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

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

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

7 CFR Part 4280

[Docket Number: RBS–20–BUSINESS–0044]

RIN 0570–AB02

Rural Microentrepreneur Assistance Program

AGENCY: Rural Business-Cooperative Service, Department of Agriculture (USDA).

ACTION: Final rule; confirmation.

SUMMARY: The Rural Business-Cooperative Service, a Rural Development agency of USDA, hereinafter referred to as ''RBCS'' or ''the Agency,'' published in the **Federal Register** on May 14, 2021, a final rule with request for comments. This document presents the opportunity for the Agency to provide its responses to the public comments received on the final rule and to confirm the final rule as published.

DATES: October 4, 2021.

FOR FURTHER INFORMATION CONTACT: David Chestnut, Program Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250–3201; telephone: (202) 692–5233; email: *david.chestnut@usda.gov.*

SUPPLEMENTARY INFORMATION: RBCS published a final rule with request for comments in the **Federal Register** on May 14, 2021, at 86 FR 26348. The final rule modified the interim rule with comment published in the **Federal Register** on May 28, 2010 (75 FR 30114), as amended by the correcting amendments published in the **Federal Register** on July 19, 2010 (75 FR 41695), and incorporated amendments to the Consolidated Farm and Rural Development Act (ConAct) made by the Agriculture Improvement Act of 2018 (2018 Farm Bill). The Agency implemented other changes to make the Rural Microentrepreneur Assistance Program (RMAP) run more efficiently, be more user-friendly and be more consistent with other RBCS programs.

Within the preamble to the final rule, the Agency addressed each of the 29 public comments that were received on the interim rule. RBCS carefully reviewed each of the comments and modified the regulation based on analysis of the responsive comments received as well as program delivery experience. The final rule allowed the Agency to: (a) Implement changes required by the 2018 Farm Bill, (b) address comments received after publication of the interim rule, and (c) implement the final regulation.

Due to the length of time that transpired between the publication of the interim rule and the final rule, the Agency invited comments from the public on the provisions outlined in the final rule. The comment period on the final rule closed July 13, 2021. Comments were received from four respondents. The comments provided and Agency responses are as follows:

Comment: ''All the mandatory grants should be funded at the authorized 25 percent of the loan balances. We support this change. It can be difficult for financial intermediaries to secure adequate funding for technical assistance programs. This is a concern for any potential MDO that may consider utilizing the RMAP program for the first time. The adjustment recorded here will help minimize a clear disincentive by making it easier for a new entrant to manage necessary costs.''

Agency Response: The Agency agrees and the regulation at § 4280.313(a) was modified to allow for microlenders to receive up to 25 percent of their new loan amount as a technical assistance grant. Previously, this was limited to 25 percent of the first $400,000, then 5 percent of any amount above $400,000. The 2018 Farm Bill amended Section 379E of the Consolidated Farm and Rural Development Act (Contact) to require that annual grant amounts to Microenterprise Development Organizations (MDOs) be in an amount equal to not less than 20 percent and not more than 25 percent of the total outstanding balance of microloans made by MDOs. The Agency clarified the annual grant process at § 4280.313(a)(1) to enact this change. The previous regulation did not have a minimum threshold percentage for the replenishment of an MDO's technical assistance funds.

Comment: ''USDA should relinquish its first lien position on all funds in the Rural Microentrepreneur revolving fund except those derived from the Rural Microenterprise loan itself. We recommend that USDA implement a process by which MDOs can request a drawdown of accumulated interest earnings within the Rural Microentrepreneur Revolving Fund (RMRF). The collateral provided to USDA by the cash in the RMRF, the loans outstanding, and the cash in the Loan Loss Reserve Fund (LLRF), should be adequate to protect USDA from losses. MDOs typically use the interest earnings from microloans to help cover costs of operating programs. Because USDA maintains a first lien position on all assets in the RMRF and does not provide a process by which MDOs can request a drawdown of accumulated earnings, MDOs are unable to use earnings from RMAP loans to help cover operating costs. This may dissuade some MDOs from utilizing the RMAP program, and we have heard at least one MDO identify this as the reason they left the program.''

Agency Response: The Agency disagrees with the release of its lien position in the revolving loan funds. The accounts serve as collateral for the Agency loan to the MDO, which is a debt obligation of the MDO and protects the Agency in cases of default by the MDO. The Agency disagrees with the commenter that MDOs are unable to use earnings from RMAP loans to help cover costs of operating programs. MDOs may use interest and fee earnings to make principal and interest payments to the Agency loan and to help cover operating costs in accordance with their annual operating budget. In addition, the Agency does permit the use of up to 10 percent of their technical assistance grant funds for administrative expenses from which they can operate their RMAP and other programs.

Comment: ''The current methodology of calculating the annual MDO grant based on the amount of outstanding loan balances is inadequate. We recommend an adjustment to the methodology used to calculate the annual technical assistance grants to MDOs. At current, USDA calculates the

technical assistance grant for the following fiscal year on June 30 of the prior fiscal year. USDA then subtracts the unspent balance from the prior year award from the new award. USDA is making this calculation 9 months into a 12-month grant contract. An MDO seeking to use their technical assistance award to support staff to provide continuous technical assistance to clients over a 12-month period receives a penalty for having 3 months of funds remaining when there are 3 months remaining in the contract. We recommend that USDA instead calculate the grant based on the loans outstanding on June 30 without regard for funds remaining in the prior year grant. USDA already requires grant spending to take place within the 12-month contract period, so there is no need to calculate the remaining balance at the end of 9 months from the grant for the following year.''

Agency Response: The Agency has a consistent process for the calculation of an MDO annual grant with its annual June 30 calculation date. An MDO can use their grant funds in each month of the year, thus the 9-month comment for use of the funds is not relevant. The annual grant award calculation must include the amount of any unused/remaining technical assistance funds from prior years to ensure that the total amount of awarded and available grant funds to an MDO does not exceed the 25 percent maximum amount.

Comment: ''§ 4280.313(a)(1). We support this change. Technical assistance needs are ongoing. According to the Aspen Institute, the business owners who participate in technical assistance and training have higher rates of business survival, revenue growth, and employment growth than those who do not. Of the new business owners who receive technical assistance, 84 percent will still be operating their business five years later. The median revenue of these businesses will grow by 60 percent. Our ability to make ongoing technical assistance available can be the difference between business failure and success.''

Agency Response: Thank you for the comment.

Comment: ''Rural Microentrepreneur Assistance Program—Seeking clarification on eligibility of microbusiness as it relates to location. Rural areas are growing and microbusinesses are expanding. Please provide feedback on the following scenarios. 1. Owners of business live in a rural area and business in located in an urban area. 2. Business has a location in an urban area and is expanding to a rural area and owners live in an urban area. Is there language to clarify eligibility?''

Agency Response: The eligible rural area determination is made by where the project is located and where the RMAP funds will be used. Businesses located in an urbanized area are not eligible to receive funding from this Rural Development program. A business located in an urbanized area that is expanding to a rural area may use RMAP funds only for the project and expenses in the rural area location. The location of the business owner has no impact on the project eligibility.

The Agency did not receive any significant adverse comments during the public comment period on the final rule, and therefore confirms the rule without change.

Karama Neal,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2021–21504 Filed 10–1–21; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2021–0894; Special Conditions No. 25–791–SC]

Special Conditions: Boeing Commercial Airplanes Model 777–9 Airplane; Operation Without Normal Electrical Power

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Boeing Commercial Airplanes (Boeing) Model 777–9 series airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is electrical and electronic systems that perform critical functions, the loss of which could be catastrophic to the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Boeing on October 4, 2021. Send comments on or before November 18, 2021.

ADDRESSES: Send comments identified by Docket No. FAA–2021–0894 using any of the following methods:

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

Privacy: 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 FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information: 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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, 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 the indicated comments will not be placed in the public docket of these special conditions. Submissions containing CBI should be sent to Steve Slotte, Aircraft Systems, AIR–623, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3160;

Steve.Slotte@faa.gov. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these special conditions.

Docket: Background documents or comments received may be read at *https://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Aircraft Systems, AIR–623, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax (206) 231–3163; *Steve.Slotte@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On September 30, 2018, Boeing applied for an amendment to Type Certificate No. T00001SE to include the new Model 777–9 series airplane. The Boeing Model 777–9 airplane, which is a derivative of the Boeing Model 777 airplane currently approved under Type Certificate No. T00001SE, is a twin-engine, transport-category airplane with seating for 495 passengers, and a maximum takeoff weight of 775,000 lbs.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR), § 21.101, Boeing must show that the Model 777–9 series airplane meets the applicable provisions of the regulations listed in Type Certificate No. T00001SE, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 777–9 series airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 777–9 series airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Boeing Model 777–9 series airplane will incorporate the following novel or unusual design feature:

Electrical and electronic systems that perform critical functions, the loss of which may result in loss of flight controls and other critical systems and may be catastrophic to the airplane.

Discussion

The Boeing Model 777–9 series airplane has a fly-by-wire flight control system that requires a continuous source of electrical power in order to maintain an operable flight control system. Section 25.1351(d), Operation without normal electrical power, requires safe operation in visual flight rule (VFR) conditions for at least five minutes after loss of normal electrical power excluding the battery. This rule is structured around a traditional design using mechanical control cables and linkages for flight control. These manual controls allow the crew to maintain aerodynamic control of the airplane for an indefinite period of time after loss of all electrical power. Under these conditions, a mechanical flight control system provides the crew with the ability to fly the airplane while attempting to identify the cause of the electrical failure, restart engine(s) if necessary, and attempt to re-establish some of the electrical power generation capability.

A critical assumption in § 25.1351(d) is that the airplane is in VFR conditions at the time of the failure. This is not a valid assumption in today's airline operating environment where airplanes fly much of the time in instrument meteorological conditions (IMC) on air traffic control defined flight paths. Another assumption in the existing rule is that the loss of all normal electrical power is the result of the loss of all engines. The five-minute period in the rule is to allow at least one engine to be restarted following an all-engine power loss in order to continue the flight to a safe landing. However, service experience on airplane models with similar electrical power system architecture as the Boeing Model 777–9 airplane has shown that at least the temporary loss of all electrical power for causes other than all-engine failure is not extremely improbable.

To maintain the same level of safety envisioned by the existing rule with traditional mechanical flight controls, the Boeing Model 777–9 series airplane design must not be time-limited in its operation under all reasonably foreseeable conditions, including loss of all normal sources of engine or auxiliary power unit (APU)-generated electrical power. Unless Boeing can show that the non-restorable loss of the engine and APU power sources is extremely improbable, Boeing must demonstrate that the airplanes can maintain safe flight and landing (including steering and braking on the ground for airplanes using steer/brake-by-wire and/or fly-by-wire speed brake panels) with the use of its emergency/alternate electrical power systems. These electrical power systems, or the minimum restorable electrical power sources, must be able to power loads that are essential for continued safe flight and landing, including those required for the maximum length of approved flight diversion.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 777–9 series airplane. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model series of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Commercial Airplanes Model 777–9 series airplanes.

In lieu of 14 CFR 25.1351(d), the following special conditions apply:

(a) The applicant must show by test or a combination of test and analysis that the airplane is capable of continued safe flight and landing with all normal electrical power sources inoperative, as prescribed by paragraphs (a)(1) and (a)(2), below. For purposes of these special conditions, normal sources of electrical power generation do not include any alternate power sources such as the battery, ram air turbine, or independent power systems such as the flight control permanent magnet generating system. In showing capability for continued safe flight and landing, the applicant must account for systems capability, effects on crew workload and operating conditions, and the physiological needs of the flightcrew and passengers for the longest diversion time for which the applicant is seeking approval.

(1) In showing compliance with this requirement, the applicant must account for common-cause failures, cascading failures, and zonal physical threats.

(2) The applicant may consider the ability to restore operation of portions of the electrical power generation and distribution system if it can be shown that unrecoverable loss of those portions of the system is extremely improbable. The design must provide an alternative source of electrical power for the time required to restore the minimum electrical power generation capability required for safe flight and landing. The applicant may exclude unrecoverable loss of all engines when showing compliance with this requirement.

(b) Regardless of any electrical generation and distribution system recovery capability shown under paragraph (a) of these special conditions, sufficient electrical system capability must be provided to:

(1) Allow time to descend, with all engines inoperative, at the speed that provides the best glide distance, from the maximum operating altitude to the top of the engine restart envelope, and

(2) Subsequently allow multiple start attempts of the engines and auxiliary power unit (APU). The design must provide this capability in addition to the electrical capability required by existing part 25 requirements related to operation with all engines inoperative.

(c) The airplane emergency electrical power system must be designed to supply:

(1) Electrical power required for immediate safety, which must continue to operate without the need for crew action following the loss of the normal electrical power, for a duration sufficient to allow reconfiguration to provide a non-time-limited source of electrical power.

(2) Electrical power required for continued safe flight and landing for the maximum diversion time.

(d) If the applicant uses APU-generated electrical power to satisfy the requirements of these special conditions, and if reaching a suitable runway for landing is beyond the capacity of the battery systems, then the APU must be able to be started under any foreseeable flight condition prior to the depletion of the battery or the restoration of normal electrical power, whichever occurs first. Flight test must demonstrate this capability at the most critical condition.

(1) The applicant must show that the APU will provide adequate electrical power for continued safe flight and landing.

(2) The operating limitations section of the airplane flight manual (AFM) must incorporate non-normal procedures that direct the pilot to take appropriate actions to activate the APU after loss of normal engine-driven generated electrical power.

(e) As part of showing compliance with these special conditions, the tests to demonstrate loss of all normal electrical power must also take into account the following:

(1) The assumption that the failure condition occurs during night instrument meteorological conditions (IMC) at the most critical phase of the flight, relative to the worst possible electrical power distribution and equipment-loads-demand condition.

(2) After the un-restorable loss of normal engine generator power, the airplane engine restart capability is provided and operations continued in IMC.

(3) The airplane is demonstrated to be capable of continued safe flight and landing. The length of time must be computed based on the maximum diversion time capability for which the airplane is being certified. The applicant must account for airspeed reductions resulting from the associated failure or failures.

(4) The airplane must provide adequate indication of loss of normal electrical power to direct the pilot to the non-normal procedures, and the operating limitations section of the AFM must incorporate non-normal procedures that will direct the pilot to take appropriate actions.

Issued in Kansas City, Missouri, on September 29, 2021.

Patrick R. Mullen,

Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2021–21540 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0648; Amendment No. 71–53]

RIN 2120–AA66

Airspace Designations; Incorporation by Reference Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, administrative correction.

SUMMARY: This action incorporates certain airspace designation amendments into FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, for incorporation by reference.

DATES: Effective date 0901 UTC October 4, 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 on line at *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* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Sarah A. Combs, 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 makes the necessary updates for airspace areas within the National Airspace System.

History

Federal Aviation Administration Airspace Order JO 7400.11, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1, is published yearly. Amendments referred to as ''effective date straddling amendments'' were published under Order JO 7400.11E (dated July 21, 2020, and effective September 15, 2020) but became effective under Order JO 7400.11F (dated August 10, 2021, and effective September 15, 2021). This action incorporates these rules into the current FAA Order JO 7400.11F.

Accordingly, as this is an administrative correction to update final rule amendments into FAA Order JO 7400.11F, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Also, to bring these rules and legal descriptions current, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

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 by incorporating certain final rules into the current FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, which are depicted on aeronautical charts.

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 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.

Corrections

■ 1. For Docket No. FAA–2021–0225; Airspace Docket No. 20–AAL–13 (86 FR 34130; June 29, 2021).

Correction

■ a. On page 34130, column 3, line 29, and line 42, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 34131, column 1, line 38, under History, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 34131, column 1, line 60, and line 63, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ d. On page 34131, column 1, line 47, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ e. On page 34131, column 1, line 57, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ f. On page 34131, column 3, line 21, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 2. For Docket No. FAA–2021–0209; Airspace Docket No. 20–ANM–10 (86 FR 34625; June 30, 2021).

Correction

■ a. On page 34625, column 3, line 18, and line 31, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 34626, column 1, line 29, and line 32, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 34626, column 1, line 16, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 34626, column 1, line 26, under Availability and Summary of Documents for Incorporation by

Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 34626, column 2, line 42, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 3. For Docket No. FAA–2021–0210; Airspace Docket No. 21–ANM–3 (86 FR 34626; June 30, 2021).

Correction

■ a. On page 34626, column 3, line 32, and line 45, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 34627, column 1, line 46, and line 49, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 34627, column 1, line 33, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 34627, column 1, line 43, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 34627, column 2, line 61, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 4. For Docket No. FAA–2020–1126; Airspace Docket No. 19–ANM–10 (86 FR 34937; July 1, 2021).

Correction

■ a. On page 34937, column 1, line 38, and line 51, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 34937, column 2, line, and line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 34937, column 2, line 54, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 34937, column 2, line 64, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 34938, column 1, line 52, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 5. For Docket No. FAA–2021–0211; Airspace Docket No. 21–ANM–7 (86 FR 36212; July 9, 2021).

Correction

■ a. On page 36212, column 3, line 8, and line 21, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 36212, column 1, line 15, and line 18, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 36213, column 1, line 2, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 36213, column 1, line 12, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 36213, column 2, line 32, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 6. For Docket No. FAA–2021–0207; Airspace Docket No. 21–ANM–6 (86 FR 36210; July 9, 2021).

Correction

■ a. On page 36211, column 1, line 1, and line 14, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 36211, column 2, line 24, and line 27, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 36211, column 2, line 11, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 36211, column 2, line 21, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 36211, column 3, line 38, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points,

dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 7. For Docket No. FAA–2020–0567; Airspace Docket No. 20–AAL–15 (86 FR 37235; July 15, 2021).

Correction

■ a. On page 37235, column 3, line 42, and line 55, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 37236, column 1, line 15, and line 18, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 36213, column 1, line51, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 37236, column 2, line 12, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 37237, column 2, line 6, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 8. For Docket No. FAA–2021–0292; Airspace Docket No. 21–AGL–22 (86 FR 37234; July 15, 2021).

Correction

■ a. On page 37234, column 2, line 15, and line 25, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 37234, column 3, line 42, and line 45, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 37234, column 2, line 30, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 37234, column 2, line 39, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 37235, column 2, line 6, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 9. For Docket No. FAA–2020–1156; Airspace Docket No. 20–ANE–7 (86 FR 38229; July 20, 2021).

Correction

■ a. On page 38229, column 1, line 30, and line 43, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 38229, column 2, line 48, and line 51, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 38229, column 2, line 35, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 38229, column 2, line 45, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 38229, column 3, line 63, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 10. For Docket No. FAA–2021–0004; Airspace Docket No. 20–AAL–55 (86 FR 38919; July 23, 2021).

Correction

■ a. On page 38919, column 3, line 12, and line 25, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 38920, column 1, line 19, and line 22, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 38920, column 1, line 6, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 38920, column 1, line 16, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 38920, column 2, line 35, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 11. For Docket No. FAA–2020–1208; Airspace Docket No. 20–AAL–46 (86 FR 38918; July 23, 2021).

Correction

■ a. On page 38918, column 2, line 31, and line 44, under **ADDRESSES**, ''. . .

FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 38918, column 3, line 42, and line 45, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 38918, column 3, line 29, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 38918, column 3, line 39, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 38919, column 2, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 12. For Docket No. FAA–2021–0003; Airspace Docket No. 21–ACE–5 (86 FR 38916; July 23, 2021).

Correction

■ a. On page 38916, column 3, line 19, and line 32, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 38917, column 1, line 44, and line 47, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 38917, column 1, line 31, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 38917, column 1, line 41, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 38917, column 3, line 34, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 13. For Docket No. FAA–2021–0081; Airspace Docket No. 20–AAL–61 (86 FR 39956; July 26, 2021).

Correction

■ a. On page 39956, column 1, line 35, and line 48, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 39956, column 2, line 48, and line 51, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 39956, column 2, line 35, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 39956, column 2, line 45, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 39957, column 1, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 14. For Docket No. FAA–2020–1100; Airspace Docket No. 20–AGL–1 (86 FR 39949; July 26, 2021).

