .....      | Deadline for NRC staff reply to motions to reverse NRC staff determination(s).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 40 .....      | (Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.                                                                                                                                                                                                                                                                                                                        |
| A .....       | If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.                                                                                                                                                                                                                                                                                              |
| A + 3 .....   | Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| A + 28 .....  | Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.                                                                                                                                                                      |
| A + 53 .....  | (Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| A + 60 .....  | (Answer receipt +7) Petitioner/Intervenor reply to answers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| >A + 60 ..... | Decision on contention admission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

[FR Doc. 2021-20622 Filed 9-22-21; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2020-0194]

### NRC's Full Draft Strategic Plan for Fiscal Years 2022 Through 2026

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is requesting comments on its Fiscal Years (FYs) 2022–2026 Full Draft Strategic Plan. The Full Draft Strategic Plan provides the agency's proposed strategic goals and objectives and proposed strategies for achieving them. The NRC encourages and welcomes stakeholder feedback that can help inform the continued development of the NRC's FYs 2022–2026 Strategic Plan and evidence building and evaluation activities.

**DATES:** Submit comments by October 25, 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 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-2020-0194. Address

<sup>3</sup>Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR

46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as

applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

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 Branch.

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:**

Carla Roque-Cruz, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1455, email: *Carla.Roque-Cruz@nrc.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC-2020-0194, when contacting the NRC about the 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-2020-0194.

- *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.

- *NRC's Public Website:* The NRC's Full Draft Strategic Plan for FY 2022-

2026 may be viewed online on the NRC's Public website on the Documents for Comment web page at <https://www.nrc.gov/public-involve/doc-comment.html>, under "Draft NUREG-Series Publications."

*B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2020-0194 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. Background**

The Government Performance and Results Act Modernization Act of 2010 aligns strategic planning with the beginning of each new term of an Administration, requiring every Federal agency to produce a new Strategic Plan by the first Monday in February following the year in which the term of the President commences. The Strategic Plan provides the blueprint to plan, implement and monitor the work needed to achieve our mission. The NRC staff started developing the FYs 2022-2026 Strategic Plan in 2020 and published a **Federal Register** notice on September 11, 2020 (85 FR 56275) requesting external feedback on the agency's strategic goals, actions to realize those goals, and how to address key challenges and external factors as described in the current agency's Strategic Plan, NUREG 1614, Volume 7, "Strategic Plan Fiscal Years 2018-2022" (ADAMS Accession No. ML18032A561). The **Federal Register** notice on September 11, 2020 (85 FR 56275) also announced a September 22, 2020 public meeting. The feedback received from the notice and during the public meeting

was used to develop NRC's FYs 2022-2026 High-Level Draft Strategic Plan (ADAMS Accession No. ML21165A241). On June 28, 2021, the staff held a second public meeting to discuss the NRC's FYs 2022-2026 High-Level Draft Strategic Plan. In developing the Full Draft Strategic Plan, the staff considered comments received from the **Federal Register** notice and the two public meetings. The staff has prepared a comment resolution matrix that addresses stakeholder feedback. The comment resolution matrix is available in ADAMS under Accession No. ML21250A199.

**III. Discussion**

The NRC is an independent agency established by the Energy Reorganization Act of 1974 that began operations in 1975 as a successor to the licensing and regulatory activities of the Atomic Energy Commission. The NRC's mission is to license and regulate the Nation's civilian use of radioactive materials to provide reasonable assurance of adequate protection of public health and safety, to promote the common defense and security, and to protect the environment.

The NRC's Full Draft Strategic Plan describes how the agency intends to achieve its three proposed strategic goals: (1) Ensure the safe and secure use of radioactive material, (2) continue to foster a healthy organization, and (3) inspire stakeholder confidence in the NRC. The plan provides an overview of the NRC's responsibilities and lays out the objectives, strategies, and key contributing programs and activities that will be used to achieve the agency's strategic goals. Moreover, with enactment of the Foundations for Evidence-Based Policymaking Act of 2018 ("Evidence Act") (5 U.S.C. 312), Federal agencies' strategic plans are now required to include information on evidence-building and evaluation activities and how these activities impact the strategic planning and day-to-day operation of these agencies.

**IV. Requested Information and Comments**

The NRC is requesting comments from the public so that the agency may benefit from a wide range of stakeholder input to help shape the final FYs 2022-2026 Strategic Plan.

The focus of this request is to gather information on the contributing programs and activities, key external factors that may influence the ability of the NRC to achieve its strategic goals and the associated strategic objectives, and the evidence-building information included in the Full Draft Strategic Plan.

The NRC welcomes comments from the public on these and any areas that they believe are relevant to these topics.

The NRC encourages all interested parties to comment on the Full Draft Strategic Plan. Stakeholder feedback will be valuable in helping the Commission develop a final draft Strategic Plan that has the benefit of the many views of the public and the regulated civilian nuclear industry. The NRC will consider the comments submitted, as appropriate, in the preparation of the final draft FYs 2022–2026 Strategic Plan. The NRC does not anticipate preparing individual responses to each comment received.

Dated: September 17, 2021.

For the Nuclear Regulatory Commission.

**Wesley W. Held,**

(Acting), Secretary of the Commission.

[FR Doc. 2021–20542 Filed 9–22–21; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2020–0278]

### Measuring, Evaluating, and Reporting Radioactive Material in Liquid and Gaseous Effluents and Solid Waste

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing revision 3 of Regulatory Guide (RG) 1.21, “Measuring, Evaluating, and Reporting Radioactive Material in Liquid and Gaseous Effluents and Solid Waste.” The revision of RG describes an approach that is acceptable to the staff of the NRC to meet regulatory requirements for: (1) measuring, evaluating, and reporting plant related radioactivity in effluents and solid radioactive waste shipments from NRC licensed facilities, and (2) assessing and reporting the public dose to demonstrate compliance with NRC regulations.

**DATES:** Revision 3 of RG 1.21 is available on September 23, 2021.

**ADDRESSES:** Please refer to Docket ID NRC–2020–0278 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2020–0278. 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(s) 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*. 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.

Revision 3 of RG 1.21 and the regulatory analysis may be found in ADAMS under Accession Nos. ML21139A224 and ML20287A434, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

**FOR FURTHER INFORMATION CONTACT:** Steven Garry, Office of Nuclear Reactor Regulation, telephone: 301–415–2766, email: *Steven.Garry@nrc.gov*, and Kyle Song, Office of Nuclear Regulatory Research, telephone: 301–415–3637, email: *Kyle.Song@nrc.gov*. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

The NRC is issuing a new guide in the NRC’s “Regulatory Guide” series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

##### II. Additional Information

Revision 3 of RG 1.21 was issued with a temporary identification of Draft Regulatory Guide (DG) 1377. The NRC

published a notice of the availability of DG–1377 in the **Federal Register** on January 5, 2021, (86 FR 326) for a 45-day public comment period. The public comment period closed on February 19, 2021. Public comments on DG–1377 and the staff responses to the public comments are available under ADAMS under Accession No. ML21132A226.

#### III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

#### IV. Backfitting, Forward Fitting and Issue Finality

Revision 3 of RG 1.21 does not constitute backfitting as defined in 10 CFR 50.109, “Backfitting,” and as described in NRC Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”; 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. As explained in Revision 3 of RG 1.21, applicants and licensees would not be required to comply with the positions set forth in the RG.

Dated: September 17, 2021.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021–20565 Filed 9–22–21; 8:45 am]

**BILLING CODE 7590–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[File No. 4–757; Release No. 93051/ September 17, 2021]

### Securities Exchange Act of 1934

*In the Matter of:* Joint Industry Plan; Order Approving, as Modified, a National Market System Plan Regarding Consolidated Equity Market Data.

#### Order Denying Stay

On August 6, 2021, the Commission issued *Joint Industry Plan; Order Approving, as Modified, a National Market System Plan Regarding Consolidated Equity Market Data*, Release, No. 34–92586 (the “CT Plan Order”). It was published five days later in the **Federal Register**. See 86 FR 44,142 (Aug. 11, 2021). Later that month, The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC,

New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., NYSE National, Inc., Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., and Cboe Exchange, Inc. (the “exchanges”) filed with the Commission a motion to stay the effect of the CT Plan Order pending final resolution of their petitions for review filed in the U.S. Court of Appeals for the D.C. Circuit that challenge the CT Plan Order and the Order Directing the Exchanges and the Financial Industry Regulatory Authority to Submit a New National Market System Plan Regarding Consolidated Equity Market Data, Release No. 88827, 85 FR 28,702 (May 13, 2020) (the “NMS Governance Order”).<sup>1</sup>

Pursuant to Section 25(c)(2) of the Securities Exchange Act of 1934 (“Exchange Act”) and Section 705 of the Administrative Procedure Act, the Commission has discretion to stay the CT Plan Order. *See* 15 U.S.C. 78y(c)(2); 5 U.S.C. 705. As discussed below, however, the exchanges have not met their burden to demonstrate that a stay of the CT Plan Order is appropriate. Accordingly, the exchanges’ stay motion is denied.