Correction

■ a. On page 39949, column 3, line 46, and line 59, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 39950, column 1, line 64, and column 2, line 1, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 39950, column 1, line 51, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 39950, column 1, line 61, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 39951, column 2, line 25, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 15. For Docket No. FAA–2020–1081; Airspace Docket No. 20–AEA–19 (86 FR 39957; July 26, 2021).

Correction

■ a. On page 39957, column 2, line 13, and line 26, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 39957, column 3, line 29, and line 32, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 39957, column 3, line 16, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and

effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 39957, column 3, line 26, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 39958, column 3, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 16. For Docket No. FAA–2021–0250; Airspace Docket No. 20–AEA–22 (86 FR 39953; July 26, 2021).

Correction

■ a. On page 39953, column 2, line 56, and column 3, line 17, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 39954, column 1, line 38, and line 41, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 39954, column 1, line 25, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 39954, column 1, line 35, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 39954, column 3, line 54, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 17. For Docket No. FAA–2021–0360; Airspace Docket No. 21–AEA–6 (86 FR 39958; July 26, 2021).

Correction

■ a. On page 39958, column 2, line 42, and line 55, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 39959, column 1, line 17, and line 20, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 39959, column 1, line 4, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 39959, column 1, line 14, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 39959, column 3, line 6, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 18. For Docket No. FAA–2020–1147; Airspace Docket No. 20–ASO–30 (86 FR 39952; July 26, 2021).

Correction

■ a. On page 39952, column 1, line 37, and line 50, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 39952, column 2, line 52, and line 55, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 39952, column 2, line 39, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 39952, column 2, line 49, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 39953, column 3, line 6, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 19. For Docket No. FAA–2020–1071; Airspace Docket No. 20–ACE–13 (86 FR 40145; July 27, 2021).

Correction

■ a. On page 40145, column 1, line 40, and line 53, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 40145, column 2, line 56, and line 59, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 40145, column 2, line 43, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 40145, column 2, line 53, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10,

2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 40146, column 3, line 6, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 20. For Docket No. FAA–2021–0054; Airspace Docket No. 20–AGL–34 (86 FR 40143; July 27, 2021).

Correction

■ a. On page 40143, column 1, line 38, and line 51, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 40143, column 2, line 61, and line 64, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 40143, column 2, line 39, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 40143, column 2, line 58, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 40144, column 3, line 16, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 21. For Docket No. FAA–2021–0119; Airspace Docket No. 21–AEA–3 (86 FR 40146; July 27, 2021).

Correction

■ a. On page 40146, column 3, line 31, and line 44, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 40147, column 1, line 55, and line 58, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 40147, column 1, line 42, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 40147, column 1, line 52, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 40147, column 3, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 22. For Docket No. FAA–2021–0274; Airspace Docket No. 20–ANM–58 (86 FR 40307; July 28, 2021).

Correction

■ a. On page 40307, column 2, line 41, and line 54, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 40307, column 3, line 52, and line 55, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 40307, column 3, line 39, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 40307, column 3, line 49, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 40308, column 2, line 28, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 23. For Docket No. FAA–2021–0295; Airspace Docket No. 21–ANE–2 (86 FR 40306; July 28, 2021).

Correction

■ a. On page 40306, column 1, line 48, and column 1, line 50, under **ADDRESSES**, ''. . . FAA Order 7400.11E. . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 40306, column 3, line 7, and line 10, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 40306, column 2, line 57, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 40306, column 3, line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . .FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 40307, column 1, line 32, under Amendatory Instruction 2, ''. . .FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . .FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 24. For Docket No. FAA–2020–0544; Airspace Docket No. 19–AAL–93 (86 FR 40782; July 29, 2021).

Correction

■ a. On page 40782, column 3, line 31, and line 34, under **ADDRESSES**, ''. . . FAA Order 7400.11E. . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ b. On page 40783, column 1, line 48, and line 51, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E. . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ c. On page 40783, column 1, line 35, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.
■ d. On page 40783, column 1, line 45, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 40783, column 3, line 12, under Amendatory Instruction 2, ''. . .FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020,. . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.
■ 25. For Docket No. FAA–2020–0567; Airspace Docket No. 20–AAL–15 (86 FR 40783; July 29, 2021).

Correction

■ a. On page 40784, column 1, line 8, and line 21, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ b. On page 40784, column 2, line 15, and line 18, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E. . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ c. On page 40784, column 2, line 2, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.
■ d. On page 40784, column 2, line 12, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.
■ 26. For Docket No. FAA–2021–0328; Airspace Docket No. 21–ASO–5 (86 FR 41705; August 3, 2021).

Correction

■ a. On page 41705, column 1, line 39, and line 52, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ b. On page 41706, column 1, line 64, and column 2, line 1, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ c. On page 41706, column 1, line 51, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.
■ d. On page 41706, column 1, line 61, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 41706, column 3, line 16, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.
■ 27. For Docket No. FAA–2021–0355; Airspace Docket No. 21–AEA–7 (86 FR 41704; August 3, 2021).

Correction

■ a. On page 41704, column 2, line 55, and column 3, line 6, under **ADDRESSES**, ''. . . FAA Order 7400.11E. . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ b. On page 41704, column 3, line 7, and line 10, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ c. On page 41704, column 3, line 58, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.
■ d. On page 41704, column 3, line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 41705, column 3, line 32, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.
■ 28. For Docket No. FAA–2021–0386; Airspace Docket No. 21–ASW–8 (86 FR 41707; August 3, 2021).

Correction

■ a. On page 41707, column 1, line 38, and line 51, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ b. On page 41707, column 2, line 52, and line 55, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.
■ c. On page 41707, column 2, line 39, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 41707, column 2, line 49, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 41707, column 1, line 12, under Amendatory Instruction 2, ''. . .FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 29. For Docket No. FAA–2021–0385; Airspace Docket No. 21–AGL–21 (86 FR 41702; August 3, 2021).

Correction

■ a. On page 41702, column 1, line 36, and line 49, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 41703, column 1, line 62, and line 65, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E. . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 41703, column 1, line 48, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 41703, column 1, line 59, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 41704, column 1, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 30. For Docket No. FAA–2021–0387; Airspace Docket No. 21–AGL–24 (86 FR 41712; August 3, 2021).

Correction

■ a. On page 41712, column 1, line 41, and line 54, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 41712, column 2, line 7, and line 10, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . .FAA Order JO 7400.11F . . .''.

■ c. On page 41712, column 2, line 58, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 41712, column 3, line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 41713, column 2, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 31. For Docket No. FAA–2021–0413; Airspace Docket No. 21–ASW–9 (86 FR 41709; August 3, 2021).

Correction

■ a. On page 41709, column 3, line 33, and on page 41710, column 1, line 7, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 41710, column 2, line 12, and line 15, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 41710, column 1, line 65, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 41710, column 2, line 9, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 41711, column 2, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 32. For Docket No. FAA–2020–1155; Airspace Docket No. 20–ASO–28 (86 FR 41708; August 3, 2021).

Correction

■ a. On page 41708, column 2, line 5, and line 18, under **ADDRESSES**, ''. . . FAA Order 7400.11E. . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 41708, column 3, line 13, and line 16, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 41708, column 2, line 66, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 41708, column 3, line 10, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 41709, column 3, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 33. For Docket No. FAA–2021–0417; Airspace Docket No. 21–AGL–23 (86 FR 41894; August 4, 2021).

Correction

■ a. On page 41894, column 1, line 47, and column 2, line 1, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 41894, column 3, line 63, and line 66, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 41894, column 2, line 50, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 41894, column 3, line 60, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 41895, column 1, line 16, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 34. For Docket No. FAA–2021–0418; Airspace Docket No. 21–ACE–12 (86 FR 43411; August 9, 2021).

Correction

■ a. On page 43411, column 2, line 43, and line 56, under **ADDRESSES**, ''. . . FAA Order 7400.11E. . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 43411, column 3, line 59, and line 62, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 43411, column 2, line 46, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 43411, column 3, line 56, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 43412, column 2, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 35. For Docket No. FAA–2020–1147; Airspace Docket No. 20–ASO–30 (86 FR 48300; August 30, 2021).

Correction

■ a. On page 48300, column 2, line 18, and line 31, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 48300, column 3, line 26, and line 29, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 48300, column 3, line 13, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 48300, column 3, line 23, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 36. For Docket No. FAA–2021–0278; Airspace Docket No. 21–ACE–10 (86 FR 48493; August 31, 2021).

Correction

■ a. On page 48493, column 2, line 38, and line 51, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 48493, column 3, line 57, and line 60, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 48493, column 3, line 39, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 48493, column 3, line 54, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 48494, column 2, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 37. For Docket No. FAA–2021–0159; Airspace Docket No. 21–ACE–6 (86 FR 48496; August 31, 2021).

Correction

■ a. On page 48496, column 3, line 59, and on page 48497, column 1, line 10, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 48497, column 2, line 7, and line 10, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to

read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 48497, column 1, line 59, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021. . .''.

■ d. On page 48497, column 2, line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 48497, column 3, line 22, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

■ 38. For Docket No. FAA–2021–0277; Airspace Docket No. 21–AGL–19 (86 FR 48494; August 31, 2021).

Correction

■ a. On page 48494, column 3, line 3, and line 16, under **ADDRESSES**, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 48495, column 1, line 13, and line 16, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 48494, column 3, line 66, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 48495, column 1, line 10, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 48495, column 2, line 25, under Amendatory Instruction 2, ''. . .FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020,. . .'' is corrected to read''. . .FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021,...''.

■ 39. For Docket No. FAA–2021–0235; Airspace Docket No. 21–AGL–18 (86 FR 48905; September 1, 2021).

Correction

■ a. On page 48905, column 1, line 41, and line 54, under **ADDRESSES**, ''. . . FAA Order 7400.11E. . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ b. On page 48905, column 2, line 53, and line 56, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E . . .'' is corrected to read ''. . . FAA Order JO 7400.11F . . .''.

■ c. On page 48905, column 2, line 40, under History, ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021 . . .''.

■ d. On page 48905, column 2, line 50, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11E Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

§ 71.1 [Corrected]

■ e. On page 48906, column 1, line 3, under Amendatory Instruction 2, ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, . . .''.

Issued in Washington, DC on, September 27, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–21351 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0152; Airspace Docket No. 21–AGL–2]

RIN 2120–AA66

Amendment of J–107, J–515, and V–181; Establishment of T–407; and Revocation of the Humboldt, MN, Domestic Low Altitude Reporting Point; Northcentral United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Jet Routes J–107 and J–515, and VHF Omnidirectional Range (VOR) Federal Airway V–181; establishes low altitude Area Navigation (RNAV) route, T–407; and revokes the Humboldt, MN, Domestic Low Altitude Reporting Point, in the northcentral United States. This action is necessary due to the planned decommissioning of the VOR portion of the Humboldt, MN, VOR/Tactical Air Navigation (VORTAC). The Humboldt VOR, which provides navigation guidance to portions of the affected Air Traffic Service (ATS) routes, is being decommissioned as part of the FAA's VOR Minimum Operational Network (VOR MON) program.

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/.* 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* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jesse Acevedo, 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 as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2020–0152, in the **Federal Register** (86 FR 13668; March 10, 2021), amending J–107, J–515, and V–181; establishing T–407; and revoking the Humboldt reporting point. The proposed amendment, establishment, and revocation actions were due to the planned decommissioning of the VOR portion of the Humboldt, MN, VORTAC navigational aid. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Two comments were received, but were determined to be not substantive to this proposal.

United States Jet Routes, VOR Federal airways, RNAV T-routes, and Domestic Low Altitude Reporting points are published in paragraphs 2004, 6010(a), 6011, and 7001, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which are incorporated by reference in 14 CFR 71.1. The ATS routes listed in this document will be published subsequently in the Order.

Differences From NPRM

In the NPRM published for Docket No. FAA–2020–0152, the FAA Order JO 7400.11F paragraph number identified for VOR Federal Airways in the regulatory text section listed ''2010(a)'' in error. The correct paragraph number for VOR Federal Airways in the Order is ''6010(a)'' and is corrected in this rule.

Additionally, the published NPRM mistakenly identified the ZOMTA fix in the RNAV route T–407 in the regulatory text section with the incorrect state of North Dakota (ND). The correct state is Minnesota (MN). This rule corrects this editorial error. Further, the existing ZOMTA fix, which is associated with the V–181 segment being removed in this rule, is being redefined in the FAA's aeronautical database as the ZOMTA waypoint (WP) at the same location. This ''fix'' to ''WP'' change is also reflected in the T–407 route description in this rule.

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 by modifying J–107, J–515, and V–181; establishing T–407; and revoking the Humboldt reporting point. The planned decommissioning of the VOR portion of the Humboldt, MN, VORTAC has made this action necessary.

The amendment actions are described below.

J–107: J–107 extends between Los Angeles, CA, VORTAC and Sioux Narrows, ON, Canada, VOR/DME. The portion within Canada is excluded. This action removes the route segments between Dupree, SD, VOR/DME, and Sioux Narrows, ON, Canada, VOR/DME, and removes the exclusionary language. The resulting Jet Route now extends between Los Angeles, CA, VORTAC and Dupree, SD, VOR/DME.

J–515: J–515 extends between Fargo, ND, VOR/DME and the intersection of the Humboldt, MN, VORTAC 356° radial and United States/Canadian border; and between Whitehorse, YT, Canada and the Barrow, AK, VOR/DME. The airspace within Canada is excluded. This action removes the route segment between the Fargo, ND, VOR/DME and the intersection of the Humboldt, MN, VORTAC 356° radial and United States/Canadian border. As a result, the Jet Route now extends between Whitehorse, YT, Canada, VOR/DME and Barrow, AK, VOR/DME.

V–181: V–181 extends between Kirksville, MO, VORTAC, and the intersection of the Humboldt, MN, VORTAC, 356° radial and United States/Canadian border. This action removes the route segment between the Grand Forks, ND, VOR/DME and the intersection of the Humboldt, MN, VORTAC, 356° radial and United States/Canada border. As a result, the airway now extends between the Kirksville, MO, VORTAC, and the Grand Forks, ND, VOR/DME.

T–407: T–407 is a new RNAV route that extends between the Sioux Falls, SD, VORTAC and the ZOMTA, MN, WP, located at the United States/Canadian border. This T-route overlies the current Federal airway V–181 from Sioux Falls, SD, VORTAC to the United States/Canadian border. The existing ZOMTA fix, which is associated with the V–181 segment being removed in this rule, is being redefined in the FAA's aeronautical database as the ZOMTA waypoint (WP) at the same location. This ''fix'' to ''WP'' change is also reflected in the T–407 route description in this rule.

Humboldt: The Humboldt, MN, Domestic Low Altitude Reporting Point is revoked.

All of the navigational aid radials in the ATS route descriptions below are stated in True degrees.

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 will only affect 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 action of modifying Jet Routes J–107 and J–515, VOR modifying Federal airway V–181, and establishing RNAV route T–407, due to the planned decommissioning of the VOR portion of the Humboldt, MN, VORTAC navigational aid, qualifies for two categorical exclusions 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. The first is categorical exclusion 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). The second is categorical exclusion 5–6.5k, Publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. 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.

List 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 2004 Jet Routes.

* * * * *

J–107 [Amended]

From Los Angeles, CA; INT Los Angeles 083° and Hector, CA, 226° radials; Hector; Boulder City, NV; Milford, UT; Rock Springs, WY; Muddy Mountain, WY; to Dupree, SD.

* * * * *

J–515 [Amended]

From Whitehorse, YT, Canada; Northway, AK; Fairbanks, AK; Bettles, AK; to Barrow, AK. The airspace within Canada is excluded.

* * * * *

Paragraph 6010(a) VOR Federal Airways.

* * * * *

V–181 [Amended]

From Kirksville, MO; Lamoni, IA; Omaha, IA; Norfolk, NE; Yankton, SD; Sioux Falls, SD; Watertown, SD; 34 miles, 24 miles, 34 MSL, Fargo, ND; to Grand Forks, ND.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–407 Sioux Falls, SD (FSD) to ZOMTA, MN [New]

Sioux Falls, SD (FSD)	VORTAC	(Lat. 43°38′58.14″ N, long. 096°46′52.02″ W)
FFORT, SD	WP	(Lat. 44°58′47.45″ N, long. 097°08′30.36″ W)
Fargo, ND (FAR)	VOR/DME	(Lat. 46°45′12.01″ N, long. 096°51′04.75″ W)
Grand Forks, ND (GFK)	VOR/DME	(Lat. 47°57′17.40″ N, long. 097°11′07.33″ W)
WUBED, MN	FIX	(Lat. 48°43′30.50″ N, long. 097°07′40.81″ W)
ZOMTA, MN	WP	(Lat. 49°00′00.00″ N, long. 097°07′54.80″ W)

Paragraph 7001 Domestic Low Altitude Reporting Points.

* * * * *

Humboldt, MN [Removed]

* * * * *

Issued in Washington, DC, on September 27, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–21475 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0532; Airspace Docket No. 21–ASO–19]

RIN 2120–AA66

Amendment of Class E Airspace; Chester, SC, Lancaster, SC, Waxhaw, NC, and Lincolnton, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Chester Catawba Regional Airport, Chester, SC; Lancaster County-McWhirter Field Airport, Lancaster, SC; JAARS-Townsend Airport, Waxhaw, NC; and Lincolnton-Lincoln County Regional Airport, Lincolnton, NC. The FAA is making this action as a result of the Charlotte Class B Biennial Review. This action updates the airport names of Chester Catawba Regional Airport, JAARS-Townsend Airport, and Lincolnton-Lincoln County Regional Airport. In addition, this action updates the geographic coordinates of Lancaster County-McWhirter Field Airport and Lincolnton-Lincoln County Regional Airport to coincide with the FAA's database. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Effective 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/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 38617, July 22, 2021) for Docket No. FAA–2021–0532 to amend Class E airspace extending upward from 700 feet above the surface at:

Chester Catawba Regional Airport, Chester, SC by increasing the airport radius to 9.0 miles, (previously 7.0 miles). In addition, this action proposed to update the airport's name to Chester Catawba Regional Airport, (previously Chester Municipal Airport).

Lancaster County-McWhirter Field Airport, Lancaster, SC by increasing the airport radius to 8.3 miles, (previously 7.0 miles) and within 4.0 miles each side of the 059° bearing from the airport extending from the 8.3-mile radius to 10.9 miles northeast of the airport. This action proposed to update the geographical coordinates of the Lancaster County-McWhirter Field Airport to coincide with the FAA's database.

JAARS-Townsend Airport, Waxhaw, NC by increasing the airport radius to 9.3 miles, (previously 7 miles). In addition, this action proposed to update the airport name to JAARS-Townsend Airport, (previously Waxhaw, JAARS-Townsend Airport).

Lincolnton-Lincoln County Regional Airport, Lincolnton, NC, by increasing the airport radius to 8.5 miles, (previously 6.4 miles). In addition, this action proposed to update the airport name to Lincolnton-Lincoln County Regional Airport, (previously Lincolnton, Lincoln County Airport), and update the geographical coordinates of the Lincolnton-Lincoln County Regional Airport to coincide with the FAA's database.

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

Class E airspace designations are published in Paragraph 6005, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the 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 routes, and reporting points.

The Rule

The FAA is amending 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface at:

Chester Catawba Regional Airport, Chester, SC by increasing the airport radius to 9.0 miles, (previously 7.0 miles). In addition, this action updates the airport name to Chester Catawba Regional Airport, (previously Chester Municipal Airport).

Lancaster County-McWhirter Field Airport, Lancaster, SC by increasing the airport radius to 8.3 miles, (previously 7.0 miles) and within 4.0 miles each side of the 059° bearing from the airport extending from the 8.3-mile radius to 10.9 miles northeast of the airport. This action also updates the geographical coordinates of the Lancaster County-McWhirter Field Airport to coincide with the FAA's database.

JAARS-Townsend Airport, Waxhaw, NC by increasing the airport radius to 9.3 miles, (previously 7 miles). In addition, this action updates the airport name to JAARS-Townsend Airport, (previously Waxhaw, JAARS-Townsend Airport).

Lincolnton-Lincoln County Regional Airport, Lincolnton, NC, by increasing the airport radius to 8.5 miles, (previously 6.4 miles). In addition, this action updates the airport name to Lincolnton-Lincoln County Regional Airport, (previously Lincolnton, Lincoln County Airport). This action also updates the geographical coordinates of the Lincolnton-Lincoln County Regional Airport to coincide with the FAA's database. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

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 DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal. Since this is a routine matter that only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air)

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO SC E5 Chester, SC [Amended]

Chester Catawba Regional Airport, SC
(Lat. 34°47′22″ N, long. 81°11′45″ W)

That airspace extending upward from 700 feet or more above the surface of the earth within a 9.0-mile radius of Chester Catawba Regional Airport.

* * * * *

ASO SC E5 Lancaster, SC [Amended]

Lancaster County-McWhirter Field Airport, SC
(Lat. 34°43′22″ N, long. 80°51′17″ W)

That airspace extending upward from 700 feet above the surface within an 8.3-mile radius of Lancaster County-McWhirter Field Airport, within 4 miles each side of the 059° bearing from the airport extending from the 8.3-mile radius to 10.9 miles northeast of the airport.

* * * * *

ASO NC E5 Waxhaw, NC [Amended]

JAARS-Townsend Airport, NC
(Lat. 34°51′50″ N, long. 80°44′53″ W)

That airspace extending upward from 700 feet above the surface within a 9.3-mile radius of JAARS-Townsend Airport.

* * * * *

ASO NC E5 Lincolnton, NC [Amended]

Lincolnton-Lincoln County Regional, NC
(Lat. 35°28′59″ N, long. 81°09′41″ W)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lincolnton-Lincoln County Regional Airport.

Issued in College Park, Georgia, on September 28, 2021.

Andreese C. Davis,

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

[FR Doc. 2021–21494 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31391; Amdt. No. 3975]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective October 4, 2021. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 4, 2021.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fr.inspection@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29 Room 104, Oklahoma City, OK 73169. Telephone (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, 8260–15B, when required by an entry on 8260–15A, and 8260–15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the typed of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the

airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on September 17, 2021.

Thomas J. Nichols,

Aviation Safety, Flight Standards Service, Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CRF part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 4 November 2021

Atlanta, GA, KFFC, ILS OR LOC RWY 31, Amdt 3
Atlanta, GA, KFFC, NDB RWY 31, Amdt 4
Atlanta, GA, KFFC, RNAV (GPS) RWY 13, Amdt 4
Atlanta, GA, KFFC, RNAV (GPS) RWY 31, Amdt 4
Hickory, NC, KHKY, RNAV (GPS) RWY 1, Amdt 1B
Silver Springs, NV, Silver Springs, Takeoff Minimums and Obstacle DP, Orig-A

Effective 2 December 2021

Crooked Creek, AK, Crooked Creek, AJOFY ONE Graphic DP
Crooked Creek, AK, PACJ, RNAV (GPS) RWY 14, Orig
Crooked Creek, AK, Crooked Creek, Takeoff Minimums and Obstacle DP, Orig
Koyukuk, AK, Koyukuk, DIBVY THREE Graphic DP
Koyukuk, AK, PFKU, RNAV (GPS) RWY 7, Amdt 1
Koyukuk, AK, PFKU, RNAV (GPS) RWY 25, Amdt 1
Oceanside, CA, KOKB, RNAV (GPS) RWY 7, Amdt 1
Oceanside, CA, KOKB, RNAV (GPS) RWY 25, Amdt 1
Jacksonville, FL, KJAX, RNAV (RNP) Y RWY 26, Amdt 1B
West Palm Beach, FL, KPBI, RNAV (GPS) X RWY 28R, Orig-A, CANCELLED
West Palm Beach, FL, KPBI, RNAV (RNP) W RWY 28R, Orig, CANCELLED
Sylvania, GA, KJYL, NDB RWY 23, Amdt 3, CANCELLED
Chicago, IL, Chicago O'Hare Intl, Takeoff Minimums and Obstacle DP, Amdt 23
Flora, IL, KFOA, LOC RWY 21, Orig-E
Rantoul, IL, KTIP, VOR RWY 27, Amdt 2
Madison, IN, KIMS, RNAV (GPS) Y RWY 3, Orig-A
Anthony, KS, KANY, RNAV (GPS) RWY 18, Amdt 2
Anthony, KS, KANY, RNAV (GPS) RWY 36, Orig-C
Anthony, KS, Anthony Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Elizabethtown, KY, KEKX, ILS OR LOC RWY 5, Orig-A
Monroe, LA, KMLU, RNAV (GPS) RWY 32, Amdt 1A
Monroe, LA, Monroe Rgnl, Takeoff Minimums and Obstacle DP, Amdt 6A
Monroe, LA, KMLU, VOR RWY 32, Amdt 5A
Winnfield, LA, 0R5, RNAV (GPS) RWY 9, Orig-D
Winnfield, LA, 0R5, RNAV (GPS) RWY 27, Orig-C
Bedford, MA, KBED, RNAV (GPS) Z RWY 11, Amdt 3
Annapolis, MD, KANP, RNAV (GPS)-A, Orig-B
Carrabassett, ME, B21, RNAV (GPS)-A, Amdt 1A
Ludington, MI, KLDM, RNAV (GPS) RWY 8, Orig-E
Ludington, MI, KLDM, RNAV (GPS) RWY 26, Orig-C
Newberry, MI, KERY, RNAV (GPS) RWY 11, Orig-B
Hallock, MN, KHCO, RNAV (GPS) RWY 13, Amdt 1
Hallock, MN, KHCO, RNAV (GPS) RWY 31, Amdt 2
Hallock, MN, KHCO, VOR/DME RWY 31, Amdt 7A, CANCELLED
International Falls, MN, KINL, RNAV (GPS) RWY 14, Orig, CANCELLED
International Falls, MN, KINL, RNAV (GPS) RWY 32, Orig, CANCELLED
Roseau, MN, Roseau Muni/Rudy Billberg Fld, Takeoff Minimums and Obstacle DP, Orig-A
Columbia, MO, KCOU, ILS OR LOC RWY 2, Amdt 17
Columbia, MO, KCOU, LOC BC RWY 20, Amdt 13A, CANCELLED
Columbia, MO, KCOU, RNAV (GPS) RWY 2, Amdt 2C
Columbia, MO, KCOU, RNAV (GPS) RWY 20, Amdt 3
Columbia, MO, Columbia Rgnl, Takeoff Minimums and Obstacle DP, Amdt 7
Columbia, MO, KCOU, VOR Y RWY 20, Amdt 5
Columbia, MO, KCOU, VOR Z RWY 20, Amdt 6
Great Falls, MT, KGTF, VOR RWY 3, Amdt 17C
Cavalier, ND, 2C8, RNAV (GPS) RWY 34, Amdt 1B
Beatrice, NE, KBIE, RNAV (GPS) RWY 18, Amdt 2C
Hartington, NE, 0B4, RNAV (GPS) RWY 31, Orig-F

Hartington, NE, 0B4, VOR/DME RWY 31, Orig-D, CANCELLED
Hobbs, NM, KHOB, LOC BC RWY 21, Amdt 6B, CANCELLED
Batavia, NY, KGVQ, RNAV (GPS) RWY 10, Orig-B
Le Roy, NY, 5G0, RNAV (GPS) RWY 10, Orig-E
New York, NY, KSWF, RNAV (GPS) RWY 16, Amdt 1E
Marysville, OH, Union County, RNAV (GPS) RWY 27, Orig-C
Enid, OK, KWDG, ILS OR LOC RWY 35, Amdt 7B
Enid, OK, KWDG, RNAV (GPS) RWY 17, Amdt 1B
Enid, OK, KWDG, RNAV (GPS) RWY 35, Amdt 2A
Enid, OK, KWDG, VOR RWY 17, Amdt 13B
Enid, OK, KWDG, VOR RWY 35, Amdt 15B
Grove, OK, KGMJ, VOR/DME–A, Amdt 1A, CANCELLED
Muskogee, OK, KMKO, RNAV (GPS) RWY 4, Amdt 1D
Oklahoma City, OK, KHSD, VOR RWY 18, Amdt 1H
Watonga, OK, KJWG, RNAV (GPS) RWY 17, Orig-B
Watonga, OK, KJWG, VOR/DME–A, Amdt 3A, CANCELLED
Corvallis, OR, Corvallis Muni, Takeoff Minimums and Obstacle DP, Amdt 7
Gold Beach, OR, 4S1, RNAV (GPS)-A, ORIG
Pottsville, PA, KZER, RNAV (GPS) RWY 29, Amdt 3
Quakertown, PA, KUKT, RNAV (GPS) RWY 29, Amdt 1D
Sioux Falls, SD, KFSD, RNAV (GPS) RWY 33, Amdt 2A
Athens, TN, KMMI, NDB RWY 2, Amdt 6B, CANCELLED
Knoxville, TN, KTYS, ILS OR LOC RWY 23R, ILS RWY 23R (SA CAT I), ILS RWY 23R (CAT II), Amdt 14A
Abilene, TX, Abilene Regional, RADAR–1, Amdt 10, CANCELLED
Bryan, TX, KCFD, VOR/DME–A, Amdt 3A, CANCELLED
Mineola, TX, 3F9, RNAV (GPS)-A, Orig, CANCELLED
Mineola, TX, Mineola Wisener Field, Takeoff Minimums and Obstacle DP, Orig-B, CANCELLED
Uvalde, TX, KUVA, NDB RWY 33, Amdt 2A, CANCELLED
Delta, UT, Delta Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Kenosha, WI, KENW, ILS OR LOC 7L, Amdt 4
Neillsville, WI, Neillsville Muni, Takeoff Minimums and Obstacle DP, Orig-A
Park Falls, WI, Park Falls Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Shawano, WI, KEZS, RNAV (GPS) RWY 12, Orig-B
Shawano, WI, KEZS, RNAV (GPS) RWY 30, Orig-C

[FR Doc. 2021–21469 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31392; Amdt. No. 3976]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective October 4, 2021. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 4, 2021.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, email *fr.inspection@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each

separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on September 17, 2021.