1. Staying a final agency action pending review is an “extraordinary remedy.” 85 FR 36,921, 36,921 (June 18, 2020) (Commission order denying stay of NMS Governance Order). The Commission has discretion to grant a stay of its rules pending judicial review if it finds that “justice so requires.” 15 U.S.C. 78y(c)(2); 5 U.S.C. 705. Traditionally, the Commission uses “the familiar four-factor framework” when considering whether a stay during litigation is appropriate:

Whether there is a strong likelihood that a party will succeed on the merits in a proceeding challenging the particular Commission action (or, if the other factors strongly favor a stay, that there is a substantial case on the merits);

whether the issuance of a stay would likely serve the public interest;

whether there would be substantial harm to any person if the stay were granted; and

whether, without a stay, a party will suffer imminent, irreparable injury. *In re Am. Petroleum Inst.*, Release No. 68197,

2012 WL 5462858, at \*2 (Nov. 8, 2012); *see Nken v. Holder*, 556 U.S. 418, 434–35 (2009) (noting that the harm-to-others factor and the public-interest factor “merge when the Government is the opposing party”).

2. The exchanges have not met their burden to demonstrate a likelihood of success on the merits. The Commission has previously addressed the three arguments the exchanges make, not only in the CT Order itself, but also in denying a stay of the NMS Governance Order and in the prior litigation challenging that order. None has merit.

First, the exchanges state that the CT Plan Order “unlawfully vests representatives of [non-self-regulatory organizations, or non-SROs] with voting power on the plan’s operating committee,” Mot. 5, because, in their view, SROs—and only SROs—may have voting power on a national market system operating committee. This argument misunderstands the statutory scheme and the Commission’s authority. Section 11A(a)(2) directs the Commission to use its authority under the Exchange Act to facilitate the establishment of the national market system in accordance with and in furtherance of Congress’s specific findings and objectives. One of Congress’s express objectives in Section 11A(a)(1) is to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. *See* 15 U.S.C. 78k–1(a)(1)(C). And Congress expressly authorized the Commission in Section 11A(c)(1)(B) to prescribe rules “to assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to quotations for and transactions in” NMS securities. *Id.* § 78k–1(c)(1)(B). Section 11A(a)(3) grants the Commission additional authority, including “to authorize or require self-regulatory organizations to act jointly” with respect to “matters as to which they share authority under this chapter in planning, developing, operating, or regulating a national market system.” *Id.* § 78k–1(a)(3)(B); *see also* 17 CFR 242.608(a). Pursuant to its authority under Section 11A, as the CT Plan Order explained, the Commission may permit or require the operating committee to include voting rights for non-SROs. *See* 86 FR at 44,156–58.

Against this backdrop, the exchanges insist that Section 11A(a)(3)(B) forecloses the Commission from extending voting power to representatives of non-SROs. But nothing in the text of that provision constrains the manner in which the Commission can regulate the operating

committee. Section 11A(a)(3)(B) authorizes the Commission to require the SROs to act “jointly” in furtherance of Section 11A’s goals—which the CT Plan Order does. It does not provide that the Commission can only include the SROs in its regulation of the national market system or indicate that acting “jointly” means acting “jointly and exclusively.” CT Plan Order, 86 FR at 44,157.

Indeed, here the Commission is requiring joint action with respect to the planning, development, and operation of a national market system plan governing dissemination of consolidated equity market data to further the goals of Section 11A(c). That provision tasks the Commission with prescribing rules to ensure “the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to quotations for and transactions in securities and the fairness and usefulness of the form and content of such information,” and expressly contemplates the involvement of non-SROs in that process. *See* 15 U.S.C. 78k–1(c)(1). Moreover, as the CT Plan Order stated, “an operating committee that takes into account views from non-SRO members that are charged with carrying out the objectives of the CT Plan will have an overall improved governance structure that better supports those goals, because it will reflect a more diverse set of perspectives from a range of market participants, including significant subscribers of SIP core data products.” 86 FR at 44,157.

Relying on the *expressio unius* canon, the exchanges claim that Section 11A’s reference to the Commission’s ability to order SROs to “act jointly” categorically precludes the Commission from allowing any non-SRO entity to participate in plan governance. Mot. 6–7. But, given the express contemplation of the involvement of non-SROs in the dissemination of national market system data elsewhere in Section 11A, *see* 15 U.S.C. 78k–1(c)(1), this reference to joint SRO action does not preclude their inclusion. Section 11A’s text, structure, and history demonstrate Congress’s intent to provide the Commission with flexibility in carrying out the enumerated statutory goals. And granting non-SROs voting power is consistent with Section 11A for the reasons discussed above.

Nor is the Commission expanding its authority to regulate entities over which it does not otherwise have authority. Instead, the CT Plan Order requires the plan operating committee to include non-SROs. Any specific non-SRO selected to be on an operating

<sup>1</sup> Petitioners filed a stay motion with the Commission dated August 19, 2021. Due to an administrative oversight, Commission staff did not learn of the filing and bring it to the Commissioners’ attention until three weeks later. The Commission has issued this order expeditiously after becoming aware of the filing and, in any event, well within “a reasonable period” under Section 25(c)(2).

committee can choose to participate or not.

The exchanges likewise err in arguing that “Section 11A’s reference to ‘self-regulatory organizations’ would be entirely superfluous if . . . the statute does not in fact limit the Commission’s ‘act jointly’ authority to SROs *alone*.” Mot. 8. As the CT Plan Order explained, in granting the Commission broad powers, Congress was cognizant of how doing so could raise antitrust concerns. The provision allowing or requiring SROs to “act jointly” enables the Commission to require joint activity that otherwise might raise antitrust concerns. 86 FR at 44,157–58 & n.242; see Brief for NYSE Group, Inc. as Amicus Curiae, 2007 WL 173673, at \*8, in *Credit Suisse Sec. (USA) LLC v. Billing*, 551 U.S. 264 (2007) (NYSE previously acknowledging that the Exchange Act “enables the Commission to require joint activity that otherwise might be asserted to have an impact on competition, where the activity serves the public interest and the interests of investors”). And even if Section 11A’s grant of authority to permit or require SROs to act jointly could be read as superfluous or redundant of other Commission authority to oversee SROs, Congress’s decision to remove any doubt that the Commission may authorize joint action by SROs cannot fairly be read as a conscious choice to limit the Commission’s ability to require non-SRO participation.

The exchanges are on no firmer ground in arguing that, “even if the Exchange Act did not foreclose the Commission’s effort to grant voting power to representatives of non-SROs, Rule 608 “plainly” does. Mot. 9. Rule 608 implements Section 11A(a)(3)(B), authorizing joint action in the creation, operation, and implementation of national market system plans. Specifically, it provides that “[a]ny two or more self-regulatory organizations, acting jointly, may file a national market system plan” and that “[s]elf-regulatory organizations are authorized to act jointly in” “[p]lanning, developing, and operating any national market subsystem or facility contemplated by a national market system plan,” “[p]reparing and filing a national market system plan,” and “[i]mplementing or administering an effective national market system plan.” 17 CFR 242.608(a). Nothing in the rule, which authorizes the SROs to act jointly, limits the Commission’s ability to extend voting right to non-SROs under the Commission’s Section 11A authority. To “act jointly” means to act together or cooperatively. There is no indication that in using the same phrase as in

Section 11A the Commission intended to attribute a different meaning to that phrase or to constrain its own discretion in achieving Section 11A’s goals.

Nor does the exchanges’ reference (Mot. 6) to a remark at oral argument in the prior litigation regarding the NMS Governance Order satisfy their burden to show that they now have a likelihood of success on the merits. See *In re Adelpia Commc’ns Corp.*, 336 B.R. 610, 636 n.44 (Bankr. S.D.N.Y. 2006) (“Thoughts voiced by judges in oral argument do not always find their way into final decisions, often intentionally and for good reason.”), *aff’d*, 342 B.R. 122 (S.D.N.Y. 2006); *Bd. of Trade of City of Chicago v. SEC*, 883 F.2d 525, 530 (7th Cir. 1989) (“Comments by Commissioners during a meeting are no more the ‘decision’ of the Commission than comments by judges of this court during oral argument are our opinion or judgment.”).

*Second*, the exchanges contend that “the CT Plan Order impermissibly allocates operating committee votes to ‘exchange groups’—rather than to each individual affiliated exchange—with each group limited to a maximum of two votes, no matter the number of exchanges in the group,” which under the exchanges’ view gives too much power to non-SROs and also disadvantages affiliated SROs. Mot. 10. The Commission in the CT Plan Order, just as it did in the NMS Governance Order, thoroughly considered and rejected that argument. *E.g.*, CT Plan Order, 86 FR at 44,163–65. The “proposed allocation of votes to Non-SRO Voting Representatives will provide the Non-SRO Voting Representatives a meaningful presence and opportunity to vote on Operating Committee matters, while assuring that their voting power does not equal or exceed that of the SRO Voting Representatives.” *Id.* at 44,165. Under this structure, SROs will control two-thirds of the votes on the new plan operating committee and can collectively govern the plan without a single vote from a voting member that is not a self-regulatory organization.