Thomas J. Nichols,

Aviation Safety, Flight Standards Service, Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, CFR part 97, (is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
4–Nov–21	MD	Gaithersburg	Montgomery County Airpark	1/0101	7/22/21	RNAV (GPS)-A, Orig-C.
4–Nov–21	IN	Bloomington	Monroe County	1/0243	9/2/21	RNAV (GPS) RWY 35, Amdt 1A.
4–Nov–21	IN	Bloomington	Monroe County	1/0244	9/2/21	VOR RWY 17, Amdt 12A.
4–Nov–21	IN	Bloomington	Monroe County	1/0245	9/2/21	ILS OR LOC/DME RWY 35, Amdt 6B.
4–Nov–21	IN	Bloomington	Monroe County	1/0247	9/2/21	VOR/DME RWY 6, Amdt 19B.
4–Nov–21	NC	Mooresville	Lake Norman Airpark	1/0278	7/22/21	RNAV (GPS) RWY 14, Amdt 1A.
4–Nov–21	MI	New Hudson	Oakland Southwest	1/0286	7/20/21	VOR OR GPS–A, Amdt 3C.
4–Nov–21	OH	Findlay	Findlay	1/0490	9/7/21	RNAV (GPS) RWY 36, Amdt 1B.
4–Nov–21	OH	Findlay	Findlay	1/0491	9/7/21	RNAV (GPS) RWY 18, Amdt 1A.
4–Nov–21	OH	Findlay	Findlay	1/0492	9/7/21	RNAV (GPS) RWY 25, Amdt 1A.
4–Nov–21	TX	La Porte	La Porte Muni	1/0642	7/20/21	RNAV (GPS) RWY 30, Amdt 2C.
4–Nov–21	CO	Aspen	Aspen-Pitkin County/Sardy Fld	1/0678	8/26/21	LOC/DME–E, Amdt 1B.
4–Nov–21	CO	Aspen	Aspen-Pitkin County/Sardy Fld	1/0680	8/26/21	RNAV (GPS)-F, Orig-A.
4–Nov–21	TX	Odessa	Odessa-Schlemeyer Fld	1/1183	7/19/21	RNAV (GPS) RWY 20, Orig-A.
4–Nov–21	TX	Odessa	Odessa-Schlemeyer Fld	1/1184	7/19/21	RNAV (GPS) RWY 29, Orig-A.
4–Nov–21	TX	Odessa	Odessa-Schlemeyer Fld	1/1185	7/19/21	VOR–A, Amdt 7A.
4–Nov–21	MN	Crookston	Crookston Muni Kirkwood Fld	1/1340	7/20/21	RNAV (GPS) RWY 13, Orig-A.
4–Nov–21	MN	Crookston	Crookston Muni Kirkwood Fld	1/1341	7/20/21	RNAV (GPS) RWY 31, Orig-B.
4–Nov–21	MN	Crookston	Crookston Muni Kirkwood Fld	1/1344	7/20/21	VOR/DME RWY 13, Orig-B.
4–Nov–21	NC	Erwin	Harnett Rgnl Jetport	1/1350	7/22/21	RNAV (GPS) RWY 23, Amdt 2A.
4–Nov–21	NC	Erwin	Harnett Rgnl Jetport	1/1351	7/22/21	RNAV (GPS) RWY 5, Amdt 2B.
4–Nov–21	NC	Erwin	Harnett Rgnl Jetport	1/1352	7/22/21	LOC RWY 5, Orig-A.
4–Nov–21	LA	De Ridder	Beauregard Rgnl	1/1385	7/19/21	RNAV (GPS) RWY 36, Amdt 1A.
4–Nov–21	LA	De Ridder	Beauregard Rgnl	1/1387	7/19/21	RNAV (GPS) RWY 18, Orig-A.
4–Nov–21	LA	De Ridder	Beauregard Rgnl	1/1388	7/19/21	NDB RWY 36, Amdt 5A.
4–Nov–21	LA	De Ridder	Beauregard Rgnl	1/1389	7/19/21	LOC RWY 36, Amdt 3A.
4–Nov–21	WA	Friday Harbor	Friday Harbor	1/1414	6/14/21	RNAV (GPS) RWY 34, Amdt 2A.
4–Nov–21	WA	Friday Harbor	Friday Harbor	1/1415	6/14/21	NDB RWY 34, Amdt 2.
4–Nov–21	IA	Cedar Rapids	The Eastern Iowa	1/1421	7/20/21	RNAV (GPS) RWY 9, Amdt 2C.
4–Nov–21	IA	Cedar Rapids	The Eastern Iowa	1/1424	7/20/21	RNAV (GPS) RWY 27, Amdt 1A.
4–Nov–21	IA	Cedar Rapids	The Eastern Iowa	1/1425	7/20/21	ILS OR LOC RWY 27, Amdt 6G.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
4–Nov–21	TN	Millington	Charles W Baker	1/1426	7/22/21	RNAV (GPS) RWY 36, Orig-A.
4–Nov–21	PA	Myerstown	Deck	1/1431	7/22/21	VOR/DME OR GPS–A, Amdt 1D.
4–Nov–21	AZ	Scottsdale	Scottsdale	1/1494	6/14/21	VOR/DME–A, Amdt 3.
4–Nov–21	AZ	Scottsdale	Scottsdale	1/1496	6/14/21	RNAV (GPS)-E, Amdt 1.
4–Nov–21	AZ	Scottsdale	Scottsdale	1/1497	6/14/21	RNAV (GPS)-D, Amdt 1.
4–Nov–21	TX	Jacksonville	Cherokee County	1/2329	7/19/21	RNAV (GPS) RWY 14, Amdt 1A.
4–Nov–21	TX	Jacksonville	Cherokee County	1/2332	7/19/21	RNAV (GPS) RWY 32, Orig-A.
4–Nov–21	TX	Jacksonville	Cherokee County	1/2333	7/19/21	VOR RWY 14, Amdt 4B.
4–Nov–21	OR	Tillamook	Tillamook	1/2462	6/15/21	RNAV (GPS) RWY 13, Orig-C.
4–Nov–21	PA	Mifflintown	Mifflintown	1/2562	9/1/21	RNAV (GPS) RWY 26, Orig-A.
4–Nov–21	WY	Pinedale	Ralph Wenz Fld	1/2601	7/20/21	RNAV (GPS) RWY 11, Amdt 2A.
4–Nov–21	WY	Pinedale	Ralph Wenz Fld	1/2603	7/20/21	RNAV (GPS) RWY 29, Amdt 2A.
4–Nov–21	WY	Pinedale	Ralph Wenz Fld	1/2607	7/20/21	NDB–A, Orig-A.
4–Nov–21	AZ	Nogales	Nogales Intl	1/2615	7/1/21	VOR/DME OR GPS–B, Amdt 2C.
4–Nov–21	AL	Eufaula	Weedon Fld	1/2810	7/26/21	RNAV (GPS) RWY 18, Amdt 1A.
4–Nov–21	AL	Eufaula	Weedon Fld	1/2813	7/26/21	RNAV (GPS) RWY 36, Amdt 1A.
4–Nov–21	AL	Eufaula	Weedon Fld	1/2815	7/26/21	VOR RWY 18, Amdt 8A.
4–Nov–21	AL	Eufaula	Weedon Fld	1/2819	7/26/21	VOR/DME RWY 36, Amdt 3A.
4–Nov–21	FL	Sarasota/Bradenton	Sarasota/Bradenton Intl	1/3100	7/22/21	VOR RWY 14, Amdt 18C.
4–Nov–21	FL	Sarasota/Bradenton	Sarasota/Bradenton Intl	1/3101	7/22/21	RNAV (GPS) RWY 32, Amdt 3C.
4–Nov–21	FL	Sarasota/Bradenton	Sarasota/Bradenton Intl	1/3102	7/22/21	RNAV (GPS) RWY 22, Amdt 2C.
4–Nov–21	FL	Sarasota/Bradenton	Sarasota/Bradenton Intl	1/3103	7/22/21	RNAV (GPS) RWY 14, Amdt 3C.
4–Nov–21	FL	Sarasota/Bradenton	Sarasota/Bradenton Intl	1/3104	7/22/21	RNAV (GPS) RWY 4, Amdt 2D.
4–Nov–21	FL	Sarasota/Bradenton	Sarasota/Bradenton Intl	1/3106	7/22/21	ILS OR LOC RWY 32, Amdt 8C.
4–Nov–21	FL	Sarasota/Bradenton	Sarasota/Bradenton Intl	1/3107	7/22/21	ILS OR LOC RWY 14, Amdt 6C.
4–Nov–21	GA	Camilla	Camilla-Mitchell County	1/3120	7/22/21	RNAV (GPS) RWY 26, Amdt 1B.
4–Nov–21	GA	Camilla	Camilla-Mitchell County	1/3121	7/22/21	RNAV (GPS) RWY 8, Amdt 1A.
4–Nov–21	PA	Monongahela	Rostraver	1/3126	7/22/21	RNAV (GPS) RWY 8, Amdt 1A.
4–Nov–21	PA	Monongahela	Rostraver	1/3127	7/22/21	RNAV (GPS) RWY 26, Orig-C.
4–Nov–21	WA	Omak	Omak	1/3338	6/25/21	GPS RWY 35, Orig.
4–Nov–21	VA	Moneta	Smith Mountain Lake	1/3934	8/24/21	RNAV (GPS) RWY 23, Orig-C.
4–Nov–21	IL	Paxton	Paxton	1/4506	7/20/21	RNAV (GPS) RWY 18, Orig-A.
4–Nov–21	IL	Paxton	Paxton	1/4507	7/20/21	VOR RWY 18, Amdt 2A.
4–Nov–21	MN	Moose Lake	Moose Lake Carlton County	1/5028	8/12/21	RNAV (GPS) RWY 4, Orig-A.
4–Nov–21	MN	Maple Lake	Maple Lake Muni-Bill Mavencamp Sr Fld.	1/5030	8/12/21	VOR–A, Amdt 4B.
4–Nov–21	GA	Cartersville	Cartersville	1/5032	8/16/21	VOR–A, Amdt 2C.
4–Nov–21	GA	Cartersville	Cartersville	1/5033	8/16/21	RNAV (GPS) RWY 19, Amdt 1B.
4–Nov–21	GA	Cartersville	Cartersville	1/5034	8/16/21	RNAV (GPS) RWY 1, Amdt 1B.
4–Nov–21	ME	Oxford	Oxford County Rgnl	1/5036	8/26/21	RNAV (GPS) RWY 33, Orig-C.
4–Nov–21	OR	Sunriver	Sunriver	1/5042	8/13/21	RNAV (GPS) RWY 18, Orig-D.
4–Nov–21	MI	Marshall	Brooks Fld	1/5077	7/20/21	RNAV (GPS) RWY 28, Orig-B.
4–Nov–21	MI	Marshall	Brooks Fld	1/5089	7/20/21	VOR/DME–A, Orig-A.
4–Nov–21	KS	Russell	Russell Muni	1/5093	7/20/21	VOR/DME–A, Amdt 5A.
4–Nov–21	KS	Russell	Russell Muni	1/5094	7/20/21	RNAV (GPS) RWY 17, Orig-A.
4–Nov–21	KS	Russell	Russell Muni	1/5096	7/20/21	RNAV (GPS) RWY 35, Orig-A.
4–Nov–21	CA	Hemet	Hemet-Ryan	1/5569	6/25/21	RNAV (GPS) RWY 5, Orig-D.
4–Nov–21	OH	Barnesville	Barnesville-Bradfield	1/5570	7/22/21	VOR/DME RWY 27, Orig-B.
4–Nov–21	GA	Madison	Madison Muni	1/5627	7/22/21	VOR/DME–A, Amdt 8A.
4–Nov–21	GA	Madison	Madison Muni	1/5628	7/22/21	RNAV (GPS) RWY 14, Orig-A.
4–Nov–21	AL	Fort Payne	Isbell Fld	1/5916	9/1/21	RNAV (GPS) RWY 4, Orig-A.
4–Nov–21	AL	Fort Payne	Isbell Fld	1/5917	9/1/21	RNAV (GPS) Y RWY 22, Orig-A.
4–Nov–21	CA	Oxnard	Oxnard	1/6006	8/27/21	ILS OR LOC RWY 25, Amdt 13C.
4–Nov–21	CA	Oxnard	Oxnard	1/6011	8/27/21	RNAV (GPS) RWY 7, Amdt 1A.
4–Nov–21	CA	Oxnard	Oxnard	1/6012	8/27/21	RNAV (GPS) RWY 25, Amdt 1B.
4–Nov–21	CA	Oxnard	Oxnard	1/6013	8/27/21	VOR RWY 25, Amdt 10C.
4–Nov–21	TN	Copperhill	Martin Campbell Fld	1/6400	7/22/21	RNAV (GPS) RWY 2, Orig-A.
4–Nov–21	NC	Roxboro	Raleigh Rgnl At Person County.	1/6725	8/16/21	RNAV (GPS) RWY 24, Orig-C.
4–Nov–21	NC	Roxboro	Raleigh Rgnl At Person County.	1/6726	8/16/21	RNAV (GPS) RWY 6, Orig-B.
4–Nov–21	NC	Roxboro	Raleigh Rgnl At Person County.	1/6727	8/16/21	ILS OR LOC RWY 6, Amdt 1C.
4–Nov–21	RI	Newport	Newport State	1/6899	9/1/21	LOC RWY 22, Amdt 7E.
4–Nov–21	RI	Newport	Newport State	1/6900	9/1/21	RNAV (GPS) RWY 16, Orig-C.
4–Nov–21	RI	Newport	Newport State	1/6901	9/1/21	VOR/DME RWY 16, Amdt 1C.
4–Nov–21	MA	Gardner	Gardner Muni	1/6997	7/22/21	VOR–A, Amdt 6A.
4–Nov–21	MA	Gardner	Gardner Muni	1/6998	7/22/21	RNAV (GPS)-B, Orig-B.
4–Nov–21	TX	San Antonio	San Antonio Intl	1/7447	8/16/21	ILS OR LOC RWY 13R, Amdt 14C.
4–Nov–21	TX	San Antonio	San Antonio Intl	1/7448	8/16/21	ILS OR LOC RWY 31L, Amdt 10C.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
4–Nov–21	TX	San Antonio	San Antonio Intl	1/7449	8/16/21	RNAV (GPS) Y RWY 31L, Amdt 1B.
4–Nov–21	TX	San Antonio	San Antonio Intl	1/7451	8/16/21	ILS OR LOC RWY 4, Amdt 22B.
4–Nov–21	TX	San Antonio	San Antonio Intl	1/7453	8/16/21	RNAV (GPS) Y RWY 22, Amdt 2B.
4–Nov–21	TX	San Antonio	San Antonio Intl	1/7454	8/16/21	RNAV (GPS) Y RWY 4, Amdt 3B.
4–Nov–21	TX	Weatherford	Parker County	1/7668	7/30/21	VOR/DME–A, Orig-A.
4–Nov–21	WI	Watertown	Watertown Muni	1/8241	7/19/21	NDB RWY 5, Amdt 1E.
4–Nov–21	WI	Watertown	Watertown Muni	1/8242	7/19/21	NDB RWY 23, Amdt 2A.
4–Nov–21	WI	Watertown	Watertown Muni	1/8244	7/19/21	RNAV (GPS) RWY 5, Orig-A.
4–Nov–21	WI	Watertown	Watertown Muni	1/8245	7/19/21	RNAV (GPS) RWY 11, Orig-A.
4–Nov–21	WI	Watertown	Watertown Muni	1/8246	7/19/21	RNAV (GPS) RWY 23, Orig-A.
4–Nov–21	WI	Watertown	Watertown Muni	1/8247	7/19/21	RNAV (GPS) RWY 29, Orig-A.
4–Nov–21	TX	Stamford	Arledge Fld	1/8265	9/1/21	RNAV (GPS) RWY 17, Orig-A.
4–Nov–21	TX	Stamford	Arledge Fld	1/8267	9/1/21	RNAV (GPS) RWY 35, Orig-A.
4–Nov–21	IA	Sheldon	Sheldon Rgnl	1/8276	9/1/21	RNAV (GPS) RWY 33, Amdt 1D.
4–Nov–21	WI	Milwaukee	Lawrence J Timmerman	1/8285	7/19/21	LOC RWY 15L, Amdt 6D.
4–Nov–21	WI	Milwaukee	Lawrence J Timmerman	1/8286	7/19/21	RNAV (GPS) RWY 4L, Orig-C.
4–Nov–21	WI	Milwaukee	Lawrence J Timmerman	1/8289	7/19/21	RNAV (GPS) RWY 15L, Orig-D.
4–Nov–21	WI	Milwaukee	Lawrence J Timmerman	1/8291	7/19/21	RNAV (GPS) RWY 22R, Orig-E.
4–Nov–21	TX	Fort Stockton	Fort Stockton-Pecos County	1/8309	7/19/21	RNAV (GPS) RWY 12, Amdt 1B.
4–Nov–21	TX	Fort Stockton	Fort Stockton-Pecos County	1/8310	7/19/21	RNAV (GPS) RWY 30, Amdt 1A.
4–Nov–21	TX	Fort Stockton	Fort Stockton-Pecos County	1/8311	7/19/21	VOR RWY 12, Amdt 8B.
4–Nov–21	PA	Erie	Erie Intl/Tom Ridge Fld	1/8422	9/7/21	RNAV (GPS) RWY 6, Amdt 1B.
4–Nov–21	PA	Erie	Erie Intl/Tom Ridge Fld	1/8423	9/7/21	RNAV (GPS) RWY 24, Amdt 1A.
4–Nov–21	GA	Montezuma	Dr C P Savage Sr	1/8507	7/22/21	RNAV (GPS) RWY 18, Orig-B.
4–Nov–21	NE	Tekamah	Tekamah Muni	1/8581	9/2/21	RNAV (GPS) RWY 33, Amdt 1.
4–Nov–21	PA	Franklin	Venango Rgnl	1/8785	7/22/21	ILS OR LOC RWY 21, Amdt 6B.
4–Nov–21	PA	Franklin	Venango Rgnl	1/8786	7/22/21	RNAV (GPS) RWY 21, Amdt 1B.
4–Nov–21	PA	Franklin	Venango Rgnl	1/8790	7/22/21	RNAV (GPS) RWY 3, Amdt 1C.
4–Nov–21	PA	Franklin	Venango Rgnl	1/8791	7/22/21	VOR RWY 21, Amdt 8B.
4–Nov–21	WI	Oconto	Oconto-J Douglas Bake Muni	1/8999	7/20/21	RNAV (GPS) RWY 29, Orig-A.
4–Nov–21	WI	Oconto	Oconto-J Douglas Bake Muni	1/9000	7/20/21	RNAV (GPS) RWY 11, Orig-A.
4–Nov–21	AZ	Winslow	Winslow-Lindbergh Rgnl	1/9049	6/25/21	VOR OR GPS RWY 11, Amdt 4C.
4–Nov–21	IA	Mount Pleasant	Mount Pleasant Muni	1/9054	7/20/21	RNAV (GPS) RWY 15, Orig-A.
4–Nov–21	IA	Mount Pleasant	Mount Pleasant Muni	1/9055	7/20/21	RNAV (GPS) RWY 33, Orig-A.
4–Nov–21	TX	Mexia	Mexia-Limestone County	1/9066	7/20/21	NDB–A, Amdt 4A.
4–Nov–21	TX	Mexia	Mexia-Limestone County	1/9067	7/20/21	RNAV (GPS) RWY 36, Orig-B.
4–Nov–21	TN	Livingston	Livingston Muni	1/9217	9/1/21	RNAV (GPS) RWY 21, Amdt 1A.
4–Nov–21	TN	Livingston	Livingston Muni	1/9218	9/1/21	RNAV (GPS) RWY 3, Amdt 1C.
4–Nov–21	TN	Livingston	Livingston Muni	1/9219	9/1/21	VOR/DME RWY 21, Amdt 5C.
4–Nov–21	MS	Lexington	C A Moore	1/9371	7/22/21	VOR/DME OR GPS–A, Orig-B.
4–Nov–21	AR	Decatur	Crystal Lake	1/9396	8/3/21	RNAV (GPS) RWY 13, Orig-A.
4–Nov–21	WY	Torrington	Torrington Muni	1/9401	8/6/21	GPS RWY 28, Orig-D.
4–Nov–21	WY	Torrington	Torrington Muni	1/9404	8/6/21	GPS RWY 10, Orig-D.
4–Nov–21	WY	Torrington	Torrington Muni	1/9409	8/6/21	NDB RWY 28, Amdt 2B.
4–Nov–21	MS	Booneville/Baldwyn	Booneville/Baldwyn	1/9575	7/22/21	VOR–A, AMDT 1A.
4–Nov–21	WI	Lake Geneva	Grand Geneva Resort	1/9585	7/15/21	RNAV (GPS) RWY 23, Orig-B.
4–Nov–21	OK	Hobart	Hobart Rgnl	1/9948	7/20/21	RNAV (GPS) RWY 35, Amdt 2.
4–Nov–21	OK	Hobart	Hobart Rgnl	1/9949	7/20/21	VOR RWY 35, Amdt 9.
4–Nov–21	OK	Hobart	Hobart Rgnl	1/9950	7/20/21	RNAV (GPS) RWY 17, Amdt 2.
4–Nov–21	KY	Georgetown	Georgetown-Scott County Rgnl.	1/9973	7/22/21	VOR RWY 3, Amdt 1A.
4–Nov–21	KY	Georgetown	Georgetown-Scott County Rgnl.	1/9974	7/22/21	RNAV (GPS) Y RWY 21, Orig-A.
4–Nov–21	KY	Georgetown	Georgetown-Scott County Rgnl.	1/9975	7/22/21	RNAV (GPS) RWY 3, Amdt 2A.
4–Nov–21	KY	Georgetown	Georgetown-Scott County Rgnl.	1/9977	7/22/21	RNAV (GPS) Z RWY 21, Amdt 2A.

[FR Doc. 2021–21470 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 389

[Docket No. RM21–20–000; Order No. 878]

OMB Control Numbers for Commission Information Collection Requirements

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission amends its regulations to provide that Office of Management and Budget control numbers for Commission information collection requirements will be available on the Commission's website.

DATES: This rule will become effective December 3, 2021.

FOR FURTHER INFORMATION CONTACT: Mark Hershfield, Office of the General Counsel, 888 First Street NE, Washington, DC 20426, (202) 502–8597, *mark.hershfield@ferc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

1. Pursuant to the Paperwork Reduction Act of 1995 [1] and Office of Management and Budget's (OMB) implementing regulations at 5 CFR Part 1320, the Commission is required to display OMB control numbers and expiration dates of those control numbers on Commission information collections and forms. The Commission also provides OMB control numbers in its regulations at 18 CFR 389.101. This rule amends that regulation by providing that OMB control numbers for Commission information collections will henceforth no longer be provided in the Commission's regulations but instead will be provided on the Commission's website.

II. Discussion

2. The purpose of this rule is to ensure that the public has the most current OMB control numbers for Commission information collections. Providing the OMB control numbers on the Commission's website is the most efficient and timely way to provide that information to the public. Therefore, rather than continually revising 18 CFR 389.101, the Commission will henceforth provide the public with the most up-to-date information on OMB control numbers at the Information Collections page at *https://www.ferc.gov* (*https://www.ferc.gov/enforcement-legal/legal/information-collections*). This rule accordingly revises 18 CFR 389.101 to direct the public to the Commission's website for OMB control numbers for Commission information collections.

III. Information Collection Statement

3. OMB approves certain information collection requirements imposed by agency rule.[2] However, this rule does not contain any new or additional information collection requirements. Therefore, compliance with OMB's regulations is not required.

IV. Environmental Analysis

4. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[3]

5. Part 380 of the Commission's regulations lists exemptions to the requirement to draft an Environmental Analysis or Environmental Impact Statement. Included is an exemption for procedural, ministerial, or internal administrative actions.[4] Accordingly, this rulemaking is exempt from the requirement to draft such documents under that provision.

V. Regulatory Flexibility Act

6. The Regulatory Flexibility Act of 1980 (RFA) [5] generally requires a description and analysis of final rules that will have a significant economic impact on a substantial number of small entities. This rule concerns a modification of current Commission regulations and practices, by directing the public to where OMB control numbers are located. The Commission certifies that it will not have a significant economic impact upon participants in Commission proceedings. An analysis under the RFA is therefore not required.

VI. Document Availability

7. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19).

8. The full text of this document is available on the Commission's Home Page, on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

9. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov*, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov*.

VII. Effective Date

10. The Commission is issuing this rule as a final rule without a period for public comment. Under 5 U.S.C. 553(b)(3)(A), notice-and-comment rulemaking procedures are unnecessary for ''rules of agency organization, procedure, or practice.'' This rule is therefore exempt from notice-and-comment rulemaking procedures, because it concerns the Commission's procedures and practices. In particular, the rule alters the means by which the Commission will provide the control numbers assigned by OMB to the Commission's information collection requirements. The rule will not significantly affect regulated entities or the general public.

11. This rule is effective December 3, 2021.

List of Subjects in 18 CFR Part 389

Reporting and recordkeeping requirements.

By the Commission.

Issued:

Debbie-Anne A. Reese,

Deputy Secretary.

In consideration of the foregoing, the Commission amends part 385, chapter I, title 18, *Code of Federal Regulations,* as follows:

PART 389—OMB CONTROL NUMBERS FOR COMMISSION INFORMATION COLLECTION REQUIREMENTS

■ 1. The authority citation for part 389 continues to read as follows:

[1] 44 U.S.C. 3501.

[2] 5 CFR 1320.12.

[3] *Regulations Implementing the National Environmental Policy Act,* Order No. 486, 52 FR 47897, FERC Stats. & Regs. ¶ 30,783 (Dec. 17, 1987).

[4] 18 CFR 380.4(a)(1).

[5] 5 U.S.C. 601–12. rule.

Authority: 44 U.S.C. 3501–3520.

■ 2. Revise § 389.101 to read as follows:

§ 389.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

This part concerns Office of Management and Budget (OMB) control numbers assigned to information collection requirements. Current OMB control numbers are available at *https://www.ferc.gov*. For the most current information, interested persons should consult the Commission's website under ''Enforcement Legal'' and then ''Legal'' and then ''Information Collections'' or directly at *https://www.ferc.gov/enforcement-legal/legal/information-collections*.

[FR Doc. 2021–21153 Filed 10–1–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1915

Incorporation by Reference; Notice of Corrections

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule; correcting amendments.

SUMMARY: OSHA is making minor corrections to the Incorporation by Reference (IBR) section for Maritime due to inadvertent mistakes in three final rules: Updating OSHA Standards Based on National Consensus Standards, Personal Protective Equipment; Updating OSHA Standards Based on National Consensus Standards, Eye and Face Protection; and Standards Improvement Project-Phase IV. The notice also updates contact information for a government agency and consensus organizations in the Incorporation by Reference section and adjusts the codification to meet Office of the Federal Register requirements.

DATES: Effective October 4, 2021.

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Frank Meilinger, Director, OSHA Office of Communications; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov*.

General and technical information: Amy Wangdahl, Director, Office of Maritime and Agriculture, OSHA Directorate of Standards and Guidance; telephone: (202) 693–2066; email: *wangdahl.amy@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Summary and Explanation

OSHA published three final rules containing inadvertent errors in the Incorporation by Reference section for Maritime, § 1915.5. The final rules were Updating OSHA Standards Based on National Consensus Standards, Personal Protective Equipment, published September 9, 2009 (74 FR 46350); Updating OSHA Standards Based on National Consensus Standards, Eye and Face Protection, published March 25, 2016 (81 FR 16085); and Standards Improvement Project-Phase IV, published May 14, 2019 (84 FR 21416). The agency is submitting this document to correct errors in these three final rules that included numerical and typographical errors, as well as move paragraph § 1915.5 (c) to paragraph (b)(3), so that all incorporation by reference (IBR) approval and contact language is contained in one paragraph (see 1 CFR part 51 and the Office of the Federal Register's (OFR's) IBR Handbook). In addition, this document updates the contact information for the National Archives and Records Administration (NARA) in former § 1915.5(c), National Safety Council in § 1915.5(d)(4) and (5), IHS Standards Store in § 1915.5(d)(6)(ii), (7)(ii) and (8)(ii), TechStreet Store in § 1915.5(d)(6)(iii), (7)(iii) and (8)(iii), International Safety Equipment Association (ISEA) in § 1915.5(d)(9) to (11), and American Society of Mechanical Engineers (ASME) in § 1915.5(e), American Conference of Governmental Industrial Hygienists (ACGIH) in § 1915.5(f), National Fire Protection Association (NFPA) in former § 1915.5(f)(1)(i), and ASTM International in § 1915.5(g). Paragraphs § 1915.5 (d)(7) and (d)(8) incorrectly cross-referenced part 1910 instead of part 1915. All of paragraph (f)(1)(i) was out of sequence and renumbered as paragraph (i). Table 1 summarizes the errors, omission, and updates by paragraph for § 1915.5. Additional revisions to meet Office of the Federal Register requirements, such as the removal of full paragraph citations for outlying sections, are included in the revision and republishing of § 1915.5.

TABLE 1—SUMMARY OF REVISIONS

Current language	Corrected language	Explanation
1915.5(b)(3)—Currently paragraph (c) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3508, Washington, DC 20210; telephone: 202–693–2350 (TTY number: 877–889–5627). These standards are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202–741–6030, or go to *www.archives.gov/federalregister/cfr/ibr-locations.html*.	1915.5(b)(3) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed elsewhere in this section for these private standards organizations. In addition, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3508, Washington, DC 20210; telephone: 202–693–2350 (TTY number: 877–889–5627). These standards are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, email *fr.inspection@nara.gov,* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html*.	Paragraph (c), which contains availability and contact information for OSHA, is redesignated paragraph (b)(3), so that all required approval and availability language is in a single paragraph, following OFR's IBR requirements. Update contact information for the NARA IBR.