The exchanges assert that it is improper to take into account corporate affiliations of the exchanges when deciding how votes should be allocated on the operating committee. Mot. 11. But as the Commission explained in the CT Plan Order, that argument fails for several reasons. “Sometimes, the Commission treats affiliated entities independently,” while “[o]ther times, the Commission takes into account corporate relationships when deciding how to regulate.” 86 FR at 44,164 (citing examples). Here, “[b]ecause of the

concentrated power affiliated SROs exert in the governance structure of consolidated equity market data, as demonstrated by the indisputable fact that affiliated SROs vote as blocs, the Commission has determined that affiliated exchanges under common management and control should be treated as one SRO Group limited to one vote, or at most two votes, in the context of NMS plan governance.” *Id.*

*Third*, the exchanges assert that the CT Plan Order “arbitrarily and capriciously requires that the administrator of the CT Plan be ‘independent.’” Mot. 11. But the Commission acted reasonably in finding that the new plan’s administrator should not at the same time offer for sale its own proprietary data products because such an entity would have access to confidential information as administrator that would benefit its proprietary data business. The exchanges claim that the Commission did not adequately demonstrate that current administrators have “misused customer audit data or that the combination of existing safeguards and the new confidentiality measures imposed by the CT Plan Order will be insufficient to eliminate that purported risk.” *Id.* at 12. But the exchanges do not dispute the existence of this conflict of interest, or that such information is sensitive and commercially valuable. Further, as explained in the CT Plan Order, the Commission has “provided evidence of problems in the current Administrator framework for the existing Equity Data Plans.” CT Plan Order, 86 FR at 44,195. Moreover, “the conflicts of interest faced by a non-independent Administrator are so great that these conflicts cannot be sufficiently mitigated by policies and procedures alone.” *Id.* And the exchanges’ concerns about costs were similarly addressed and rejected in the CT Plan Order. *Id.* at 44,196–97.

3. The CT Plan Order serves a strong public interest. The governance model for the Equity Data Plans was established in 1970s. Since then, critical developments in the equities markets—including the heightening of an inherent conflict of interest between the for-profit and regulatory roles of the exchanges and the concentration of voting power in the Equity Data Plans among a few large exchange groups—have demonstrated the need for an updated governance model. See CT Plan Order, 86 FR at 44,142. The public interest will be served by the enhanced decisionmaking and potential for innovation in the provision of equity market data that will result from the governance changes compelled by the

CT Plan Order. And the governance of the consolidated data feeds can be improved by consolidating the three existing, separate Equity Data Plans into a single New Consolidated Data Plan that will reduce existing redundancies, inefficiencies, and inconsistencies between and among the Equity Data Plans. *See id.*; *see also* NMS Governance Order, 85 FR at 28,711. Moreover, “[a]ddressing the issues with the current governance structure of the Equity Data Plans discussed in [the CT Plan Order] is a key step in responding to broader concerns about the consolidated data feeds.” 86 FR at 44,142. Any further delay in establishing a new governance structure will impede the achievement of these benefits, including the Commission’s efforts to mitigate the clear, inherent conflict between the exchanges’ commercial interests in selling proprietary data products and their regulatory obligations to produce and disseminate consolidated market data. Indeed, the exchanges nowhere contest that this intractable conflict exists.

The exchanges state that “the CT Plan Order will not yield any immediate benefits for market participants” because the Commission set forth an implementation schedule. Mot. 15. That argument could be made every time any agency adopts any rule or order that does not take effect immediately, yet a stay in those circumstances remains an extraordinary remedy. The exchanges also claim that any benefit from the CT Plan is “purely speculative,” *id.* at 16, but the Commission determined that the exchanges’ inherent conflict affects their incentives to meaningfully enhance the provision of consolidated data and concluded that the current governance structure of the Equity Data Plans is inadequate to respond to these changes or to the evolving needs of investors and other market participants.

The exchanges also claim that the operating committee of the CT Plan may set the fees for core data at the same level or a higher level than they are now. Mot. 16. That argument, however, is speculative and the exchanges offer no reason why that unsubstantiated concern warrants a stay. And that argument is particularly misplaced because the exchanges themselves will play a major role in setting those fees. In any event, the CT Plan Order is reasonably designed to improve the governance of the national market system by, among other things, addressing the conflict of interest between the exchanges’ for-profit and regulatory roles.

The exchanges speculate that, if the D.C. Circuit vacates the CT Plan, there

will be market uncertainty regarding the distribution of core data. Mot. 16–17. But that speculation is insufficient to justify the extraordinary remedy of a stay, particularly when weighed against the harms from the delay of efforts to mitigate the undisputed conflicts of interest faced by the exchanges through their for-profit and regulatory roles. The Court could act before the CT Plan becomes operative in August 2022 and, in doing so, confirm the validity of the plan. And even if the Court were to decide in favor of the exchanges, the decision may not affect the entirety of the CT Plan. Moreover, the three Equity Data Plans will not simply cease to exist in August 2022 or automatically lose their ability to fulfill their functions if the CT Plan Order were vacated.

The exchanges’ contention that vacatur would complicate the implementation of the Market Data Infrastructure rule, *see* 86 FR 18,596 (Apr. 9, 2021), is likewise off base. As the Commission has already made clear, its initiatives to improve the governance and infrastructure of the national market system are mutually reinforcing but “[n]either initiative depends on the other initiative being implemented before it may take effect.” Order Denying Stay, Market Data Infrastructure Rule 5, Release No. 34–91397, (Mar. 24, 2021). Finally, the exchanges argue that “a decision invalidating the CT Plan Order would raise a host of legally complicated and practically fraught questions about the validity of actions already taken by the CT Plan and the prospective implications of those actions.” Mot. 17. That speculative concern is routinely present any time an agency rule or order is subject to legal challenge and in this case does not warrant a stay.

4. The exchanges’ stay request also mischaracterizes the harm that will result from their compliance with the CT Plan Order. The exchanges assert that they will incur “out-of-pocket expenditures” and devote “substantial time and effort” as they work toward implementing the CT Plan. Mot. 14. But “ordinary compliance costs are typically insufficient to constitute irreparable harm,” *Freedom Holdings, Inc. v. Spitzer*, 408 F.3d 112, 115 (2d Cir. 2005), and “it proves too much to suggest that ‘irreparable’ injury exists, as a matter of course, whenever a regulated party seeks preliminarily to enjoin the implementation of a new regulatory burden,” *California Ass’n of Private Postsecondary Sch. v. DeVos*, 344 F. Supp. 3d 158, 170 (D.D.C. 2018). Otherwise, a regulated party would always suffer cognizable irreparable harm whenever it faces compliance

costs from agency action while its legal challenge proceeds. The costs of complying with a new regulatory burden do not qualify as irreparable harm except in extraordinary circumstances. *See Nat’l Lifeline Ass’n v. FCC*, No. 18–1026, 2018 WL 4154794, at \*1 (D.C. Cir. Aug. 10, 2018) (stay justified where implementation of order “will result in substantial, unrecoverable losses . . . that may indeed threaten the future existence of [petitioners’] businesses” and “is likely to result in a major reduction, or outright elimination, of critical telecommunications services for many tribal residents, which are vital for day-to-day medical, educational, family care, and other functions”). Here, the exchanges have made no attempt to offer even an estimate of their compliance costs or explain the extent to which those costs may affect their businesses.

5. Finally, a stay is not warranted under the statutory provision granting the Commission authority to issue a stay where “justice so requires.” 15 U.S.C. 78y(c)(2). As the Commission has explained, the traditional four-factor analysis provides “a useful framework to guide our consideration” under the justice-so-requires standard. *In re Am. Petroleum Inst.*, 2012 WL 5462858, at \*2 n.1. As already discussed, the exchanges have failed to carry their burden to meet the traditional requirements for a stay. Although the exchanges cite two cases in which the Commission granted stays under this standard, Mot. 18–19, neither case involved the Commission’s determination that a stay was justified despite the petitioner’s failure to satisfy the traditional four-factor stay analysis. *See In re Rule 610T of Regulation NMS*, Release No. 85447, 2019 WL 1424351 (Mar. 28, 2019); *In re Motion of Business Roundtable and the Chamber of Commerce for the United States of America for Stay of Effect of Commission’s Facilitating Shareholder Director Nominations Rules*, Release No. 9149, 2010 WL 3862548 (Oct. 4, 2010). And in this matter, the exchanges cannot meet any of the factors. The exchanges have not demonstrated that the Commission should grant a stay even though they cannot meet their burden to show a strong likelihood of success on the merits, they have not shown that the issuance of a stay would serve the public interest, and they offer no evidence of legally cognizable irreparable harm.

Accordingly, it is *ordered*, pursuant to Exchange Act Section 25(c)(2) and Section 705 of the Administrative Procedure Act that the motion for a stay be denied.

By the Commission.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021–20554 Filed 9–22–21; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93045; File No. SR–BOX–2021–22]

### Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC Facility To Reduce the Amount of the Options Regulatory Fee (“ORF”)

September 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on September 14, 2021, BOX Exchange LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>3</sup> and Rule 19b–4(f)(2) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (“Commission”) a proposed rule change to amend the Fee Schedule on the BOX Options Market LLC (“BOX”) options facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission’s Public Reference Room and also on the Exchange’s internet website at <http://boxexchange.com>.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

Currently, the Exchange assesses ORF in the amount of \$0.0038 per contract side. The Exchange proposes to reduce the amount of ORF from \$0.0038 per contract side to \$0.00295 per contract side in order to help ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange’s total regulatory costs. The Exchange’s proposed change to the ORF should balance the Exchange’s regulatory revenue against the anticipated regulatory costs.

##### Collection of ORF

Currently, the Exchange assesses the per-contract ORF to each Participant<sup>5</sup> for all options transactions, including Mini Options, cleared or ultimately cleared by the Participant, which are cleared by the Options Clearing Corporation (“OCC”) in the “customer” range,<sup>6</sup> regardless of the exchange on which the transaction occurs. The ORF is collected by OCC on behalf of the Exchange from either: (1) A Participant that was the ultimate clearing firm for the transaction; or (2) a non-Participant that was the ultimate clearing firm where a Participant was the executing clearing firm for the transaction. The Exchange uses reports from OCC to determine the identity of the executing clearing firm and ultimate clearing firm.