TABLE 1—SUMMARY OF REVISIONS—Continued

Current language	Corrected language	Explanation
1915.5(d)(4) ANSI Z41–1999, American National Standard for Personal Protection-Protective Footwear; IBR approved for § 1915.156(b)(1)(ii). Copies of ANSI Z41–1999 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143–0558; telephone: 1–800–621–7619; fax: 708–285–0797; website: *http://www.nsc.org.*	1915.5(d)(4) ANSI Z41–1999, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1915.156(b). Copies of ANSI Z41–1999 are available for purchase only from the National Safety Council, 1121 Spring Lake Drive, Itasca, IL 60143–3201; telephone: (800) 621–7619; fax: 630–285–1434; website: *www.nsc.org.*	Remove full paragraph citations for outlying sections. Update contact information for the National Safety Council.
1915.5(d)(5) ANSI Z41–1991, American National Standard for Personal Protection-Protective Footwear; IBR approved for § 1915.156(b)(1)(iii). Copies of ANSI Z41–1991 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143–0558; telephone: 1–800–621–7619; fax: 708–285–0797; website: *http://www.nsc.org.*	1915.5(d)(5) ANSI Z41–1991, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1915.156(b). Copies of ANSI Z41–1991 are available for purchase only from the National Safety Council, 1121 Spring Lake Drive, Itasca, IL 60143–3201; telephone: (800) 621–7619; fax: 630–285–1434; website: *www.nsc.org.*	Remove full paragraph citations for outlying sections. Update contact information for the National Safety Council.
1915.5(d)(6)(ii), (7)(ii), and (8)(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: (877) 413–5184; website: *http://global.ihs.com;* or	1915.5(d)(6)(ii), (7)(ii), and (8)(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: (800) 447–2273; website: *https://global.ihs.com;* or	Update contact information for the IHS Standards Store.
1915.5(d)(6)(iii), (7)(iii), and (8)(iii) TechStreet Store, 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: (877) 699–9277; website: *http://techstreet.com.*	1915.5(d)(6)(iii), (7)(iii), and (8)(iii) TechStreet Store, 3025 Boardwalk Drive, Suite 220, Ann Arbor, MI 48108; telephone: (855) 999–9870; website: *www.techstreet.com.*	Update contact information for the TechStreet Store.
1915.5(d)(7) ANSI Z87.1–2003, Occupational and Educational Personal Eye and Face Protection Devices, approved June 19, 2003; IBR approved for § 1910.153(b). * * *	1915.5(d)(7) ANSI Z87.1–2003, Occupational and Educational Personal Eye and Face Protection Devices, approved June 19, 2003; IBR approved for § 1915.153(b). * * *	The 2016 revision (81 FR 16085, March 25, 2016) incorrectly changed this cross-reference from part 1915 to part 1910.
1915.5(d)(8) ANSI Z87.1–1989 (R–1998), Practice for Occupational and Educational Eye and Face Protection, Reaffirmation approved January 4, 1999; IBR approved for § 1910.153(b). * * *	1915.5(d)(8) ANSI Z87.1–1989 (R–1998), Practice for Occupational and Educational Eye and Face Protection, Reaffirmation approved January 4, 1999; IBR approved for § 1915.153(b). * * *	The 2016 revision (81 FR 16085, March 25, 2016) incorrectly changed this cross-reference from part 1915 to part 1910.
1915.5(d)(9) American National Standards Institute (ANSI) Z89.1–2009, American National Standard for Industrial Head Protection, approved January 26, 2009; IBR approved for § 1915.155(b)(1)(i). Copies of ANSI Z89.1–2009 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209–1762; telephone: 703–525–1695; fax: 703–528–2148; website: *www.safetyequipment.org.*	1915.5(d)(9) American National Standards Institute (ANSI) Z89.1–2009, American National Standard for Industrial Head Protection, approved January 26, 2009; IBR approved for § 1915.155(b). Copies of ANSI Z89.1–2009 are available for purchase only from the International Safety Equipment Association, 1101 Wilson Boulevard, Suite 1425, Arlington, VA 22209–1762; telephone: 703–525–1695; fax: 703–528–2148; website: *www.safetyequipment.org.*	Remove full paragraph citations for outlying sections. Update mailing address for the International Safety Equipment Association.
1915.5(d)(10) American National Standards Institute (ANSI) Z89.1–2003, American National Standard for Industrial Head Protection; IBR approved for § 1915.155(b)(1)(ii). Copies of ANSI Z89.1–2003 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209–1762; telephone: 703–525–1695; fax: 703–528–2148; website: *www.safetyequipment.org.*	1915.5(d)(10) American National Standards Institute (ANSI) Z89.1–2003, American National Standard for Industrial Head Protection; IBR approved for § 1915.155(b). Copies of ANSI Z89.1–2003 are available for purchase only from the International Safety Equipment Association, 1101 Wilson Boulevard, Suite 1425, Arlington, VA 22209–1762; telephone: 703–525–1695; fax: 703–528–2148; website: *www.safetyequipment.org.*	Remove full paragraph citations for outlying sections. Update mailing address for the International Safety Equipment Association.
1915.5(d)(11) American National Standards Institute (ANSI) Z89.1–1997, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements; IBR approved for § 1915.155(b)(1)(iii). Copies of ANSI Z89.1–1997 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209–1762; telephone: 703–525–1695; fax: 703–528–2148; website: *www.safetyequipment.org.*	1915.5(d)(11) American National Standards Institute (ANSI) Z89.1–1997, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements; IBR approved for § 1915.155(b). Copies of ANSI Z89.1–1997 are available for purchase only from the International Safety Equipment Association, 1101 Wilson Boulevard, Suite 1425, Arlington, VA 22209–1762; telephone: 703–525–1695; fax: 703–528–2148; website: *www.safetyequipment.org.*	Remove full paragraph citations for outlying sections. Update mailing address for the International Safety Equipment Association.

TABLE 1—SUMMARY OF REVISIONS—Continued

Current language	Corrected language	Explanation
1915.5(e) The following material is available for purchase from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017:	1915.5(e) American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, New York 10016; telephone: (800) 843–2763; email: *CustomerCare@asme.org;* website: *https://www.asme.org/codes-standards:*	Update contact information for ASME.
1915.5(f) The following material is available for purchase from the American Conference of Governmental Industrial Hygienists (ACGIH), 1014 Broadway, Cincinnati, OH 45202:	1915.5(f) American Conference of Governmental Industrial Hygienists (ACGIH), 3640 Park 42 Drive, Cincinnati, OH 45241; telephone: (513) 742–2020; website: *https://www.acgih.org/publications/:*	Update contact information for ACGIH.
1915.5(f)(1)(i) The following material is available for purchase from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269–9101:	1915.5(i) National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269–9101; telephone: (800) 344–3555; email: *orders@nfpa.org;* website: *https://www.nfpa.org/Codes-and-Standards:*	All of paragraph (i) is out of sequence following the publication of 84 FR 21416, May 14, 2019. Update the contact information for NFPA.
1915.5(g) Copies of the standards listed in this paragraph (g) are available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; telephone: 610–832–9585; fax: 610–832–9555; e-mail: *seviceastm.org;* website: *http://www.astm.org:*	1915.5(g) Copies of the standards listed in this paragraph (g) are available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; telephone: 610–832–9500; fax: 610–832–9555; email: *service@astm.org;* website: *www.astm.org:*	The email address in paragraph (g) was published incorrectly in 74 FR 46350, Sept. 9, 2009. Update the telephone number for ASTM International.

II. Exemption From Notice-and-Comment Procedures

OSHA has determined that these corrections are not subject to the procedures for public notice and comment specified in the Administrative Procedures Act (5 U.S.C. 553), and Section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)). This rulemaking only corrects minor errors and makes non-substantive codification changes. No stakeholder is likely to object to these corrections. Therefore, the agency finds good cause that public notice and comment are unnecessary within the meaning of 5 U.S.C. 553(b)(3)(B), 29 U.S.C. 655(b), and 29 CFR 1911.5.

List of Subjects for 29 CFR Part 1915

Incorporation by reference.

Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice pursuant to Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order 8–2020 (85 FR 58393 (Sept. 18, 2020)); 29 CFR part 1911; and 5 U.S.C. 553.

Signed at Washington, DC, on September 13, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

Amendment to Standard [corrected]

For the reasons set forth above, 29 CFR part 1915 is amended as follows:

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

■ 1. The authority citation for part 1915 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754); 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

■ 2. Revise and republish § 1915.5 to read as follows:

§ 1915.5 Incorporation by reference.

(a) Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part.

(b)(1) The standards listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with *5 U.S.C. 552(a)* and *1 CFR part 51*. To enforce any edition other than that specified in this section, OSHA must publish a document in the **Federal Register** and the material must be available to the public.

(2) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, DC 20210; telephone: 202–693–2350 (TTY number: 877–889–5627).

(3) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed elsewhere in this section for these private standards organizations. In addition, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3508, Washington, DC 20210; telephone: 202–693–2350 (TTY number: 877–889–5627). These standards are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA,

email *fr.inspection@nara.gov,* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(c) [Reserved]

(d) American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036; telephone: 212–642–4900; fax: 212–398–0023; website: *www.ansi.org://*

(1) ANSI A14.1–1975 Safety Requirements for Portable Wood Ladders, IBR approved for *§ 1915.72(a).*

(2) ANSI A14.2–1972 Safety Requirements for Portable Metal Ladders, IBR approved for *§ 1915.72(a).*

(3) ANSI B7.1–1964 Safety Code for the Use, Care, and Protection of Abrasive Wheels, IBR approval for *§ 1915.134(c).*

(4) ANSI Z41–1999, American National Standard for Personal Protection—Protective Footwear; IBR approved for *§ 1915.156(b).* Copies of ANSI Z41–1999 are available for purchase only from the National Safety Council, 1121 Spring Lake Drive, Itasca, IL 60143–3201; telephone: (800) 621–7619; fax: 630–285–1434; website: *www.nsc.org.*

(5) ANSI Z41–1991, American National Standard for Personal Protection—Protective Footwear; IBR approved for *§ 1915.156(b).* Copies of ANSI Z41–1991 are available for purchase only from the National Safety Council, 1121 Spring Lake Drive, Itasca, IL 60143–3201; telephone: (800) 621–7619; fax: 630–285–1434; website: *www.nsc.org.*

(6) ANSI/ISEA Z87.1–2010, Occupational and Educational Personal Eye and Face Protection Devices, approved April 13, 2010; IBR approved for § 1915.153(b). Copies are available for purchase from:

(i) ANSI Webstore, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: (212) 642–4980; website: *https://webstore.ansi.org;*

(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: (800) 447–2273; website: *https://global.ihs.com;* or

(iii) TechStreet Store, 3025 Boardwalk Drive, Suite 220, Ann Arbor, MI 48108; telephone: (855) 999–9870; website: *www.t*echstreet.com.

(7) ANSI Z87.1–2003, Occupational and Educational Personal Eye and Face Protection Devices, approved June 19, 2003; IBR approved for § 1915.153(b). Copies available for purchase from the:

(i) ANSI Webstore, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: (212) 642–4980; website: *https://webstore.ansi.org/;*

(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: (800) 447–2273; website: *https://global.ihs.com;* or

(iii) TechStreet Store, 3025 Boardwalk Drive, Suite 220, Ann Arbor, MI 48108; telephone: (855) 999–9870; website: *www.techstreet.com.*

(8) ANSI Z87.1–1989 (R–1998), Practice for Occupational and Educational Eye and Face Protection, Reaffirmation approved January 4, 1999; IBR approved for § 1915.153(b). Copies are available for purchase from:

(i) ANSI Webstore, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: (212) 642–4980; website: *https://webstore.ansi.org/;*

(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: (800) 447–2273; website: *https://global.ihs.com;* or

(iii) TechStreet Store, 3025 Boardwalk Drive, Suite 220, Ann Arbor, MI 48108; telephone: (855) 999–9870; website: *www.techstreet.com.*

(9) American National Standards Institute (ANSI) Z89.1–2009, American National Standard for Industrial Head Protection, approved January 26, 2009; IBR approved for § 1915.155(b). Copies of ANSI Z89.1–2009 are available for purchase only from the International Safety Equipment Association, 1101 Wilson Boulevard, Suite 1425, Arlington, VA 22209–1762; telephone: 703–525–1695; fax: 703–528–2148; website: *www.safetyequipment.org.*

(10) American National Standards Institute (ANSI) Z89.1–2003, American National Standard for Industrial Head Protection; IBR approved for § 1915.155(b). Copies of ANSI Z89.1–2003 are available for purchase only from the International Safety Equipment Association, 1101 Wilson Boulevard, Suite 1425, Arlington, VA 22209–1762; telephone: 703–525–1695; fax: 703–528–2148; website: *www.safetyequipment.org.*

(11) American National Standards Institute (ANSI) Z89.1–1997, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements; IBR approved for § 1915.155(b). Copies of ANSI Z89.1–1997 are available for purchase only from the International Safety Equipment Association, 1101 Wilson Boulevard, Suite 1425, Arlington, VA 22209–1762; telephone: 703–525–1695; fax: 703–528–2148; website: *www.safetyequipment.org.*

(12) ANSI/IESNA RP–7–01, Recommended Practice for Lighting Industrial Facilities, ANSI approved July 26, 2001, IBR approved for *§ 1915.82(a).*

(13) ANSI/ISEA Z308.1–2009, Revision of ANSI Z308.1–2003, Minimum Requirements for Workplace First Aid Kits and Supplies, ANSI approved May 8, 2009, IBR approved for *§ 1915.87* Appendix A.

Note 1 to paragraph (d): Unless otherwise indicated, all standards in this paragraph (d) are available from ANSI.

(e) American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, New York 10016; telephone: (800) 843–2763; email: *CustomerCare@asme.org;* website: *https://www.asme.org/codes-standards:*

(1) ASME Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963, IBR approved for *§ 1915.172(a).*

(2) [Reserved]

(f) American Conference of Governmental Industrial Hygienists (ACGIH), 3640 Park 42 Drive, Cincinnati, OH 45241; telephone: (513) 742–2020; website: *https://www.acgih.org/publications/:*

(1) Threshold limit values, 1970, IBR approved for *§§ 1915.12(b)* and *1915.1000,* table Z.

(2) [Reserved]

(g) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; telephone: 610–832–9500; fax: 610–832–9555; email: *service@astm.org;* website: *www.astm.org:*

(1) ASTM F–2412–2005, Standard Test Methods for Foot Protection; IBR approved for *§ 1915.156(b).*

(2) ASTM F–2413–2005, Standard Specification for Performance Requirements for Protective Footwear; IBR approved for *§ 1915.156(b).*

(h) International Labour Organization (ILO), 4 route des Morillons, CH–1211 Genève 22, Switzerland; telephone: +41 (0) 22 799 6111; fax: +41 (0) 22 798 8685; website: *www.ilo.org/.*

(1) Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses, Revised Edition 2011, Occupational safety and health series; 22 (Rev. 2011), IBR approved for *§ 1915.1001.*

(2) [Reserved]

(i) National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269–9101; telephone: (800) 344–3555; email: *orders@nfpa.org;* website: *https://www.nfpa.org/Codes-and-Standards:*

(1) NFPA 1981–2002 Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services, IBR approved for *1915.505(e).*

(2) NFPA 1971–2000, Standard on Protective Ensemble for Structural Fire Fighting, IBR approved for *§ 1915.505(e).*

(3) NFPA 1976–2000, Standard on Protective Ensemble for Proximity Fire

Fighting, IBR approved for *§ 1915.505(e).*

(4) NFPA 1982–1998, Standard on Personal Alert Safety Systems (PASS), IBR approved for *§ 1915.505(e).*

(5) NFPA 1983–2001, Standard on Fire Service Life Safety Rope and System Components, IBR approved for *§ 1915.505(e).*

(6) NFPA 10–2002 Standard for Portable Fire Extinguishers, IBR approved for § 1915.507(b).

(7) NFPA 14–2003 Standard for the Installation of Standpipe and Hose Systems, IBR approved for *§§ 1915.507(b)* and (d).

(8) NFPA 72–2002 National Fire Alarm Code, IBR approved for *§ 1915.507(c).*

(9) NFPA 13–2002 Standard for the Installation of Sprinkler Systems, IBR approved for *§ 1915.507(d).*

(10) NFPA 750–2003 Standard on Water Mist Fire Protection Systems, IBR approved for *§ 1915.507(d).*

(11) NFPA 25–2002, Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, IBR approved for *§ 1915.507(d).*

(12) NFPA 15–2001, Standard for Water Spray Fixed Systems for Fire Protection, IBR approved for *§ 1915.507(d).*

(13) NFPA 11–2005 Standard for Low-, Medium-, and High-Expansion Foam, IBR approved for *§ 1915.507(d).*

(14) NFPA 17–2002, Standard for Dry Chemical Extinguishing Systems, IBR approved for *§ 1915.507(d).*

(15) NFPA 12–2005, Standard on Carbon Dioxide Extinguishing Systems, IBR approved for *§ 1915.507(d).*

(16) NFPA 12A–2004, Standard on Halon 1301 Fire Extinguishing Systems, IBR approved for *§ 1915.507(d).*

(17) NFPA 2001–2004, Standard on Clean Agent Fire Extinguishing Systems, IBR approved for *§ 1915.507(d).*

(18) NFPA 1403–2002, Standard on Live Fire Training Evolutions, IBR approved for *§ 1915.508(d).*

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DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 507

[Docket ID: USA–2018–HQ–0016]

RIN 0702–AA70

Manufacture, Sale, Wear, and Quality Control of Heraldic Items

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

ACTION: Final rule.

SUMMARY: The Department of the Army is finalizing its regulation describing the Army Heraldic Quality Control Program and the certification process for manufacturers in order to make Military Insignia. The rule establishes procedures governing the manufacture, commercial sale, reproduction, possession, and wear of military decorations, medals, badges, insignia and their components and appurtenances also discussed is the five-year renewal period for manufacturer certification and insignia authorizations and the procedure for authorizing the use of insignia on commercial items.

DATES: This rule is effective on November 3, 2021.

FOR FURTHER INFORMATION CONTACT: Charles V. Mugno, Office of the Administrative Assistant to the Secretary of the Army, Director of the Institute of Heraldry, (571) 515–0320.

SUPPLEMENTARY INFORMATION:

I. Background

a. This final rule revises the Department of the Army's (DA) regulation, 32 Code of Federal Regulations (CFR) part 507, for implementing the Army Heraldic Quality Control Program which was last published on May 18, 1998 (63 FR 27208). The revisions being finalized include a procedural change to manufacturer certification and insignia authorizations which add a five-year renewal period for manufacturer certification and insignia authorizations. This change insures the manufacturing base is current and insignia is periodically examined for quality. The second change is to the approving authority for the use of insignia images in commercial items. Pursuant to Title 10 U.S.C. 2260, Licensing of intellectual property: Retention of fees, the Secretary of the Army established the Army Trademark Licensing Program in 2006, formalizing the process for the licensing of marks owned by the Department of the Army, including heraldic insignia and other collective marks.