To illustrate how the Exchange assesses and collects ORF, the Exchange provides the following set of examples. For a transaction that is executed on the Exchange and the ORF is assessed, if there is no change to the clearing account of the original transaction, then the ORF is collected from the Participant that is the executing clearing

firm for the transaction (the Exchange notes that, for purposes of the Fee Schedule, when there is no change to the clearing account of the original transaction, the executing clearing firm is deemed to be the ultimate clearing firm). If there is a change to the clearing account of the original transaction (*i.e.*, the executing clearing firm “gives-up” or “CMTAs”<sup>7</sup> the transaction to another clearing firm), then the ORF is collected from the clearing firm that ultimately clears the transaction—the “ultimate clearing firm.” The ultimate clearing firm may be either a Participant or non-Participant of the Exchange. If the transaction is executed on an away exchange and the ORF is assessed, then the ORF is collected from the ultimate clearing firm for the transaction. Again, the ultimate clearing firm may be either a Participant or non-Participant of the Exchange. The Exchange notes, however, that when the transaction is executed on an away exchange, the Exchange does not assess the ORF when neither the executing clearing firm nor the ultimate clearing firm is a Participant (even if a Participant is “given-up” or “CMTAed” and then such Participant subsequently “gives-up” or “CMTAs” the transaction to another non-Participant via a CMTA reversal). Finally, the Exchange does not assess the ORF on outbound linkage trades, whether executed at the Exchange or an away exchange. “Linkage trades” are tagged in the Exchange’s system, so the Exchange can readily tell them apart from other trades. A customer order routed to another exchange results in two customer trades, one from the originating exchange and one from the recipient exchange. Charging ORF on both trades could result in double-billing of ORF for a single customer order; thus, the Exchange does not assess ORF on outbound linkage trades in a linkage scenario.

As a practical matter, when a transaction that is subject to the ORF is not executed on the Exchange, the Exchange lacks the information necessary to identify the order-entering market participant for that transaction. There are a multitude of order-entering market participants throughout the industry, and such participants can make changes to the market centers to which they connect, including dropping their connection to one market center and establishing themselves as participants on another. For these reasons, it is not possible for the

<sup>5</sup> The term “Participant” or “Options Participant” means a firm, or organization that is registered with the Exchange pursuant to the Rule 2000 Series for purposes of participating in trading on a facility of the Exchange. See BOX Rule 100(a)(41).

<sup>6</sup> Exchange Participants must record the appropriate account origin code on all orders at the time of entry in order. The Exchange represents that it has surveillances in place to verify that Participants mark orders with the correct account origin code.

<sup>7</sup> “CMTA” or Clearing Member Trade Assignment is a form of “give-up” whereby the position will be assigned to a specific clearing firm at OCC.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b–4(f)(2).

Exchange to identify, and thus assess fees such as ORF, on order-entering participants on away markets on a given trading day. Clearing members, however, are distinguished from order-entering participants because they remain identified to the Exchange on information the Exchange receives from OCC regardless of the identity of the order-entering participant, their location, and the market center on which they execute transactions. Therefore, the Exchange believes it is more efficient for the operation of the Exchange and for the marketplace as a whole to collect the ORF from clearing members.

#### ORF Revenue and Monitoring of ORF

The Exchange monitors the amount of revenue collected from the ORF to ensure that it, in combination with other regulatory fees and fines, does not exceed regulatory costs. In determining whether an expense is considered a regulatory cost, the Exchange reviews all costs and makes determinations if there is a nexus between the expense and a regulatory function. The Exchange notes that fines collected by the Exchange in connection with a disciplinary matter offset ORF.

As discussed below, the Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to a Participant's activities supports applying the ORF to transactions cleared but not executed by a Participant. The Exchange's regulatory responsibilities are the same regardless of whether a Participant enters a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activities, including performing surveillance for position limit violations, manipulation, front-running, contrary exercise advice violations and insider trading. These activities span across multiple exchanges.

Revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Participants' customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Unlike other options exchanges, all of the Exchange's expenses support the regulatory function as BOX Exchange LLC (the "Exchange") is a fully separate legal

entity from BOX Options Market LLC, the equity options facility of the Exchange. The Exchange fulfills the regulatory functions and responsibilities as a national securities exchange registered with the SEC under Section 6 of the Securities Exchange Act of 1934, and oversees the BOX Options Market. Exchange expenses are solely regulatory in nature because, due to the unique structure between the Exchange and the BOX Options Market facility, the Exchange expenses are separate from the BOX Options Market facility expenses and there can be no commingling of the funds. Put another way, all of the Exchange's expenses support the regulatory function of BOX Exchange because the Exchange expenses are completely separate from the BOX Options Market facility expenses. The ORF is designed to recover a material portion of these regulatory costs to the Exchange, including the supervision and regulation of its participants, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities.

#### Proposal

Based on the Exchange's most recent review, the Exchange proposes to reduce the amount of ORF that will be collected by the Exchange from \$0.0038 per contract side to \$0.00295 per contract side. The Exchange issued an Informational Circular detailing the Options Regulatory Fee Announcement on July 27, 2021, indicating the proposed rate change for September 1, 2021.<sup>8</sup>

The proposed decrease is based on recent options volumes, which included an increase in retail investors. With respect to options volume, the Exchange, and the options industry as a whole, experienced a significant increase between 2020 and 2021. For example, total options contract volumes in April, May and June 2021 were 29.7%, 32.7% and 25.6% higher than the total options contract volumes in April, May and June 2020, respectively.<sup>9</sup>

There can be no assurance that the Exchange's final costs for 2021 will not differ materially from these expectations, nor can the Exchange predict with certainty whether options volume will remain at the current level

<sup>8</sup> See <https://boxoptions.com/assets/IC-2021-32-Options-Regulatory-Fee-Announcement.pdf>.

<sup>9</sup> See data from OCC at: OCC April 2021 Total Volume Up 29.7 Percent from a Year Ago | Business Wire, OCC May 2021 Total Volume Up 32.7 Percent from a Year Ago | Business Wire, and OCC June 2021 Total Volume Up 25.6 Percent from a Year Ago ([apnews.com](https://apnews.com)).

going forward. The Exchange notes however, that when combined with regulatory fees and fines, the revenue being generated utilizing the current ORF rate may result in revenue that will run in excess of the Exchange's estimated regulatory costs for the year.<sup>10</sup> Particularly, as noted above, the options market has seen a substantial increase in volume throughout 2020 and 2021, due in large part to the extreme volatility in the marketplace as a result of the COVID-19 pandemic. This unprecedented spike in volatility resulted in significantly higher volume than was originally projected by the Exchange (thereby resulting in substantially higher ORF revenue than projected). The Exchange therefore proposes to decrease the ORF in order to ensure it does not exceed its regulatory costs for the year. Particularly, the Exchange believes that decreasing the ORF when combined with all of the Exchange's other regulatory fees and fines, would allow the Exchange to continue covering a material portion of its regulatory costs, while lessening the potential for generating excess revenue that may otherwise occur using the current rate.<sup>11</sup>

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange will continue to monitor BOX regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Participants of adjustments to the ORF via Informational Circular at least 30 days prior to the effective date of the change.

#### 2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,<sup>12</sup> in particular, in that

<sup>10</sup> The Exchange notes that notwithstanding the potential excess ORF revenue the Exchange anticipates it would collect utilizing the current rate, it has not used such revenue for non-regulatory purposes.

<sup>11</sup> The Exchange notes that its regulatory responsibilities with respect to Participant compliance with options sales practice rules have been allocated to the Financial Industry Regulatory Authority ("FINRA") under a 17d-2 Agreement. The ORF is not designed to cover the cost of options sales practice regulation.

<sup>12</sup> 15 U.S.C. 78f(b)(4) and (5).

it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed fee change is reasonable because customer transactions will be subject to a lower ORF fee than the current rate. Moreover, the proposed reduction is necessary in order for the Exchange to not collect revenue in excess of its anticipated regulatory costs, in combination with other regulatory fees and fines, which is consistent with the Exchange's practices.

The ORF is designed to recover a material portion of the costs of supervising and regulating Participants' customer options business including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange will monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than or equal to the Exchange's regulatory costs, which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. In this regard, the Exchange believes that the proposed decrease to the fee is reasonable.

The Exchange believes that continuing to limit changes to the ORF to twice a year on specific dates with advance notice is reasonable because it gives participants certainty on the timing of changes, if any, and better enables them to properly account for ORF charges among their customers. The Exchange believes that continuing to limit changes to the ORF to twice a year on specific dates is equitable and not unfairly discriminatory because it will apply in the same manner to all Participants that are subject to the ORF and provide them with additional advance notice of changes to that fee.

The Exchange believes that collecting the ORF from non-Participants when such non-Participants ultimately clear the transaction (that is, when the non-Participant is the "ultimate clearing firm" for a transaction in which a Participant was assessed the ORF) is an equitable allocation of reasonable dues, fees, and other charges among its participants and issuers and other persons using its facilities. The

Exchange notes that there is a material distinction between "assessing" the ORF and "collecting" the ORF. The ORF is only assessed to a Participant with respect to a particular transaction in which it is either the executing clearing firm or ultimate clearing firm. The Exchange does not assess the ORF to non-Participants. Once, however, the ORF is assessed to a Participant for a particular transaction, the ORF may be collected from the Participant or a non-Participant, depending on how the transaction is cleared at OCC. If there was no change to the clearing account of the original transaction, the ORF would be collected from the Participant. If there was a change to the clearing account of the original transaction and a non-Participant becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-Participant. The Exchange believes that this collection practice continues to be reasonable and appropriate, and was originally instituted for the benefit of clearing firms that desired to have the ORF be collected from the clearing firm that ultimately clears the transaction.