The authorities for this rule are 10 U.S.C. 7594; 15 U.S.C. 1051 *et seq.;* 10 U.S.C. 2260; 18 U.S.C. 701, 704; 36 U.S.C. 901. Title 10 U.S.C. 7594 grants the Secretary of the Army the authority to design flags, insignia, badges, medals, seals, decorations, guidons, streamers, finial pieces for flagstaffs, buttons, buckles, awards, trophies, marks, emblems, rosettes, scrolls, braids, ribbons, knots, tabs, cords and similar items for other military departments and to advise other Federal departments and agencies on matters of heraldry. Title 15 U.S.C. 1051 *et seq.* is the statutory basis for the ownership and control of trademarks, service marks, certification marks, and collective marks. Title 10 U.S.C. 2260 grants the Secretary of the Army the authority to license trademarks, service marks, certification marks, and collective marks owned or controlled by the Secretary of the Army. Title 18 U.S.C. 701 states manufacturing, selling and possession of any badge, identification card or insignia prescribed by the head of any department or agency of the United States is unlawful unless authorized by regulations made pursuant to law. Title 18 U.S.C. 704, also known as the ''Stolen Valor Act'' makes it illegal for a person to fraudulently claim having received a valor award specified in the Act, with the intention of obtaining money, property, or other tangible benefit by convincing another that he or she received the award. Title 36 U.S.C. 901 grants authority to the Secretary of Defense to approve a service flag and lapel button for display by members of the immediate family of an individual serving in the Armed Forces of the United States during any period of war or hostilities in which the armed forces are engaged. Persons must apply to the Secretary of Defense for a license to manufacture and sell the approved service flag. That authority was delegated in DoD Manual 1348.33 to the Secretary of the Army. (Available at *https://www.esd.whs.mil/Directives/issuances/dodm/.*)

II. Summary of Major Provisions

Subpart A—Introduction. Includes discussion on purpose and applicability; references; provides a list of definitions, terms, and abbreviations; responsibly; outlines the responsibilities for the implementation of the program; statutory authority; identifies and defines the applicable statutes.

Subpart B—Manufacture and Sale of Decorations, Badges, and Insignia includes discussion on the process to become a certified manufacturer; provides requirements for the certification of insignia; discusses process to incorporate designs in commercial articles; discusses the possession and wear of decoration, service medal, badge, service ribbon, lapel button, or insignia.

Subpart C—Heraldic Quality Control Program discusses the program and the controlled heraldic items that fall under the program and identified insignia that are not authorized for commercial sale. This subpart also discusses penalties for

violating the Quality Control Program and how complaints are processed.

Subpart D—License and Manufacture of the Service Flag and Service Lapel Button describes the application process for approval to make the Service Flag and Service Lapel Button.

III. Comments and Responses

The proposed rule was published in the **Federal Register** on June 12, 2020 (85 FR 35846–35852) for a 60-day comment period. The Department of the Army received 1 comment. The comment was not pertinent to the rule, so no action was taken and this rule is being finalized with no changes from the proposed rule.

Expected Impact of the Final Rule

This rule facilitates the Department of the Army Heraldic Quality Control Program and the manufacturing of all military decorations, medals, badges, insignia and their components and appurtenances. The manufacturer certification process requires the manufacturer to submit four samples of insignia to show they have the capability to make insignia in accordance with government specifications. The submitted samples have a negligible value, under ten dollars, and less than five manufactures apply each year. The recertification process consists of a review of a manufacturer's performance during the certification period. There is no cost to the manufacturer for the review and recertification process.

B. Regulatory Reviews

Regulatory Flexibility Act

The Department of the Army does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule is not creating any new requirements for manufacturers of military insignia.

Unfunded Mandates Reform Act

The Department of the Army certifies that this action does not include a mandate that may result in estimated costs to State, local or tribal governments in the aggregate or the private sector of $100 million or more.

Congressional Review Act, 5 U.S.C. 804(2)

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as amended 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. The DoD will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

National Environmental Policy Act

The Department of the Army has determined that this action is not covered under the National Environmental Policy Act because the rule is not a major Federal action that significantly affects the quality of the human environment.

Paperwork Reduction Act

The Department of the Army has determined that the Paperwork Reduction Act does not apply. Manufacturers wanting to be certified provide general information already available to the public about the company such as name, address, points of contact, contact information and the type of insignia they want to produce. Annually, fewer than five manufacturers request certification.

Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)

The Department of the Army has determined that Executive Order 12630 does not apply because the rule does not impair private property rights.

Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). In accordance with the provisions of Executive Order 12866, this is not significant rule and was not reviewed by the Office of Management and Budget.

Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)

The Department of the Army has determined that Executive Order 13045 does not apply because this substantive action in rulemaking is neither economically significant nor does the action concern environment health or safety risks that may disproportionally affect children.

Executive Order 13132 (Federalism)

The Department of the Army has determined that Executive Order 13132 does not apply because this rule will not have a substantial effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among various levels of government.

List of Subjects in 32 CFR Part 507

Decorations, medals, awards.

■ For reasons discussed in the preamble, the Department of the Army revises 32 CFR part 507 to read as follows:

PART 507—MANUFACTURE, SALE, WEAR, AND QUALITY CONTROL OF HERALDIC ITEMS

Subpart A—Introduction

Sec.
507.1 Purpose.
507.2 References.
507.3 Explanation of abbreviations and terms.
507.4 Responsibilities.
507.5 Statutory authority.

Subpart B—Manufacture and Sale of Decorations, Badges, and Insignia

507.6 Authority to manufacture.
507.7 Certification of controlled heraldic items.
507.8 Authority to sell.
507.9 Reproduction of designs.
507.10 Incorporation of designs or likenesses of approved designs in commercial articles.
507.11 Possession and wear.

Subpart C—Heraldic Quality Control Program

507.12 General.
507.13 Controlled heraldic items.
507.14 Articles not authorized for manufacture or commercial sale.
507.15 Violations and penalties.
507.16 Processing complaints of alleged breach of policies.

Subpart D—License and Manufacture of the Service Flag and Service Lapel Button

507.17 Authority to manufacture.
507.18 Application for licensing.

Authority: 10 U.S.C. 7594; 18 U.S.C 701, 704; 36 U.S.C. 901.

Subpart A—Introduction

§ 507.1 Purpose.

This part prescribes the Department of the Army policy governing the manufacture, commercial sale, reproduction, possession, and wear of

military decorations, medals, badges, insignia, and their components and appurtenances. It also establishes the Heraldic Quality Control Program to improve the appearance of the Army by controlling the quality of heraldic items purchased from commercial sources.

§ 507.2 References.

Related publications are listed in paragraphs (a) through (d) of this section. (A related publication is merely a source of additional information. The user does not have to read it to understand this part.)

(a) Department of Defense Manual 1348.33, Volume 3, Manual of Military Decorations and Awards: DoD-Wide Personal Performance and Valor Decorations. (Available at *https://www.esd.whs.mil/Directives/issuances/dodm/*).

(b) Army Regulation 360–1, Army Public Affairs Program. (Available at *https://armypubs.army.mil/ProductMaps/PubForm/AR.aspx*).

(c) Army Regulation 670–1, Wear and Appearance of Army Uniforms and Insignia. (Available at *https://armypubs.army.mil/ProductMaps/PubForm/AR.aspx*).

(d) Army Regulation 840–1, Department of the Army Seal, and Emblem and Branch of Service Plaques. (Available at *https://armypubs.army.mil/ProductMaps/PubForm/AR.aspx*).

(e) Army Regulation 27–60, Intellectual Property. (Available at *https://armypubs.army.mil/ProductMaps/PubForm/AR.aspx*).

§ 507.3 Explanation of abbreviations and terms.

(a) *Abbreviations.* (1) CFR—Code of Federal Regulations.

(2) DA—Department of the Army.

(3) DAASA—Deputy Administrative Assistant to the Secretary of the Army.

(4) DLA—Defense Logistics Agency.

(5) DUI—Distinctive unit insignia.

(6) ID—Identification

(7) MCS—Military Clothing Store.

(8) RDI—Regimental Distinctive Insignia.

(9) ROTC—Reserve Officers' Training Corps.

(10) SSI—Shoulder sleeve insignia.

(11) TIOH—The Institute of Heraldry.

(12) U.S.C.—United States Code.

(b) *Terms*—(1) *Appurtenances.* Devices such as stars, letters, numerals, or clasps worn on the suspension ribbon of the medal, or on the ribbon bar that indicate additional awards, participation in specific events, or other distinguishing characteristics of the award.

(2) *Awards.* An all-inclusive term that consists of any decoration, medal, badge, ribbon, or appurtenance bestowed on an individual or unit.

(3) *Badge.* An award given to an individual for identification purposes or that is awarded for attaining a special skill or proficiency. Certain badges are available in full, miniature, and dress miniature sizes.

(4) *Cartoon.* A drawing, six times actual size, showing placement of stitches, color of yarn and number of stitches.

(5) *Certified manufacturer.* A manufacturer who demonstrated the capability to manufacture controlled heraldic items according to Government standards.

(6) *Certificate of authority to manufacture.* A certificate assigning manufacturers a hallmark and authorizing manufacture of heraldic items.

(7) *Decoration.* An award given to an individual as a distinctively designed mark of honor denoting heroism or meritorious or outstanding service or achievement.

(8) *Die.* The block of steel that is used to form a metal insignia and is the intricate three dimensional reversed design of the insignia cut into the surface of a block of steel.

(9) *Hallmark.* A distinguishing mark consisting of a letter and numbers assigned to certified manufacturers for use in identifying manufacturers of insignia.

(10) *Heraldic items.* All items worn on the uniform to indicate unit, skill, branch, award or identification and for which a design has been established by TIOH on an official drawing.

(11) *Heraldic Quality Control Program.* A program that improves the public image of the Army by controlling the quality of insignia purchased from commercial sources.

(12) *Hub.* The block of steel that is used to form a die and is the intricate three dimensional raised design of the insignia cut into the surface of a block of steel.

(13) *Lapel button.* A miniature enameled replica of an award, which is worn only on civilian clothing.

(14) *Letter of agreement.* A letter signed by manufacturers before certification, stating that the manufacturer agrees to produce heraldic items in accordance with specific requirements.

(15) *Letter of authorization.* A letter issued by TIOH that authorizes the manufacture of a specific heraldic item after quality assurance inspection of a preproduction sample.

(16) *Medal.* An award issued to an individual for the performance of certain duties, acts, or services, consisting of a suspension ribbon made in distinctive colors and from which hangs a medallion.

(17) *Rosette.* A lapel device created from gathering the suspension ribbon of a medal into a circular shape. The device is worn on the lapel of civilian clothing.

(18) *Service medal.* An award made to personnel who participated in designated wars, campaigns, or expeditions or who have fulfilled specified service requirements in a creditable manner.

(19) *Tools.* The generic term used for hubs, dies, cartoons, and drawings used in the manufacture of heraldic items.

(20) *Unit award.* An award made to an operating unit, which is worn by members of that unit who participated in the cited action (permanent unit award).

§ 507.4 Responsibilities.

The Director of The Institute of Heraldry (TIOH) will—

(a) Monitor the overall operation of the Heraldic Quality Control Program.

(b) Establish policy and procedures to:

(1) Certify manufacturers of insignia and plaques.

(2) Control the manufacture and quality assurance of military decorations, the DA seal and emblem, Branch of Service plaques, and other heraldic items.

(3) Grant certificates of authority for the manufacture and commercial sale of Service flags and Service lapel buttons.

(4) Provide heraldic services to the Executive branch, Department of Defense, and other Federal agencies on a reimbursable basis.

(5) Provide advisory opinions on the use of Army heraldic items for licensing or other commercial purposes (for example, the Army Emblem, Army Flag, unit insignia, and items approved for wear on uniforms), at the request of the Army Trademark Licensing Program.

§ 507.5 Statutory authority.

(a) The manufacture, commercial sale, possession, and reproduction of badges, identification cards, insignia, or other designs prescribed by the head of a U.S. department or agency, or colorable imitations of them, are governed by Title 18, United States Code, section 701 (18 U.S.C. 701).

(b) The wear, manufacture, and commercial sale of military decorations, medals, badges, and their components and appurtenances, or colorable imitations thereof, are governed by 18 U.S.C. 704.

(c) The Army's providing heraldic services to other Military departments and Federal agencies is governed by 10 U.S.C. 7594.

(d) The display of and license to manufacture and sell the approved Service flag or Service lapel button is governed by 36 U.S.C. 901.

(e) The ownership and licensing of trademarks, service marks, and collective marks such as DUI, RDI, SSI, and other Army-owned heraldic insignia are governed by 15 U.S.C. 1051 *et seq.,* and 10 U.S.C. 2260.

Subpart B—Manufacture and Sale of Decorations, Badges, and Insignia

§ 507.6 Authority to manufacture.

(a) Only manufacturers that TIOH has certified and has issued a certificate of authority to may produce heraldic items.

(1) TIOH will issue a certificate of authority to manufacturers who can demonstrate they have the capability to manufacture controlled heraldic items according to Government specifications or purchase descriptions through the certification process.

(2) The certificate of authority to manufacture is applicable only for the individual, firm, or corporation indicated and will be valid for 5 years.

(3) TIOH will assign a hallmark to each certified manufacturer. All controlled heraldic items manufactured for commercial sale will bear the manufacturer's hallmark.

(4) TIOH exclusively uses the ''IOH'' hallmark for the development of new controlled heraldic items; it is not authorized for use on items for commercial sale.

(b) A certificate of authority to manufacture may be revoked or suspended under the procedures prescribed in § 507.16.

(c) A list of certified manufacturers is on the TIOH web page at *https://tioh.army.mil/.*

§ 507.7 Certification of controlled heraldic items.

(a) The manufacture and commercial sale of controlled heraldic items are not authorized until the certified manufacturer receives a letter of authorization from TIOH. Manufacturers who want to manufacture and sell controlled heraldic items must submit four production samples of each item to TIOH for authorization. If TIOH approves the production samples, it will provide a letter of authorization to manufacture along with one certified production sample to the manufacturer. Letters of authorization for certified heraldic items are valid for 5 years.

(b) The Director of TIOH may revoke or suspend a letter of authorization for failure to manufacture the heraldic item in accordance with applicable Government specifications.

§ 507.8 Authority to sell.

No certificate of authority to manufacture is required for selling controlled heraldic items listed in § 507.13. However, all sellers must ensure that all articles they sell bear hallmarks assigned by TIOH and are manufactured by certified manufacturers in conformance with applicable Government specifications.

§ 507.9 Reproduction of designs.

(a) The photographing or printing of any decoration, service medal, service ribbon, badge, lapel button, insignia, or other device of a design the Secretary of the Army has prescribed for members of the Army to use is authorized, provided that such reproduction does not discredit the U.S. Army and is not used to defraud or misrepresent the identification or status of an individual, organization, society, or other group of persons.

(b) The making or executing in any manner of any engraving, impression, or colorable imitation in the likeness of any decoration, service medal, service ribbon, badge, lapel button, insignia, or other device of a design the Secretary of the Army has prescribed for members of the Army to use is prohibited without prior approval in writing from the Army Trademark Licensing Program.

(c) Except when used to illustrate a particular article that is offered for commercial sale, Army Regulation 360–1, paragraph 8–9e, prohibits the use of Army themes, material, uniforms, or insignia in advertisements and promotions for entertainment-oriented products that could imply Army endorsement of the product. Direct requests to the Chief, Public Affairs (SAPA–ZA), 1500 Army Pentagon, Washington, DC 20310–1500.

§ 507.10 Incorporation of designs or likenesses of approved designs in commercial articles.

(a) Federal law and Army policy restrict the use of military designs. The manufacture of articles for commercial sale that incorporate designs or likenesses of decorations, service medals, service ribbons, and lapel buttons is prohibited. Certain designs or likenesses of insignia, such as badges or organizational insignia, may be incorporated in articles manufactured for commercial sale, provided that the Army Trademark Licensing Program has granted permission in writing as specified in paragraph (b) of this section.

(b) The Army Trademark Licensing Program is responsible for reviewing requests for permission to incorporate certain insignia and other Army-owned marks in articles manufactured for commercial sale. Requests should be directed to the Director, Army Trademark Licensing Program, 2530 Crystal Drive, Suite 12140, Arlington, VA 22202–3934.

§ 507.11 Possession and wear.

(a) The wearing of any decoration, service medal, badge, service ribbon, lapel button, or insignia that the Army has prescribed or authorized by any person not properly authorized to wear such device or the use of any decoration, service medal, badge, service ribbon, lapel button, or insignia to misrepresent the identification or status of the person by whom such is worn is prohibited. Any person who violates this paragraph (a) is subject to punishment as prescribed in the statutes referred to in § 507.5.

(b) Mere possession by a person of any of the articles prescribed in § 507.13 (except identification cards) is authorized, provided that such possession is not used to defraud or misrepresent the identification or status of the individual concerned.

(c) Articles specified in § 507.13, or any distinctive parts (including suspension ribbons and service ribbons) or colorable imitations thereof, will not be used by any organization, society, or other group of persons without prior approval in writing by the Army Trademark Licensing Program as specified in § 507.10(b).

Subpart C—Heraldic Quality Control Program

§ 507.12 General.

The Heraldic Quality Control Program provides a method for ensuring that controlled heraldic items are manufactured by certified manufacturers in accordance with Government specifications. The design of metal insignia will be an exact duplicate of the design of the Government die or loaned hub from which the certified manufacturer's working die is extracted. The design of textile insignia will be embroidered in accordance with Government-furnished specification and cartoon.

§ 507.13 Controlled heraldic items.

(a) Controlled heraldic items will be manufactured in accordance with Government specifications, using Government loaned hubs, dies, or cartoons, by TIOH-certified manufacturers.

(b) The heraldic items listed in paragraphs (b)(1) through (13) of this section are controlled and authorized for manufacture and commercial sale

under the Heraldic Quality Control Program when specifically authorized by TIOH.

(1) All authorized appurtenances and devices for decorations, medals, and ribbons such as oak leaf clusters, service stars, arrowheads, ''V'' device, and clasps.

(2) Combat, special skill, and qualification badges and bars.

(3) Identification badges.

(4) All approved Shoulder Sleeve Insignia.

(5) All approved Distinctive Unit Insignia.

(6) All approved Regimental Distinctive Insignia.

(7) All approved Combat Service Identification Badges.

(8) Fourragères and lanyards.

(9) Lapel buttons.

(10) Decorations, service medals, and ribbons, except for the Medal of Honor.

(11) Replicas of decorations and service medals for grave markers. Replicas are to be at least twice the size prescribed for decorations and service medals.

(12) Service ribbons and unit awards.

(13) Rosettes, except for the Medal of Honor.

(c) Deviations from the prescribed specifications for the items listed in paragraph (b) of this section are not permitted without prior approval, in writing, by TIOH.

(d) Hubs, dies, and cartoons are not provided to manufacturers for the following items. However, manufacturing will be in accordance with the Government-furnished drawing.

(1) Shoulder Loop Insignia, Reserve Officers' Training Corps (ROTC), U.S. Army.

(2) Institutional SSI, ROTC, U.S. Army.

(3) Background trimming/flashes, U.S. Army.

(4) Hand-embroidered bullion insignia.

§ 507.14 Articles not authorized for manufacture or commercial sale.

The following articles are not authorized for manufacture and commercial sale, except under contract with the Defense Logistics Agency, Troop Support (DLA Troop Support):

(a) The Medal of Honor.

(b) Service ribbon for the Medal of Honor.

(c) Medal of Honor Rosette.

(d) Medal of Honor Flag.

(e) Military Department Service flags (prescribed in Army Regulation 840–10).

(f) Articles for commercial sale that incorporate designs or likenesses of insignia listed in § 507.13, except when authorized in writing by the Army Trademark Licensing Program as specified in § 507.10(b).

§ 507.15 Violations and penalties.

(a) TIOH will revoke a certificate of authority to manufacture when the holder intentionally violates any of the provisions of this part or does not comply with the agreement the manufacturer signed to receive a certificate.

(b) Violations are also subject to penalties as prescribed in the statutes referred to in § 507.5.

(c) Repetition or continuation of violations after official notice will be deemed as corroborating evidence of intentional violation.

§ 507.16 Processing complaints of alleged breach of policies.

(a) *Suspension or revocation of a certificate of authority to manufacture.* TIOH may suspend or revoke a certificate of authority to manufacture if the manufacturer breaches quality control policies. The term ''quality control policies'' includes the obligation of a manufacturer to produce insignia in accordance with all applicable Government specifications, manufacturing drawings, and cartoons and other applicable instructions TIOH provided. Breaches of quality control policies may be identified by TIOH through the Quality Control Inspection Program or through registered complaints to TIOH.

(b) *Reporting alleged breach of quality control.* Complaints and reports of an alleged breach of quality control policies will be forwarded to the Director, The Institute of Heraldry, 9325 Gunston Road, Room S113, Fort Belvoir, VA 22060–5579.