The Exchange designed the ORF so that revenue generated from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs, which is consistent with the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. As discussed above, however, after review of its regulatory costs and regulatory revenues, which includes revenues from ORF and other regulatory fees and fines, the Exchange determined that absent a reduction in ORF, it may be collecting revenue in excess of its regulatory costs. Indeed, the Exchange notes that when taking into account the recent options volume, which included an increase in customer options transactions, it estimates the ORF will generate revenues that may cover more than the approximated Exchange's projected regulatory costs. Moreover, when coupled with the Exchange's other regulatory fees and revenues, the Exchange estimates ORF to generate over 100% of the Exchange's projected regulatory costs. As such, the Exchange believes it is reasonable and appropriate to decrease the ORF amount from \$0.0038 to \$0.00295 per contract side.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory in that it is charged to all Participants on all their transactions that clear in the customer

range at the OCC,<sup>13</sup> with an exception.<sup>14</sup> The Exchange believes the ORF ensures fairness by assessing higher fees to those Participants that require more Exchange regulatory services based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor intensive. For example, there are costs associated with main office and branch office examinations (e.g., staff expenses), as well as investigations into customer complaints and the terminations of registered persons. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (e.g., participant proprietary transactions) of its regulatory program. Moreover, the Exchange notes that it has broad regulatory responsibilities with respect to activities of its Participants, irrespective of where their transactions take place. Many of the Exchange's surveillance programs for customer trading activity may require the Exchange to look at activity across all markets, such as reviews related to position limit violations and manipulation. Indeed, the Exchange cannot effectively review for such conduct without looking at and evaluating activity regardless of where it transpires. In addition to its own surveillance programs, the Exchange also works with other SROs and exchanges on intermarket surveillance related issues. Through its participation in the Intermarket Surveillance Group ("ISG")<sup>15</sup> the Exchange shares

<sup>13</sup> The BOX ORF is collected by OCC on behalf of BOX from either (1) a Participant that was the ultimate clearing firm for the transaction or (2) a non-Participant that was the ultimate clearing firm where a Participant was the executing clearing firm for the transaction. The Exchange uses reports from OCC to determine the identity of the executing clearing firm and ultimate clearing firm.

<sup>14</sup> When a transaction is executed on an away exchange, the Exchange does not assess the ORF when neither the executing clearing firm nor the ultimate clearing firm is a Participant (even if a Participant is "given-up" or "CMTAed" and then such Participant subsequently "gives-up" or "CMTAs" the transaction to another non-Participant via a CMTA reversal).

<sup>15</sup> ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by cooperatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory

information and coordinates inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. Accordingly, there is a strong nexus between the ORF and the Exchange's regulatory activities with respect to customer trading activity of its Participants.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act <sup>16</sup> and Rule 19b-4(f)(2) thereunder,<sup>17</sup> because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the

Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BOX-2021-22 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-BOX-2021-22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BOX-2021-22, and should be submitted on or before October 14, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

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## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-93047; File No. SR-PEARL-2021-42]

### **Self-Regulatory Organizations; MIAx PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAx Pearl Equities Fee Schedule Relating to Disaster Recovery Facility 1 Gigabit ULL per Connection Fee for Members**

September 17, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 10, 2021, MIAx PEARL, LLC ("MIAx Pearl" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange is filing a proposal to amend the fee schedule applicable for MIAx Pearl Equities, an equities trading facility of the Exchange (the "Fee Schedule").<sup>3</sup>

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/pearl> at MIAx Pearl's principal office, and at the Commission's Public Reference Room.

#### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

efforts to address potential intermarket trading abuses and manipulations.

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>17</sup> 17 CFR 240.19b-4(f)(2).

<sup>18</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Exchange Rule 1901.

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Section 2) of the Fee Schedule to: (1) Waive certain monthly connectivity fees for Equity Members<sup>4</sup> who connect to the Exchange's disaster recovery facility; and (2) make a minor, non-substantive correction to the headings for Sections 2)a) and b). The Exchange originally filed this proposal on September 1, 2021 (SR-PEARL-2021-39). The Exchange has withdrawn SR-PEARL-2021-39 and refiled this proposal.

Fee Waiver for Connection to the Disaster Recovery Facility

The Exchange proposes to amend Section 2)a) of the Fee Schedule to waive certain monthly connectivity fees for Equity Members who connect to the Exchange's disaster recovery facility for testing purposes only, as described below. Currently, the Exchange assesses monthly fees of \$1,000 per connection and \$3,000 per connection for Equity Members that connect to the Exchange's disaster recovery facility via a 1 Gigabit ("Gb") ultra-low latency ("ULL") connection or a 10Gb ULL connection, respectively.

The Exchange now proposes to waive the disaster recovery facility 1Gb ULL monthly fee for a single 1Gb ULL connection for each Equity Member that is designated by the Exchange to participate in required testing in accordance with Regulation Systems Compliance and Integrity ("Regulation SCI"),<sup>5</sup> and pursuant to Chapter III of the Exchange's Rules, so long as that same single connection is used for Regulation SCI testing purposes only. The Exchange proposes that this waiver apply to each month in which the designated Equity Member is required to maintain that single 1Gb ULL connection to the disaster recovery facility for Regulation SCI testing purposes, as described above. Accordingly, each Equity Member that is required to connect to the Exchange's

disaster recovery facility in accordance with Regulation SCI and Chapter III of the Exchange's Rules and who uses that connection solely to fulfill those testing requirements, will receive the fee waiver for a single 1Gb ULL connection. The proposed fee waiver will not be available to an Equity Member that utilizes that same 1Gb ULL connection to the disaster recovery facility for trading in addition to Regulation SCI testing purposes.

The Exchange notes that the proposed waiver will apply uniformly to Equity Members who currently maintain a 1Gb ULL connection to the disaster recovery facility and those Equity Members that newly elect to connect to the disaster recovery facility. Again, both current and future 1Gb ULL connections must be used for Regulation SCI testing purposes only. The proposed fee waiver will only apply to a single 1Gb ULL connection to the disaster recovery facility and each additional 1Gb ULL connection to the disaster recovery facility will continue to be charged the current monthly rate of \$1,000 per connection. The Exchange does not propose to waive the monthly network connectivity fee for the 10Gb ULL connection to the disaster recovery facility or make any other changes to network connectivity fees.

Technical Corrections to the Fee Schedule

Next, the Exchange proposes to amend the headings for Sections 2)a) and b) of the Fee Schedule to make minor, non-substantive edits. Currently, the headings for Sections 2)a) and b) of the Fee Schedule read as follows, "Monthly Member Network Connectivity Fee," and "Monthly Non-Member Network Connectivity Fee," respectively. The Exchange now proposes to make a minor, non-substantive correction to amend each heading to make the word "Fee" plural to reflect that more than one fee is provided for in each section. With the proposed changes, the headings for Sections 2)a) and b) of the Fee Schedule will read as follows, "Monthly Member Network Connectivity Fees," and "Monthly Non-Member Network Connectivity Fees," respectively.

Implementation

The proposed changes are immediately effective. The Exchange does not propose any other changes to the MIAX Pearl Equities Fee Schedule.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is

consistent with Section 6(b) of the Act<sup>6</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act,<sup>7</sup> in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange members and issuers and other persons using its facilities, and 6(b)(5) of the Act,<sup>8</sup> in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

Equity Members connect to the disaster recovery facility for several reasons, including: (1) To fulfill the requirement to participate in the Exchange's annual business continuity and disaster recovery ("BC/DR") testing in connection with the requirements of Regulation SCI;<sup>9</sup> and (2) for redundancy and trading purposes in a fail over situation. With respect to the BC/DR plans of the Exchange (defined as an "SCI entity" under Regulation SCI), including the Exchange's backup systems, paragraph (a) of Rule 1004 of Regulation SCI requires each SCI entity to, "[e]stablish standards for the designation of those members or participants that the SCI entity reasonably determines are, taken as a whole, the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of such plans."<sup>10</sup> Paragraph (b) of Rule 1004 further requires each SCI entity to "[d]esignate members or participants pursuant to the standards established in paragraph (a) of [Rule 1004] and require participation by such designated members or participants in scheduled functional and performance testing of the operation of such plans, in the manner and frequency specified by the SCI entity, provided that such frequency shall not be less than once every 12 months."<sup>11</sup> Pursuant to Rule 1004 of Regulation SCI, each Equity Member of the Exchange is required to connect to the disaster recovery facility and take part in the annual testing. This means that, as currently contemplated in the Fee Schedule, each Equity Member must utilize and purchase at least one 1Gb ULL connection to the disaster

<sup>4</sup> The term "Equity Member" is a Member authorized by the Exchange to transact business on MIAX Pearl Equities. See Exchange Rule 1901.

<sup>5</sup> See Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) ("SCI Adopting Release").

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(4).

<sup>8</sup> 15 U.S.C. 78f(b)(1) and (b)(5).

<sup>9</sup> See *supra* note 5.

<sup>10</sup> 17 CFR 242.1004(a).

<sup>11</sup> 17 CFR 242.1004(b).

recovery facility to fulfill this testing requirement. Accordingly, the Exchange believes it is reasonable to waive the monthly fee for Equity Members that are designated by the Exchange for required testing in accordance with Regulation SCI, and pursuant to Chapter III of the Exchange's Rules, where that same single connection is used for Regulation SCI testing purposes only.

The Exchange believes that its proposal is reasonable because it waives the monthly fee for Equity Members that are required to connect to the disaster recovery facility and only utilize one 1Gb ULL connection solely to fulfill the annual BC/DR testing requirements under Rule 1004 of Regulation SCI and do not use that same connection for trading purposes. The Exchange believes that the proposed waiver is reasonable to further ensure Equity Members that need to participate in Exchange testing are able to do so without also incurring a charge for the required connection. As set forth in the SCI Adopting Release, "SROs have the authority, and legal responsibility, under Section 6 of the Exchange Act, to adopt and enforce rules (including rules to comply with Regulation SCI's requirements relating to BC/DR testing) applicable to their members or participants that are designed to, among other things, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest."<sup>12</sup> The Exchange believes that this proposal is consistent with such authority and legal responsibility.

The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges and is not unreasonably discriminatory in that it applies uniformly to all similarly situated Equity Members. The proposed waiver for a single 1Gb ULL connection to the disaster recovery facility will apply uniformly to Equity Members designated by the Exchange to fulfill their Regulation SCI testing requirements. Specifically, an Equity Member who currently has a 1Gb ULL connection to the disaster recovery facility and only utilizes such connection for Regulation SCI testing purposes will receive the fee waiver for that single connection going forward.

Likewise, any Equity Member newly designated by the Exchange for Regulation SCI testing who does not currently have a 1Gb ULL connection will now be able to utilize a single 1Gb ULL connection to the disaster recovery facility for free, so long as that Equity Member only utilizes the new connection for Regulation SCI testing purposes only, as described herein. The Exchange does not propose to amend any of the rates for its connectivity fees.

Further, the Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges and is not unreasonably discriminatory to firms that utilize the 10Gb ULL connection to the disaster recovery facility because those firms likely not only utilize those connections for testing, but also trading and redundancy purposes due to the increased size of the connection. Each Equity Member that has a 10Gb ULL connection to the disaster recovery facility is able to utilize a single 1Gb ULL connection solely for Regulation SCI testing purposes if that firm so desired.

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>13</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act<sup>14</sup> in particular, in that it is an equitable allocation of reasonable fees and not unfairly discriminatory because non-Members do not have the same requirements as Equity Members relating to Regulation SCI's requirements for BC/DR testing. As such, non-Members are not required to connect to the disaster recovery facility at all. It is a business decision of each non-Member whether to connect to the disaster recovery facility and, if so, whether to utilize a 1Gb ULL connection and/or a 10Gb ULL connection. Further, non-Members themselves can and often do have their own customer base that utilizes the non-Member's connection to the Exchange. However, that non-Member can charge its customers any amount it wants and recoup its costs to connect to the Exchange.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed fee change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

#### *Inter-Market Competition*

The Exchange believes that the proposed rule change will not impose any burden on inter-market competition. The proposed rule change is not a competitive filing but rather is designed to ensure that Equity Members that are designated by the Exchange and required to connect to the disaster recovery facility solely to fulfill their annual BC/DR testing requirements under Rule 1004 of Regulation SCI are able to do so. Accordingly, the Exchange believes that the proposed change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposal is not a competitive proposal but rather is necessary for the Exchange and designated Equity Members to comply with annual testing requirements of Regulation SCI.

#### *Intra-Market Competition*

The Exchange believes that its proposal will not impose any undue burden on intra-market competition because the fee waiver applies equally to all Equity Members that only utilize a single 1Gb ULL connection to the disaster recovery facility to participate in Regulation SCI testing. The fee waiver will apply to designated Equity Members who currently have at least one 1Gb ULL connection to the disaster recovery facility and to newly designated Equity Members who all have to participate in Regulation SCI testing. The Exchange believes the proposal does not impose any undue burden on intra-market competition between Equity Members who utilize 10Gb ULL connections to the disaster recovery facility because those firms utilize the 10Gb ULL connections for redundancy and trading purposes throughout the course of the year. Each Equity Member with a 10Gb ULL connection that is designated by the Exchange to participate in the annual BC/DR testing already uses that connection for the Regulation SCI testing. Additionally, the Exchange believes that its proposal will not impose any undue burden on intra-market competition on non-Members because non-Members do not have the same requirements as Equity Members relating to Regulation SCI's requirements for BC/DR testing. Non-Members are not required to connect to the disaster recovery facility at all and it is a business decision of each non-Member whether to connect to the disaster recovery facility and, if so, whether to utilize a 1Gb ULL

<sup>12</sup> See SCI Adopting Release, *supra* note 5, at 72350.

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(4) and (5).

connection and/or a 10Gb ULL connection.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>15</sup> and Rule 19b-4(f)(2)<sup>16</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-PEARL-2021-42 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-PEARL-2021-42. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-PEARL-2021-42 and should be submitted on or before October 14, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**J. Matthew DeLesDernier,**  
*Assistant Secretary.*

[FR Doc. 2021-20553 Filed 9-22-21; 8:45 am]

**BILLING CODE 8011-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #17119 and #17120; California Disaster Number CA-00340]**

**Presidential Declaration Amendment of a Major Disaster for the State of California**

**AGENCY:** Small Business Administration.  
**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of California (FEMA-4610-DR), dated 08/24/2021.

*Incident:* Wildfires.

*Incident Period:* 07/14/2021 and continuing.

**DATES:** Issued on 09/18/2021.

*Physical Loan Application Deadline Date:* 10/25/2021.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/24/2022.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of California, dated 08/24/2021, is hereby amended to include the following areas as adversely affected by the disaster:

*Primary Counties (Physical Damage and Economic Injury Loans):* Tehama, Trinity.

*Contiguous Counties (Economic Injury Loans Only):*

California: Glenn, Humboldt, Mendocino, Siskiyou.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**James Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2021-20589 Filed 9-22-21; 8:45 am]

**BILLING CODE 8026-03-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #17143 and #17144; New Jersey Disaster Number NJ-00062]**

**Presidential Declaration Amendment of a Major Disaster for the State of New Jersey**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 3.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of New Jersey (FEMA-4614-DR), dated 09/05/2021.

*Incident:* Remnants of Hurricane Ida.

*Incident Period:* 09/01/2021 through 09/03/2021.

**DATES:** Issued on 09/19/2021.

*Physical Loan Application Deadline Date:* 11/04/2021.

*Economic Injury (EIDL) Loan Application Deadline Date:* 06/06/2022.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of New Jersey, dated 09/05/2021, is hereby amended to

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>16</sup> 17 CFR 240.19b-4(f)(2).

<sup>17</sup> 17 CFR 200.30-3(a)(12).

include the following areas as adversely affected by the disaster:

*Primary Counties (Physical Damage and Economic Injury Loans):* Warren  
*Contiguous Counties (Economic Injury Loans Only):*

Pennsylvania: Monroe, Northampton

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**James Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2021-20591 Filed 9-22-21; 8:45 am]

**BILLING CODE 8026-03-P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at September 17, 2021 Meeting

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** As part of its regular business meeting held on September 17, 2021, from Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

**DATES:** September 17, 2021.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; email: [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the above address. See also Commission website at [www.srbc.net](http://www.srbc.net).

**SUPPLEMENTARY INFORMATION:** In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also acted upon at the business meeting: (1) Adoption of final rulemaking and three groundwater related policies; (2) adoption of current expense budget for FY2023; (3) adoption of member jurisdictions allocation for FY2023; (4) ratification of a grant and letter of understanding; (5) acceptance of a settlement offer for passby violations; and (6) an emergency certificate extension for Mott's LLP.

#### *Project Applications Approved:*

1. Project Sponsor and Facility: Aqua-ETC Water Solutions, LLC (West Branch Susquehanna River), Piatt Township, Lycoming County, Pa. Modification to

update flow protection rates to be in accordance with current Low Flow Protection Policy No. 2012-01 (Docket No. 20120302).

2. Project Sponsor and Facility: ARD Operating, LLC (Loyalsock Creek), Hillsgrove Township, Sullivan County, Pa. Application for surface water withdrawal of up to 1.700 mgd (peak day).

3. Project Sponsor and Facility: Blossburg Municipal Authority, Hamilton Township, Tioga County, Pa. Application for renewal of groundwater withdrawal of up to 0.245 mgd (30-day average) from Well 1 (Docket No. 19890105).

4. Project Sponsor and Facility: Village of Greene, Chenango County, N.Y. Application for renewal of groundwater withdrawal of up to 0.181 mgd (30-day average) from Well 3 (Docket No. 19970303).

5. Project Sponsor: New York State Office of Parks, Recreation and Historic Preservation. Project Facility: Indian Hills State Golf Course (Irrigation Pond), Towns of Erwin and Lindley, Steuben County, N.Y. Applications (30-day averages) for surface water withdrawal of up to 0.300 mgd and consumptive use of up to 0.300 mgd.

6. Project Sponsor and Facility: Pennsylvania State University, Ferguson Township, Centre County, Pa. Applications for renewal of groundwater withdrawal of up to 0.960 mgd (30-day average) from Well UN-37 and consumptive use of up to 1.620 mgd (peak day) (Docket No. 19890106-1).