(c) *Informal investigation of allegations.* The Director may decide to suspend or revoke a certificate of authority to a manufacture based on evidence gathered during a TIOH heraldic quality control inspection or from a registered complaint. The Director may initiate an informal investigation of an allegation of breach(es) of the heraldic quality control policy.

(d) *Heraldic Quality Control Inspection Program.* (1) TIOH will conduct periodic quality control inspections of on hand stocks of heraldic items maintained by:

(i) Exchange military clothing stores.

(ii) Certified manufacturers.

(2) Upon completion of quality control inspections, TIOH will provide a report of deficiencies to the appropriate retail outlet or Commander, DLA Troop Support, and the certified manufacturer responsible for the production of the item. The notification to the manufacturer will require assurances of compliance with quality control policies. The report of deficiencies will be reviewed upon recertification of the manufacturer. Any recurrence of the same breach will be considered a refusal to perform, and the Director will take further action to suspend or revoke certification.

(e) *Complaint of alleged breach of quality control policy.* (1) If an investigation is initiated, the appointed investigator will impartially ascertain facts and gather appropriate evidence to substantiate or invalidate allegations of impropriety. The investigator will submit a report containing a summarized record of the investigation with findings of each allegation and supporting evidence to the Director.

(2) If the investigation substantiates allegation(s) of a breach of quality control, the Director will notify the manufacturer in writing that the Director is contemplating suspending or revoking the certificate. The notification will include:

(i) The specific allegations and findings of the investigator;

(ii) All evidence provided to the Director in the investigation;

(iii) A citation to this part as the authority under which the Director may suspend or revoke the certificate of authority if the situation warrants after the manufacturer has had an opportunity to reply;

(iv) What actions, if the allegations are undisputed, are required to provide adequate assurance that future performance will conform to quality control policies;

(v) The right to reply within 45 days of receipt of the notification in order to submit additional materials and evidence for consideration, to refute the allegations, or provide assurances that future performance will conform to quality control policies; and

(vi) That a failure to reply within 45 days, or if there is any recurrence of the same breach will be considered a refusal to perform, and the Director will take further action to suspend or revoke certification.

(f) *Refusal to perform.* (1) If the manufacturer fails to reply within a reasonable time to the letter authorized by paragraph (e) of this section, refuses to give adequate assurances that future performance will conform to quality control policies, indicates by subsequent conduct that the breach is continuous or repetitive, or disputes the allegations of breach, the Director will

direct that a public hearing be conducted on the allegations.

(2) A hearing examiner will be appointed by appropriate orders. The examiner may be either a commissioned officer or a civilian employee above the grade of GS–7.

(3) The specific written allegations, together with other pertinent material, will be transmitted to the hearing examiner for introduction as evidence at the hearing.

(4) For failure to return a loaned tool, manufacturers may be suspended without referral to a hearing specified in paragraph (f)(1) of this section; however, the manufacturer will be advised, in writing, that tools are overdue and suspension will take effect if tools are not returned within the specified time.

(g) *Notification to the manufacturer by examiner.* Within a 7-day period following the receipt by the examiner of the allegations and other pertinent material, the examiner will transmit a registered letter of notification to the manufacturer informing him or her of the—

(1) Specific allegations.

(2) Directive of the Director requiring the holding of a public hearing on the allegations.

(3) Examiner's decision to hold the public hearing at a specific time, date, and place that will be not earlier than 30 days from the date of the letter of notification.

(4) Ultimate authority of the Director to suspend or revoke the certificate of authority if the record developed at the hearing so warrants.

(5) Right to—

(i) A full and fair public hearing.

(ii) Be represented by counsel during the hearing at no cost to the Government.

(iii) Request a change in the date, time, or place of the hearing, for purposes of having reasonable time in which to prepare the case.

(iv) Submit evidence and present witnesses in his or her own behalf.

(v) Obtain at no cost a verbatim transcript of the proceedings, upon written request filed before the commencement of the hearing.

(h) *Public hearing by examiner.* (1) At the time, date, and place designated in accordance with paragraph (g)(3) of this section, the examiner will conduct the public hearing.

(i) A verbatim record of the proceedings will be maintained.

(ii) All previous material received by the examiner will be introduced into evidence and made part of the record.

(iii) The Government may be represented by counsel at the hearing.

(2) Subsequent to the conclusion of the hearing, the examiner will make specific findings on the record before him or her concerning each allegation.

(3) The complete record of the case will be forwarded to the Director.

(i) *Action by the Director.* (1) The Director will review the record of the hearing and either approve or disapprove the findings.

(2) Upon arrival of a finding of breach of quality control policies, the manufacturer will be so advised.

(3) After review of the findings, the certificate of authority may be revoked or suspended. If the certificate of authority is revoked or suspended, the Director will—

(i) Notify the manufacturer of the revocation or suspension.

(ii) Remove the manufacturer from the list of certified manufacturers.

(iii) Inform the Army & Air Force Exchange Service (AAFES) and the Defense Logistics Agency-Troop Support of the action.

(j) *Reinstatement of certificate of authority.* Upon receipt of adequate assurance that the manufacturer will comply with quality control policies, the Director may reinstate a certificate of authority that has been suspended or revoked.

Subpart D—License and Manufacture of the Service Flag and Service Lapel Button

§ 507.17 Authority to manufacture.

(a) The Secretary of Defense has designated the Secretary of the Army to grant certificates of authority for the manufacture and commercial sale of Service flags and Service lapel buttons.

(b) Any person, firm, or corporation that wishes to manufacture the Service flag or lapel button must apply for a certificate of authority to manufacture from TIOH.

§ 507.18 Application for licensing.

(a) Applicants who want to manufacture and sell Service flags or Service lapel buttons should contact the Director, The Institute of Heraldry, 9325 Gunston Road, Room S113, Fort Belvoir, VA 22060–5579, to obtain an agreement to manufacture, drawings, and instructions for manufacturing the Service flag and Service lapel button.

(b) Certificates of authority to manufacture Service flags and Service lapel buttons will be valid for 5 years from the date of issuance, at which time applicants must reapply for a new certificate of authority.

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2021–21121 Filed 10–1–21; 8:45 am]

BILLING CODE 5061–AP–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0546]

RIN 1625–AA08

Special Local Regulation; Ohio River, Louisville, KY

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation on the Ohio River at mile marker 596. This action is necessary to provide for the safety of life on these navigable waters during the Captain's Quarters Sailing Regatta from October 9, 2021 through October 10, 2021. This regulation prohibits persons and vessels from being in the limitied acess area unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

DATES: This rule is effective from October 9, 2021, through October 10, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0546 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST3 Christopher Matthews, Sector Ohio Valley, U.S. Coast Guard 502–779–5334, *Christopher.S.Matthews@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On July 5, 2021, River Cities Community Sailing Program notified the Coast Guard that from noon to 5 p.m. on October 9 and Ocotber 10, 2021, it will be conducting a sailing regatta. In response, on August 4, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Special Local Regulation; Ohio River, Louisville, KY'' [USCG–2021–0546] (86

FR 41909). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this sailing regatta. During the comment period that ended August 24, 2021, we received 0 comments.

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 the sailing regatta.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the sailing regatta to be used in this October 9 and 10, 2021 will be a safety concern for anyone within the area. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published August 4, 2021. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a special local regulation from noon to 5 p.m. on October 9, 2021 and October 10, 2021. The special local regulation will cover all navigable waters from mile marker 594 to 598 on the Ohio River. The duration of the zone is intended to ensure the safety of the sailing vessels during the regatta. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. To seek permission to enter, contact the COTP or the COTP's representative by Sector Ohio Valley command center at 502–779–5422. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the special local regulation. This special local regulation restricts transit on a four-mile stretch of the Ohio River for five hours on two days. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNMs), Local Notices to Mariners (LNMs), and Marine Safety Information Bulletins (MSIBs) about this special local regulation so that waterway users may plan according for this restriction on transit, and the rule allows vessel to request permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received 0 comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated

implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a two day sailing competition held annually. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Memorandum for the Record 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 100

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 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T08–0462 to read as follows:

§ 100.T08–0462 Special Local Regulation; Ohio River, Louisville, KY.

(a) *Regulated area.* The following area is a special local regulated area: All navigable waters of the Ohio River from Mile Marker (MM) 594.0 to MM 598.0, extending the entire width of the river.

(b) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by Sector Ohio Valley command center at 502–779–5422. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the designated representative.

(3) The Coast Guard will issue Broadcast Notice to Mariners (BNMs), Local Notices to Mariners (LNMs), and Marine Safety Information Bulletins (MSIBs) about the special local regulation in this section.

(c) *Enforcement period.* This section will be enforced from noon through 5 p.m. on October 9, 2021, and October 10, 2021.

Dated: September 29, 2021.

A.M. Beach,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2021–21550 Filed 10–1–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0647]

RIN 1625–AA00

Safety Zone; CBWTP Outfall Diffuser Improvements, Columbia River, Portland, OR

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Columbia River. This action is necessary to provide for the safety of life on these navigable waters near Portland, OR, at Columbia River Mile 105.6 during construction from November 1, 2021 through February 28, 2022. This regulation prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector Columbia River or a designated representative.

DATES: This rule is effective from 12:01 a.m. on November 1, 2021, through 11:59 p.m. on February 28, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0647 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Sean Morrison, Waterways Management Division, Marine Safety Unit Portland, U.S. Coast Guard; telephone 503–240–9319, email *D13-SMB-MSUPortlandWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On July 20, 2021, Ballard Marine Construction notified the Coast Guard that it would begin construction on the CBWTP Outfall Diffuser Improvements Project from 12:01 a.m. on October 1, 2021, through 11:59 p.m. on February 28, 2022, to remove and replace existing pipeline. On September 27, 2021, Ballard Marine Construction updated the start date to November 1, 2021. Work includes dredging and dive operations at Columbia River Mile 105.6. In response, on August 23, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Safety Zone; CBWTP Outfall Diffuser Improvements, Columbia River, Portland, OR'' (86 FR 47044). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this construction project. During the comment period that ended September 7, 2021, we received no comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the CBWTP Outfall Diffuser Improvements Project.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Columbia River (COTP) has determined that potential hazards associated with the construction project will be a safety concern for anyone within the designated area of the CBWTP Outfall Diffuser Improvements. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone during the scheduled construction period.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published August 22, 2021. The only changes in the regulatory text of this rule from the proposed rule in the NPRM are the clarifying additions of referencing the coordinates as being based on 1984 World Geodetic System (WGS 84) and the insertion of the abbreviation ''COTP'' after ''Captain of the Port Sector Columbia River'' in the definition of ''designated representative.'' In addition, the Coast Guard received notification on September 27, 2021, that the city of Portland is delaying the start date of the project. The safety zone will now begin on November 1, 2021, instead of October 1, 2021 as originally published in the NPRM.

This rule establishes a safety zone from 12:01 a.m. on November 1, 2021, through 11:59 p.m. on February 28, 2022. The safety zone will cover all navigable waters of the Columbia River, surface to bottom, approximately 300 yards to the east and west side of the Burlington Northern Railroad Bridge on the Oregon side of the Columbia River from the shoreline to the outside of the main navigational channel; specifically beginning at the shoreline at 45°37′26.2″ N, 122°41′46.91″ W, northeast to 45°37′33.206″ N, 122°41′37.699″ W, southeast to 45°37′23.4″ N, 122°41′18.1″ W, thence southwest to 45°37′16.27″ N, 122°41′30.75″ W, and along the shoreline back to the beginning point. The duration of the zone is intended to ensure the safety of vessels and these navigable waters while the construction project is underway. The duration of the zone is intended to ensure the safety of vessels and these navigable waters during the construction period. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the Columbia River during the construction project. Moreover, the Coast Guard will issue a Notice to Mariners about the zone, and the rule will allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 150 days that will prohibit

vessel traffic to transit the area during construction operations. 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.T13–0647 to read as follows:

§ 165.T13–0647 Safety Zones: Safety Zone; CBWTP Outfall Diffuser Improvements, Columbia River, Portland, OR.

(a) *Location.* The following area is a safety zone: All navigable waters of the Columbia River, surface to bottom, encompassed by a line connecting the following points beginning at the shoreline at 45°37′26.2″ N, 122°41′46.91″ W, northeast to 45°37′33.206″ N, 122°41′37.699″ W, southeast to 45°37′23.4″ N, 122°41′18.1″ W, thence southwest to 45°37′16.27″ N, 122°41′30.75″ W, and along the shoreline back to the beginning point. These coordinates are based on the 1984 World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, 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 Sector Columbia River (COTP) in the enforcement of the safety zone.

(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 calling (503) 209–2468 or the Sector Columbia River Command Center on Channel 16 VHF–FM. 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 period.* This safety zone is in effect from 12:01 a.m. on November 1, 2021, through 11:59 p.m. on February 28, 2022. It will be subject to enforcement this entire period unless the Captain of the Port Columbia River determines it is no longer needed, in which case the Coast Guard will inform mariners via Notice to Mariners.

Dated: September 27, 2021.

M. Scott Jackson,

Captain, U.S. Coast Guard, Captain of the Port Columbia River.

[FR Doc. 2021–21552 Filed 10–1–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0694; FRL–8823–03–R5]

Air Plan Approval; Ohio; Infrastructure SIP Requirements for the 2015 Ozone NAAQS; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendment.

SUMMARY: This action corrects codification errors in the Ohio State Implementation Plan (SIP) regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2015 Ozone National Ambient Air Quality Standards (NAAQS).

DATES: This correcting amendment is effective on October 4, 2021.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328, *panos.christos@epa.gov.*

SUPPLEMENTARY INFORMATION: On August 11, 2021, the Environmental Protection Agency (EPA) made inadvertent codification errors when it approved elements of a SIP submission from Ohio regarding the infrastructure requirements of CAA section 110 for the 2015 ozone NAAQS. In the final rule published in the **Federal Register** on August 11, 2021 (86 FR 43962), on page 43964, EPA mistakenly included instructions to add entry ''Section 110(a)(2) Infrastructure Requirements for the 2015 ozone NAAQS'' immediately after entry ''Section 110(a)(2) infrastructure requirements for the 2012 $PM_{2.5}$ NAAQS'', where the instructions should have said to add entry ''Section 110(a)(2) Infrastructure Requirements for the 2015 ozone NAAQS'' immediately after entry ''Section 110(a)(2)(D) infrastructure requirements for the 2012 $PM_{2.5}$ NAAQS''. EPA also mistakenly identified the entry in the table entitled ''EPA Approved Ohio Nonregulatory and Quasi-Regulatory Provisions'' on page 43964 to read ''Section 110(a)(2)(D) Infrastructure Requirements for the 2015 ozone NAAQS'', where the correct entry should read ''Section 110(a)(2) Infrastructure Requirements for the 2015 ozone NAAQS''. Lastly, the citation for prongs 1 and 2 in the ''Comments'' column of the table on page 43964 should read ''(D)(i)(I)'' and not ''(D)(i)(II)''.

This action amends the regulatory text to correct these errors. Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this rule final without prior proposal and opportunity for comment because we are merely correcting incorrect citations in previous actions. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Statutory and Executive Order Reviews

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). This action does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Because the agency has made a ''good cause'' finding that this action is

not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). This action 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 governments, as specified by E.O. 13132 (64 FR 43255, August 10, 1999). In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by E.O. 13175 (65 FR 67249, November 9, 2000). This action is not subject to E.O. 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This action is also not subject to E.O. 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The action also does not involve special consideration of environmental justice related issues as required by E.O. 12898 (59 FR 7629, February 16, 1994).

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of October 4, 2021. EPA will submit a report containing this rule 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**. This correction to 40 CFR part 52 for Ohio is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

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

Dated: September 23, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

Accordingly, 40 CFR part 52 is corrected by making the following correcting amendments:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1870, the table in paragraph (e) is amended under the heading ''Infrastructure Requirements'' by adding an entry for ''Section 110(a)(2) Infrastructure Requirements for the 2015 ozone NAAQS'' immediately after the entry for ''Section 110(a)(2)(D) infrastructure requirements for the 2012 $PM_{2.5}$ NAAQS'' to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(e) * * *

EPA Approved Ohio Nonregulatory and Quasi-Regulatory Provisions

Title	Applicable geographical or non-attainment area	State date	EPA approval	Comments
*	*	*	*	*
Infrastructure Requirements				
*	*	*	*	*
Section 110(a)(2) infrastructure requirements for the 2015 ozone NAAQS.	Statewide	9/28/2018	8/11/2021, 86 FR 43962.	Approved CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). We are not taking action on (D)(i)(I), prongs one and two.
*	*	*	*	*

[FR Doc. 2021–21016 Filed 10–1–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2020–0544, EPA–R05–OAR–2021–0144; FRL–90003–02–R5]

Air Plan Approval; Illinois; National Ambient Air Quality Standards Updates; Reference and Equivalent Methods Updates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving several revisions to the Illinois State Implementation Plan (SIP). First, EPA is approving amendments to the Illinois SIP that incorporate by reference EPA's current national ambient air quality standard for ozone, particulate matter, lead, nitrogen dioxide, and sulfur oxides. Second, EPA is approving revisions to the Illinois SIP that incorporate by reference current Federal Reference Methods for monitoring carbon monoxide, ozone, particulate matter, lead, nitrogen dioxide, and sulfur oxides. Third, EPA is approving an amendment to the Illinois SIP that reflects a recent update to EPA's List of Designated Reference and Equivalent Methods. Lastly, EPA is approving minor revisions and corrections to the Illinois SIP.

DATES: This final rule is effective on November 3, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2020–0544 and EPA–R05–OAR–2021–0144. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background Information.

On June 21, 2021, EPA proposed to approve revisions to several sections of Title 35 of the Illinois Administrative Code, Part 243 (35 IAC 243), Subparts A (''General Provisions'') and B (''Standards and Measurement Methods'') requested by the Illinois Environmental Protection Agency on October 20, 2020 and February 16, 2021. *See* 86 FR 32366. An explanation of the applicable Clean Air Act (CAA) requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rulemaking ended on July 21, 2021. EPA did not receive any comments on the proposal. Therefore, we are finalizing our action as proposed.

II. What action is EPA taking?

EPA is approving the revisions to 35 IAC 243 as outlined in Illinois' October 20, 2020 submittal, except for 35 IAC 243.108. EPA is also approving the revisions to 35 IAC 243 as outlined in Illinois' February 16, 2021 submittal.

III. Incorporation by Reference.

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Illinois Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). 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 rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

IV. Statutory and Executive Order Reviews.

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

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

[1] 62 FR 27968 (May 22, 1997).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 3, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: September 22, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.720, the table in paragraph (c) is amended under the heading ''Subchapter I: Air Quality Standards and Episodes'' ''Part 243: Air Quality Standards'' by:

■ A. Under the heading ''Subpart A: General Provisions'':

■ 1. Revising the entries for 243.101, 243.105, 243.107, and 243.108;

■ 2. Adding an entry for 243.102; and

■ B. Under the heading ''Subpart B: Standards and Measurement Methods'' adding entries for 243.120, 243.122, 243.123, 243.124, and 243.126.