7. Project Sponsor and Facility: Selinsgrove Municipal Authority, Borough of Selinsgrove and Penn Township, Snyder County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.465 mgd from Well 3 and renewal of up to 0.707 mgd from Well 4 (Docket No. 19910904).

8. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Newberry Operation, Newberry Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.043 mgd (30-day average) from the Eden Well (Docket No. 19910102).

9. Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC (Susquehanna River), Wyoming Borough, Luzerne County, Pa. Applications (peak day) for surface water withdrawal of up to 5.760 mgd and consumptive use of up to 0.100 mgd.

#### *Commission-Initiated Project Approval Modifications:*

1. Project Sponsor: Knouse Foods Cooperative, Inc. Project Facility:

Gardners Plant, Tyrone Township, Adams County, Pa. Conforming the grandfathered quantity with the forthcoming determination for a groundwater withdrawal of up to 0.183 mgd (30-day average) from Wells 3, 5, 6, 8, and 10 (Docket No. 20041211).

*Authority:* Pub. L. 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

#### *Projects Tabled:*

1. Project Sponsor and Facility: East Hempfield Township Municipal Authority, East Hempfield Township, Lancaster County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.353 mgd from Well 6, 0.145 mgd from Well 7, 1.447 mgd from Well 8, and 1.660 mgd from Well 11, and Commission-initiated modification to Docket No. 20120906, which approves withdrawals from Wells 1, 2, 3, 4, and 5 and Spring S-1 (Docket Nos. 19870306, 19890503, 19930101, and 20120906).

2. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Naginey Facility, Armagh Township, Mifflin County, Pa. Applications for groundwater withdrawal of up to 0.300 mgd (30-day average) from the Quarry Pit Pond and consumptive use of up to 0.310 mgd (peak day).

Dated: September 20, 2021.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2021-20593 Filed 9-22-21; 8:45 am]

**BILLING CODE 7040-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[DOT-OST-2021-XXXX]

### Research, Engineering, and Development Advisory Committee (REDAC); Notice of Public Meeting

**AGENCY:** Federal Aviation Administration, Department of Transportation.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice announces a meeting of the Research, Engineering, and Development Advisory Committee (REDAC).

**DATES:** The meeting will be held on October 20, 2021, from 10:00 a.m.-5:00 p.m. EST.

Requests for accommodations to a disability must be received by October 6, 2021. Individuals requesting to speak during the meeting must submit a written copy of their remarks to DOT by October 6, 2021. Requests to submit

written materials to be reviewed during the meeting must be received no later than October 6, 2021.

**ADDRESSES:** The meeting will be held virtually. Virtual attendance information will be provided upon registration. A detailed agenda will be available on the REDAC internet website at <http://www.faa.gov/go/redac> at least one week before the meeting, along with copies of the meeting minutes after the meeting.

**FOR FURTHER INFORMATION CONTACT:** Chinita Roundtree-Coleman, REDAC PM/Lead, FAA/U.S. Department of Transportation, at [chinita.roundtree-coleman@faa.gov](mailto:chinita.roundtree-coleman@faa.gov) or (609) 485-7149. Any committee related request should be sent to the person listed in this section.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Research, Engineering, and Development Advisory Committee was created under the Federal Advisory Committee Act (FACA), in accordance with Public Law 100-591 (1988) and Public Law 101-508 (1990) to provide advice and recommendations to the FAA Administrator in support of the Agency's Research and Development (R&D) portfolio.

##### II. Agenda

At the meeting, the agenda will cover the following topics:

- FAA Research and Development Strategies, Initiatives and Planning,
- Impacts of emerging technologies, new entrant vehicles and dynamic operations within the National Airspace System.

##### III. Public Participation

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

There will be 45 minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for each commenter may be limited. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be

reasonably accommodated during the meeting, the FAA may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to REDAC members before the deadline listed in the **DATES** section. All prepared remarks submitted on time will be accepted and considered as part of the meeting's record. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, this 17th day of September, 2021.

**Chinita Roundtree-Coleman,**  
REDAC PM/Lead, Federal Aviation  
Administration.

[FR Doc. 2021-20576 Filed 9-22-21; 8:45 am]

**BILLING CODE 4910-9X-P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Transit Administration

[FTA Docket No. FTA 2021-0013]

##### Agency Information Collection Activity Under OMB Review

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICR) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

**DATES:** Comments must be submitted on or before October 25, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

*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 comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD-10, Washington, DC 20590, (202) 366-0354 or [tia.swain@dot.gov](mailto:tia.swain@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On June 24, 2021, FTA published a 60-day notice (86 FR 33473) in the **Federal Register** soliciting comments on the ICR for which the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICR) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

*Title:* Transit COVID-19 Response Program.

*OMB Control Number:* 2132-0581.

*Type of Request:* Extension without change of a currently approved collection.

*Abstract:* In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval for this existing information collection previously authorized under emergency approval. FTA is collecting monthly data related to impacts from the coronavirus disease 2019 (COVID-19) on public transportation agencies, including transit workforce counts; transit service levels; counts of COVID-19 positives, fatalities, recoveries, and unvaccinated employees; whether or not a transit agency has implemented the U.S. Centers for Disease Control and Prevention (CDC) Order and Transportation Security Administration (TSA) Security Directive requiring workers and passengers to wear masks; and whether or not the agency has used FTA funds to support vaccine access services. FTA uses this data to inform FTA's COVID-19 response and recovery actions, including monitoring of safety measures and impacts, development of technical assistance and safety advisories, monitoring use of FTA grant funds to address COVID-19 considerations, and monitoring compliance with Federal requirements.

FTA began the Transit COVID-19 Response Program Information Collection in April 2021 under OMB emergency approval and is seeking renewal of this approval through OMB's standard PRA clearance process. On June 24, 2021, FTA issued a 60-day **Federal Register** Notice requesting the extension of the approved information collection. This subsequent 30-day **Federal Register** Notice for public comments follows OMB's PRA clearance process. There have been no substantive changes to the information collection application and associated data since the initial request. FTA is requesting information collection approval for up to three years. COVID-19 continues to pose significant challenges for the transit industry. Although some transit providers have suspended service and a greater number have reduced service throughout the COVID-19 public health emergency, transit agencies across the country continue to provide millions of trips to lifeline services, including transporting healthcare personnel and other essential workers on the front line of the Nation's COVID-19 response. Transit agencies also offer additional essential services to support communities during the public health emergency, such as meal delivery

and Wi-Fi access in underserved areas, and offer a range of COVID-19 vaccine access services. Accordingly, the Cybersecurity and Infrastructure Security Agency designates transit workers as essential critical infrastructure workers.

Transit agencies and other stakeholders have expressed concerns about the risk of COVID-19 to the transit industry and, along with the FTA, have taken steps to address these concerns. To support the transit industry's COVID-19 response, FTA allocated \$25 billion in emergency relief funding to the U.S. transit industry through the Coronavirus Aid, Relief and Economic Security (CARES) Act (Pub. L. 116-136) and another \$14 billion through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) (Pub. L. 116-260). The American Rescue Plan Act of 2021 (ARP), enacted on March 11, 2021, includes an additional \$30.5 billion in Federal funding to support the nation's public transportation systems as they continue to respond to the COVID-19 pandemic and support vaccination of the U.S. population. Funding through the ARP Act and CRRSAA, like the CARES Act, is at 100-percent Federal share with no local match required. In addition, for Fiscal Year 2020, FTA apportioned over \$12.5 billion in funding authorized under the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114-94) and the Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94).

Numerous transit agencies have implemented mitigations to limit the transmission of SARS-CoV-2, the virus that causes COVID-19, among their workers and within their systems. Despite these efforts, frontline transit workers remain at high risk for work-related exposure to SARS-CoV-2 because their work-related duties must be performed on-site and involve being in close proximity (<6 feet) to the public or to coworkers. In addition, many transit workers fall within racial and socioeconomic demographics that are at increased risk of getting sick and dying from COVID-19.

On January 29, 2021, CDC issued an Order requiring the wearing of masks by persons using or working in certain transportation services, including on public transportation, to prevent spread of the virus that causes COVID-19. Pursuant to the CDC Order, which implements Presidential Executive Order 13998, transportation operators must require that all persons wear masks when boarding, disembarking, and for the duration of travel, with certain exemptions. Operators of

transportation hubs, which include bus terminals and subway stations, must require all persons wear a mask when entering or on the premises of a transportation hub. Since June 10, 2021, CDC is not enforcing the wearing of masks by persons while outdoors on transportation vehicles or while outdoors in transportation hubs. TSA issued a Security Directive on February 1, 2021 that implements the CDC Order. On August 20, 2021, TSA extended the Security Directive through January 18, 2022 to curb the spread of COVID-19. This information collection allows FTA to assess compliance with the Federal mask mandates.

According to data from the CDC, 70 percent of adult Americans had received at least one vaccination shot by August 2, 2021. Continued concerns regarding vaccine access and hesitancy among transit workers and the U.S. public present challenges to increasing this percentage further. FTA's information collection captures the number of transit workers that have reported that they have been vaccinated. The communities served by transit agencies continue to rely on them to provide critical transportation services every day—including transportation to vaccination sites. This information collection allows FTA to monitor the number of vaccinated transit workers and captures information on transit agencies' efforts to use Federal resources, including ARP, CARES, and CRRSAA funds, to support vaccine access for their communities—both critical data points to support FTA response activity.

New, more transmissible variants of the virus have recently emerged, including the B.1.617.2 (Delta) variant. Between June 30, 2021 and July 31, 2021, after five months of decreasing trends in COVID-19 cases and hospitalizations, data show that cases and hospitalizations have increased substantially. In light of the Delta variant and increased spread and hospitalizations, CDC reversed its May recommendations that fully vaccinated individuals do not need to wear masks indoors and now recommends that all Americans in areas of surging COVID-19 transmission should wear masks while indoors, regardless of their vaccination status. FTA plays a critical role in providing risk-based guidance and support for the COVID-19 recovery efforts of the transit industry. Accordingly, FTA will continue to require that respondents provide the following information using a fillable electronic online application:

- Transit Worker Counts: Total number of transit operators, other

frontline essential personnel, and other workers during the reporting period.

- COVID-19 Impacts on Transit Agency Service Levels: Yes or no responses to indicate if the agency suspended service, reduced service, or operated at normal levels during the reporting period.

- COVID-19 Impacts on Transit Workforce: Cumulative counts of transit worker COVID-19 positives, fatalities, recoveries, and unvaccinated employees during the reporting period, and yes or no responses on whether the agency is requiring workers to be vaccinated, whether the agency has implemented the CDC Order and TSA Security Directive requiring workers and passengers to wear masks, and whether or not the agency has used FTA funds to support vaccine access services and the types of vaccine access services the agency provides.

*Respondents:* FTA will require this information, pursuant to 49 U.S.C. 5334, from recipients and sub-recipients of FTA funds under the Urbanized Area Formula Funding program (49 U.S.C. 5307) or the Formula Grants for Rural Areas program (49 U.S.C. 5311) that operate transit systems or pass-through funds to sub-recipients that operate transit systems. Recipients of FTA funds under the Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. 5310) may be requested to provide this information on a voluntary basis in the future.

*Estimated Average Total Annual Respondents:* 2,390 respondents.

*Estimated Average Total Responses:* 28,680.

*Estimated Annual Burden Hours:* 10,356.

*Estimated Annual Burden per Response:* 10 minutes per Section 5307 or 5311 respondent, 400 minutes per Section 5311 State respondent, and 16 minutes per Section 5310 transit operator respondent.

*Frequency:* Monthly.

**Nadine Pembleton,**

*Director Office of Management Planning.*

[FR Doc. 2021-20559 Filed 9-22-21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No.: PHMSA-2021-0095; Notice No. 2021-08]

#### Hazardous Materials: Public Meeting Notice for the Research, Development & Technology Forum

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pipeline and Hazardous Materials Safety Administration's (PHMSA) Office of Hazardous Materials Safety (OHMS) will hold a public Research, Development & Technology Forum October 12-15, 2021, virtually on Microsoft Teams (MS Teams) to present the results of recently completed projects, brief new project plans, and obtain stakeholder input on the direction of current and future research projects on topics including mitigation of climate change, risk management and mitigation, packaging integrity, emerging technology, and technical analysis to aid risk assessment.

**DATES:** The meeting will be held virtually on MS Teams from October 12 to 15, 2021, from 11:00 a.m. to 2:00 p.m. Eastern Standard Time on each day.

**ADDRESSES:** DOT requests that attendees pre-register for these meetings by completing the form, at: <https://forms.office.com/Pages/ResponsePage.aspx?id=WyTNxPBEIUOhqjhI0lj3i42Qs1CodOdEpKD7cpFYhKRUNE9LRTIwVvkI3QjlfSskhIUVFZNVFNWEpUSi4u>.

Conference call-in and "live meeting" capability will be provided. Specific information about conference call-in and live meeting access will be posted at: <https://www.phmsa.dot.gov/research-and-development/hazmat/rd-meetings-and-events> under "Upcoming Events."

#### FOR FURTHER INFORMATION CONTACT:

Andy Leyder or Britain Bruner, Ph.D., Office of Hazardous Materials Safety, Research, Development & Technology, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC. Telephone: (202) 360-0664 and (202) 366-8830. Email: [Andrew.Leyder@dot.gov](mailto:Andrew.Leyder@dot.gov) or [Britain.Bruner@dot.gov](mailto:Britain.Bruner@dot.gov).

**SUPPLEMENTARY INFORMATION:** During the meeting, OHMS will solicit comments related to new research topics that may be considered for inclusion in its future work. OHMS is particularly interested

in the research gaps associated with energetic materials (explosives) characterization and transport, safe transportation of energy products (e.g., crude oil), safe containment and transportation of compressed gases, and safe packaging and transportation of charge storage devices (e.g., lithium ion batteries), and how these might aid in mitigation of climate change. The forum will also include an opportunity for stakeholder input that identifies other research gaps related to the transportation of hazardous materials.

Issued in Washington, DC, on September 20, 2021, under authority delegated in 49 CFR 1.97.

**William S. Schoonover,**

*Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

[FR Doc. 2021-20599 Filed 9-22-21; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date.

#### FOR FURTHER INFORMATION CONTACT:

OFAC: Andrea Gacki, Director, tel.: 202-622-2480; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)).

## Notice of OFAC Action

On September 16, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

### Individuals

1. ANTUNEZ MUSSO, Washington (a.k.a. "PAPO"), Colombia; DOB 20 Aug 1987; POB Salto, Uruguay; citizen Colombia; Gender Male; Cedula No. 1015413405 (Colombia); Passport AU199512 (Colombia) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, Zulma Maria MUSSO TORRES [SDNTK].

2. BERMUDEZ MEJIA, Luis Antonio (a.k.a. "TATA"; a.k.a. "TONO" (Latin: "TONO")), Colombia; DOB 11 Apr 1969; POB Barrancas, La Guajira, Colombia; citizen Colombia; Gender Male; Cedula No. 84006210 (Colombia); Passport AM019495 (Colombia) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, Zulma Maria MUSSO TORRES [SDNTK].

3. MUSSO TORRES, Zulma Maria (a.k.a. MUSO, Sulma; a.k.a. "LA PATRONA"; a.k.a. "LA SENORA" (Latin: "LA SEÑORA")), Colombia; DOB 27 May 1963; POB Santa Marta, Colombia; citizen Colombia; Gender Female; Cedula No. 36141965 (Colombia); Passport AP517448 (Colombia); alt. Passport AB2574362 (Colombia) (individual) [SDNTK]. Identified as a significant foreign narcotics trafficker pursuant to section 805(b)(1) of the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1904(b)(1).

4. REALES BRITTO, Juan Carlos (a.k.a. "JUANKI"; a.k.a. "JUANQUI"), Colombia; DOB 09 Dec 1987; POB Santa Marta, Colombia; citizen Colombia; Gender Male; Cedula No. 1082884409 (Colombia); Passport AS340363 (Colombia) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, Zulma Maria MUSSO TORRES [SDNTK].

### Entities

1. EXCLUSIVE IMPORT EXPORT S.A.S., Calle 23c 4-27 LC 1, Gaira Paraiso, Santa Marta, Colombia; NIT #900543259-5 (Colombia) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, Zulma Maria MUSSO TORRES [SDNTK].

2. POLIGONO SANTA MARTA S.A.S., Calle 23c 4-27 LC 1, Gaira Paraiso, Santa

Marta, Colombia; NIT #901297752-3 (Colombia) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being owned, controlled, or directed by, or acting for or on behalf of, Zulma Maria MUSSO TORRES [SDNTK].

Dated: September 16, 2021.

**Bradley T. Smith,**

*Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2021-20551 Filed 9-22-21; 8:45 am]

**BILLING CODE 4810-AL-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0609]

### Agency Information Collection Activity: Survey of Veteran Enrollees' Health and Use of Health Care

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before November 22, 2021.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Janel Keyes, Office of Regulations, Appeals, and Policy (10BRAP), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to [Janel.Keyes@va.gov](mailto:Janel.Keyes@va.gov). Please refer to "OMB Control No. 2900-0609" in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266-4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to "OMB Control No. 2900-0609" in any correspondence.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (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 or the use of other forms of information technology.

*Authority:* Public Law 104-13; 44 U.S.C. 3501-3521.

*Title:* Survey of Veteran Enrollees' Health and Use of Health Care.

*OMB Control Number:* 2900-0609.

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

*Abstract:* The VA Survey of Veteran Enrollees' Health and Use of Health Care gathers information from Veterans enrolled in the VA Health Care System about factors that influence their health care utilization choices. Data collected are used to gain insights into Veteran preferences and to provide VA and Veterans Health Administration (VHA) management guidance in preparing for future Veteran needs. In addition to factors influencing health care choices, the data collected include enrollees' perceived health status and need for assistance, available insurances, self-reported utilization of VA services versus other health care services, reasons for using VA, barriers to seeking care, ability and comfort level with accessing virtual care, as well as general demographics and family characteristics that may influence utilization but cannot be accessed elsewhere. Information provided through the survey supports critical VA policy decisions.

*Affected Public:* Individuals and households.

*Estimated Annual Burden:* 14,000 hours.

*Estimated Average Burden per Respondent:* 20 minutes.

*Frequency of Response:* Once annually.

*Estimated Number of Respondents:* 42,000.

By direction of the Secretary.

**Dorothy Glasgow,**

*VA PRA Clearance Officer, (Alt.), Office of  
Enterprise and Integration/Data Governance  
Analytics, Department of Veterans Affairs.*

[FR Doc. 2021–20549 Filed 9–22–21; 8:45 am]

**BILLING CODE 8320–01–P**

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