§ 52.720 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
* *	*	*	* *	*
Subchapter I: Air Quality Standards and Episodes Part 243: Air Quality Standards Subpart A: General Provisions				
243.101	Definitions	12/17/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	
243.102	Scope	12/17/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	
* *	* *	*	* *	*
243.105	Air Quality Monitoring Data Influenced by Exceptional Events.	12/17/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	
* *	* *	*	* *	*
243.107	Reference Conditions	12/17/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	
243.108	Incorporation by Reference	12/17/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	
Subpart B: Standards and Measurement Methods				
243.120	PM_{10} and $PM_{2.5}$	8/18/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	
243.122	Sulfur Oxides (Sulfur Dioxide)	8/18/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	
243.123	Carbon Monoxide	8/18/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator).	8/18/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	

EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES—Continued

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
* *	*	*	* *	*
243.126	Lead	8/18/2020	10/4/2021, [INSERT **FEDERAL REGISTER** CITATION].	
* *	*	*	* *	*

* * * * *

[FR Doc. 2021–21188 Filed 10–1–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2021–0369; FRL–8996–02–R9]

Air Plan Approval; Arizona; Maricopa County Air Quality Department

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Maricopa County Air Quality Department's (MCAQD) Rule 510 as part of the Arizona State Implementation Plan (SIP). These rule revisions concern updates to the maximum levels of ambient air pollution for the protection of public health and welfare. We are finalizing our proposed approval of this rule to regulate ambient air emissions under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on November 3, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2021–0369. 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. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4152 or by email at *buss.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On June 23, 2021 (86 FR 32848), the EPA proposed to approve the following rule into the Arizona SIP:

Local agency	Rule No.	Rule title	Amended	Submitted
MCAQD	510	Air Quality Standards	12/11/2019	12/20/2019

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into the Arizona SIP. The December 11, 2019 version of Rule 510 will replace the previously approved version of this rule in the Arizona SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the MCAQD rule described in the amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1] The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

[1] 62 FR 27968 (May 22, 1997).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this 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 Clean Air Act; and

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 3, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: September 22, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended 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 D—Arizona

■ 2. In § 52.120(c), amend table 4 by revising the entry ''Rule 510'' after the heading ''Regulation V—Air Quality Standards and Area Classification''.

§ 52.120 Identification of plan.

* * * * *

(c) * * *

TABLE 4—EPA-APPROVED MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

County citation	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
Regulation V—Air Quality Standards and Area Classification				
Rule 510	Air Quality Standards	December 11, 2019 ...	October 4, 2021, [INSERT **FEDERAL REGISTER** CITATION].	The December 11, 2019 version of Rule 510 replaces the November 30, 2016 version that had been approved on November 1, 2006 (74 FR 57612).
*	*	*	*	*

* * * * *

[FR Doc. 2021–21213 Filed 10–1–21; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300–90, 301–74, Appendix E to Chapter 301

[FTR Case 2021–301–01; Docket No. GSA–FTR–2021–0011, Sequence No. 2]

RIN 3090–AK41

Federal Travel Regulation; Removal and Reservation Telework Travel Expenses Test Programs and Suggested Guidance for Conference Planning

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

ACTION: Final rule.

SUMMARY: GSA is amending the Federal Travel Regulation (FTR) to remove and reserve the regulations implementing the Administrator of General Services' authority to authorize agencies to conduct telework travel expenses test programs. The Administrator's authority to authorize agencies to conduct such test programs expired in accordance with the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. GSA is also removing and reserving regulations, that contain suggested guidance for conference planning.

DATES: Effective November 3, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Jill Denning, Program Analyst, at 202–208–7642 or *travelpolicy@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.* Please cite FTR Case 2021–301–01.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule, published as a proposed rule on May 14, 2021 (86 FR 26455), first amends the FTR to remove and reserve part 300–90. Originally, this part was included in the FTR due to the enactment of Public Law (Pub. L.) 111–292, the ''Telework Enhancement Act of 2010,'' codified at 5 U.S.C. 5711, which authorized the creation of agency telework travel expenses test programs subject to approval by the Administrator of General Services.

When submitting a test program proposal to GSA, agencies were directed to include an analysis of the expected cost and benefits and a set of criteria for evaluating the effectiveness of the program. Once approved, participating agencies were required to submit an annual report on the results of the test program, including overall costs and benefits.

Only one Federal agency, the United States Patent and Trademark Office (USPTO), requested and then implemented a telework travel expenses test program under this authority. When Public Law 116–283 became effective on January 1, 2021, it made the USPTO telework travel expenses program permanent. At that time, the law did not extend the Administrator of General Services' authority to approve telework travel expenses test programs, so it expired as of December 31, 2020, making part 300–90 no longer necessary.

GSA is also removing and reserving Appendix E to Chapter 301 of the FTR, ''Suggested Guidance for Conference Planning,'' first published January 10, 2000 (65 FR 1329). As noted in the title, the guidance is suggested, not a mandatory set of instructions agencies must follow when planning a conference. Some readers have found the word ''suggested'' in the title confusing and duplicative, considering similar regulatory instructions regarding conference planning are located in FTR part 301–74. GSA believes that general information on how to plan a conference, the focus of Appendix E, is now more widely available through non-Governmental and professional resources than it was when the Appendix was first published.

Finally, one reference to Appendix E that was in regulatory text is also removed in accordance with the above.

II. Discussion of Final Rule

This rule removes and reserves both part 300–90 and Appendix E to Chapter 301 of the FTR. GSA received no comments in response to the proposed rule.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives, and if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, is not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

IV. Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (codified at 5 U.S.C. 801–808), also known as the Congressional Review Act or CRA, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. OIRA has determined that this rule is not a major rule under 5 U.S.C. 804(2), therefore, GSA did not submit a rule report.

V. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This final rule is also exempt from the Administrative Procedure Act pursuant to 5 U.S.C. 553(a)(2) because it applies to agency management or personnel. Therefore, an Initial Regulatory Flexibility Analysis was not performed.

VI. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

List of Subjects in 41 CFR Parts 300–90 and 301–74, and Appendix E to Chapter 301

Government employees, Reporting and recordkeeping requirements, Travel and transportation expenses.

Robin Carnahan,

Administrator of General Services.

Therefore, under the authority 5 U.S.C. 5707 and 5711, GSA removes 41 CFR parts 300–90, amends 301–74, and removes Appendix E to Chapter 301 as set forth below:

PART 300–90—[REMOVED AND RESERVED]

■ 1. Remove and reserve part 300–90.

PART 301–74–CONFERENCE PLANNING

■ 2. The authority citation for 41 CFR 301–74 continues to read as follows:

Authority: 5 U.S.C. 5707.

§ 301–74.4 [Amended]

■ 3. Amend § 301–74.4 by removing the last sentence of the paragraph.

Appendix E to Chapter 301—[Removed and Reserved]

■ 4. Remove and reserve Appendix E to Chapter 301.

[FR Doc. 2021–21391 Filed 10–1–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 412

[CMS–1750–CN]

RIN 0938–AU40

Medicare Program; Fiscal Year (FY) 2022 Inpatient Psychiatric Facilities Prospective Payment System and Quality Reporting Updates for Fiscal Year Beginning October 1, 2021 (FY 2022); Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors that appeared in the final rule published in the **Federal Register** on August 4, 2021 entitled ''Medicare Program; FY 2022 Inpatient Psychiatric Facilities Prospective Payment System and Quality Reporting Updates for Fiscal Year Beginning October 1, 2021 (FY 2022)''.

DATES: This correction is effective October 1, 2021.

FOR FURTHER INFORMATION CONTACT:

Lauren Lowenstein, (410) 786–4507 for information regarding the Inpatient Psychiatric Facility Quality Reporting (IPFQR) Program.

The IPF Payment Policy mailbox at *IPFPaymentPolicy@cms.hhs.gov* for general information.

Nicolas Brock, (410) 786–5148 or Theresa Bean (410) 786–2287, for information regarding the outlier fixed dollar loss threshold amount and the regulatory impact analysis.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2021–16336 of August 4, 2021 (86 FR 42608), there were a number of technical errors that are identified and corrected in this correcting document. The provisions in this correction document are effective as if they had been included in the document published on August 4, 2021. Accordingly, the corrections are effective October 1, 2021.

II. Summary of Errors

A. Summary of Errors in the Preamble

1. Inpatient Psychiatric Facilities Prospective Payment System (IPF PPS) Corrections

There was a technical error in the simulation of Inpatient Psychiatric Facilities (IPF) payments that affected the impact analysis and the calculation of the final outlier fixed dollar loss threshold amount. In estimating the percentage of outlier payments as a percentage of total payments, we inadvertently applied provider information from the January, 2021 update of the Provider-Specific File (PSF) instead of the most recently available update from April, 2021. For fiscal year (FY) 2022, we finalized our proposal to update the IPF outlier threshold amount using FY 2019 claims data and the same methodology that we used to set the initial outlier threshold amount in the Rate Year 2007 IPF PPS final rule (71 FR 27072 and 27073). In accordance with that longstanding methodology, the calculation of estimated outlier payments should have used the April, 2021 provider information rather than the January, 2021 provider information.

As a result of the error in estimating outlier payments, the FY 2022 IPF PPS final rule overstated the estimate of increased transfers from the federal government to IPF providers. We estimated $80 million in increased transfers from the federal government to IPF providers; however, based on the corrected calculation of the outlier fixed dollar loss threshold amount, the correct estimate of increased transfers from the federal government to IPF providers should be $70 million. Also, as a result of the error in estimating outlier payments, the FY 2022 IPF PPS final rule incorrectly estimated and described the impact of the final rule on various provider types and the total number of providers included in the analysis.

On page 42608, in the third column, second bullet, seventh sub-bullet, the fixed dollar loss threshold amount should be changed from ''$14,470'' to ''$16,040''.

On page 42609, the table summarizing Total Transfers and Cost reductions should reflect the corrected estimate of increased payments to IPFs during FY 2022, which should be corrected from $80 million to $70 million.

On page 42623, in the third column, in the third full paragraph, we incorrectly stated that IPF outlier payments as a percentage of total estimated payments were approximately 1.9 percent in FY 2021. The correct percentage should be 2.1 percent.

On page 42623, in the third column, in the third full paragraph, we incorrectly stated that we were decreasing the outlier threshold amount to $14,470. The correct update to the outlier threshold amount should be increased to $16,040.

2. Inpatient Psychiatric Facilities Quality Reporting (IPFQR) Program Corrections

On page 42634, in footnote 93, we made a typographical error and listed the date information was accessed as July 6 instead of July 16.

On page 42645, in the second column in the first full paragraph, we inadvertently omitted several words from the phrase ''is this measure's objective'' which should read ''is not this measure's primary objective''.

On page 42647, in footnote 154, we inadvertently omitted the end of the footnote, which should read, ''., Alcohol: A probable risk factor of COVID–19 severity, 7–20–2021. doi:10.1111/add.15194''.

On page 42649, in the third column, in the first full paragraph, we made a typographical error and referred to ''a comprehensive program to address topped out'' instead of ''a comprehensive program to address tobacco use''.

On page 42657, in the last paragraph under subsection b, we inadvertently included the phrase ''to no longer require facilities. . .''.

On page 42659, in Table 7, we inadvertently included the ''Timely Transmission of Transition Record (Discharges from an Inpatient Facility to Home/Self Care or any Other Site of Care)'' in the table.

On page 42661, in the last paragraph, last sentence, under V. Collection of Information Requirements, we inadvertently stated ''We have not made any changes from what was proposed.''

On page 42669, in Table 15, we made a typographical error and listed the annual cost update for the removal of the Timely Transmission of Transition Record (Discharges from an Inpatient Facility to Home/Self Care or Any Other Site of Care) and the total cost update as (10,199,836.5050) instead of (10,199,836.50).

3. Regulatory Impact Analysis Corrections

On page 42672, in the second column, we incorrectly stated that ''we estimate that the total impact of these changes for FY 2022 payments compared to FY 2021

payments will be a net increase of approximately $80 million. This reflects an $75 million increase from the update to the payment rates (+$100 million from the 2nd quarter 2021 IGI forecast of the 2016-based IPF market basket of 2.7 percent, and −$25 million for the productivity adjustment of 0.7 percentage point), as well as a $5 million increase as a result of the update to the outlier threshold amount. Outlier payments are estimated to change from 1.9 percent in FY 2021 to 2.0 percent of total estimated IPF payments in FY 2022''. This paragraph should be revised to reflect that outlier payments are estimated to change from 2.1 percent in FY 2021 to 2.0 percent in FY 2022, and that the update to the outlier threshold will result in a $5 million decrease and a net increase of approximately $70 million in FY 2022 payments.

On page 42672 in the third column, in the fourth full paragraph under C. Detailed Economic Analysis, ''$80 million'' should be replaced with ''$70 million'' and ''$5 million increase'' should be replaced with ''$5 million decrease''.

On pages 42674 and 42675, Table 18 reflects the impact to providers of updating the outlier fixed dollar loss threshold amount based on the inaccurate calculation of estimated FY 2021 outlier payments; therefore, Table 18 should be updated to reflect the correct calculations.

On page 42675 in the first column, in the second full paragraph under 3. Impact Results, we incorrectly stated that the number of IPFs included in the analysis for FY 2019 claims is 1,519. The correct number is 1,520 IPFs.

On page 42675, in the first column, in the third full paragraph, we incorrectly stated that ''Based on the FY 2019 claims, we would estimate that IPF outlier payments as a percentage of total IPF payments are 1.9 percent in FY 2021.'' The correct percentage should be 2.1 percent.

On page 42675, in the second column, in the first full paragraph, we incorrectly stated that ''Based on the FY 2019 claims, the estimated change in total IPF payments for FY 2022 would include an approximate 0.1 percent increase in payments because we would expect the outlier portion of total payments to increase from approximately 1.9 percent to 2.0 percent.'' This should be corrected to reflect that the estimated change in total IPF payments for FY 2022 would include an approximate 0.1 percent decrease in payments because we would expect the outlier portion of total payments to decrease from approximately 2.1 percent to 2.0 percent.

On page 42675, in the second column, in the second full paragraph and continuing into the first paragraph of the third column, we incorrectly stated the overall impact and the impact to certain provider types due to updating the outlier fixed dollar loss threshold amount. We stated that the overall impact across all hospital groups is an increase of 0.1 percent, however the overall impact is actually a decrease of 0.1 percent. We also stated that ''the largest increase in payments due to this change is estimated to be 0.4 percent for teaching IPFs with more than 30 percent interns and residents to beds.'' This should be corrected to reflect that the largest decreases in payments are estimated to be 0.4 percent for urban government IPF units and 0.4 percent for teaching IPFs with more than 30 percent interns and residents to beds.

On page 42676, in the first column, in the first full paragraph, we incorrectly stated that ''The average estimated increase for all IPFs is approximately 2.1 percent based on the FY 2019 claims,'' and that this overall increase includes ''the overall estimated 0.1 percent increase in estimated IPF outlier payments as a percent of total payments from updating the outlier fixed dollar loss threshold amount.'' These statements should be corrected to reflect that the average estimated increase for all IPFs is approximately 1.9 percent, and that this includes the overall estimated 0.1 percent decrease in estimated IPF outlier payments as a percent of total payments from updating the outlier fixed dollar loss threshold amount.

On page 42676, in the second column, in the first full paragraph, we incorrectly stated that ''IPF payments are therefore estimated to increase by 2.1 percent in urban areas and 2.2 percent in rural areas based on this finalized policy. Overall, IPFs are estimated to experience a net increase in payments as a result of the updates in this final rule. The largest payment increase is estimated at 2.7 percent for IPFs in the South Atlantic region.'' It is still correct that IPFs are estimated to experience a net increase in payments as a result of the updated in this final rule, however these statements should be corrected to reflect that IPF payments are estimated to increase by 1.8 percent in urban areas and 2.1 percent in rural areas, and that the largest increases are estimated at 2.5 percent for IPFs in the South Atlantic region and 2.5 percent for rural, government-owned IPF hospitals.

On page 42677, in the third column, in the first full paragraph, we incorrectly stated that the number of IPFs with data available in the PSF and with claims in our FY 2019 MedPAR claims dataset was 1,519. The correct number should be 1,520.

On page 42677, Table 19 incorrectly states that the estimate of annualized monetized transfers from the federal government to IPF Medicare providers is $80 million. This table should be corrected to reflect that the estimate of annualized monetized transfers from the federal government to IPF Medicare providers is $70 million.

On page 42677, under F. Regulatory Flexibility Act, in the third column, in line 10, we incorrectly stated that the number of IPFs in our database is 1,519. The correct number of IPFs in our database is 1,520.

B. Summary of Errors and Corrections to the IPF PPS Addenda Posted on the CMS Website

In Addendum A of the FY 2022 IPF PPS final rule, we have corrected the outlier fixed dollar loss threshold amount from $14,470 to $16,040 on the CMS website at: *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/InpatientPsychFacilPPS/tools.*

III. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the rule.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

We believe that this correcting document does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements. This document corrects technical and typographic errors in the preamble of the FY 2022 IPF PPS final rule, but does not make substantive

changes to the policies or payment methodologies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the information in the FY 2022 IPF PPS final rule accurately reflects the policies adopted in that document.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for IPFs to receive appropriate payments in as timely a manner as possible, and to ensure that the FY 2022 IPF PPS final rule accurately reflects our policies as of the date they take effect and are applicable. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply correctly implementing the policies that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the FY 2022 IPF PPS final rule accurately reflects these payment methodologies and policies. For these reasons, we believe we have good cause to waive the notice and comment and effective date requirements. Moreover, even if these corrections were considered to be retroactive rulemaking, they would be authorized under section 1871(e)(1)(A)(ii) of the Act, which permits the Secretary to issue a rule for the Medicare program with retroactive effect if the failure to do so would be contrary to the public interest. As we have explained previously, we believe it would be contrary to the public interest not to implement the corrections in this correcting document because it is in the public's interest for IPFs to receive appropriate payments in as timely a manner as possible, and to ensure that the FY 2022 IPF PPS final rule accurately reflects our policies.

IV. Correction of Errors

In FR Doc. 2021–16336 of August 4, 2021 (86 FR 42608), make the following corrections:

1. On page 42608, in the third column, second bullet, seventh sub-bullet, in line 2, remove the number ''$14,470'' and add in its place ''$16,040''.

2. On page 42609, in first row of the table, in the right column, remove ''$80 million'' and add in its place ''$70 million''.

3. On page 42623, in the third column, in the third full paragraph,

a. In line 21, remove ''$1.9 percent'' and add in its place ''2.1 percent''.

b. In line 23, remove the number ''$14,470'' and add in its place ''$16,040''.

4. On page 42623, in the third column, in the third full paragraph, in line 27, remove the word ''decrease'' and add in its place ''increase''.

5. On page 42634, in the second column; in line 3 from the bottom of the page, in footnote 93, remove the words ''Accessed on 7/6/2021'' and add in their place ''Accessed on 7/16/2021''.

6. On page 42645, in the second column; in the first full paragraph, in line 6 and 7, remove the words ''is this measure's objective'' and add in their place ''is not this measure's primary objective''.

7. On page 42647, in the second column; in footnote 154, revise the citation to read as follows, ''Nemani et al., Association of Psychiatric Disorders With Mortality Among Patients With COVID–19, JAMA Psychiatry. 2021;78(4):380–386. doi:10.1001/jamapsychiatry.2020.4442; COVID–19 and people at increased risk, CDC, *https://www.cdc.gov/drugoverdose/resources/covid-drugs-QA.html;* U. Saengow et al., Alcohol: A probable risk factor of COVID–19 severity, 7–20–2021. doi:10.1111/add.15194''.

8. On page 42649, in the third column; the first full paragraph, the 20th line from the top of the page, remove the words ''a comprehensive program to address topped out'' and add in their place ''a comprehensive program to address tobacco use''.

9. On page 42657, in the second column; the last paragraph under ''b. Updated Reference to QualityNet Administrator in the Code of Federal Regulations'', the 32nd line from the top of the page, remove the words ''We are finalizing our proposal to no longer require facilities to replace the term 'QualityNet system administrator' with ''QualityNet security official' at § 412.434(b)(3) as proposed'' and add in their place ''We are finalizing our proposal to replace the term 'QualityNet system administrator' with ''QualityNet security official' at § 412.434(b)(3) as proposed.''

10. On page 42659, revise Table 7 to read as follows:

TABLE 7—PATIENT-LEVEL DATA SUBMISSION REQUIREMENTS FOR CY 2014 IPFQR PROGRAM MEASURE SET

NQF No.	Measure ID	Measure	Patient-level data submission
0640	HBIPS–2	Hours of Physical Restraint Use	Yes, numerator only.
0641	HBIPS–3	Hours of Seclusion Use	Yes, numerator only.
0560	HBIPS–5	Patients Discharged on Multiple Antipsychotic Medications with Appropriate Justification.	Yes.
0576	FUH	Follow-Up After Hospitalization for Mental Illness	No (claims-based).
N/A *	SUB–2 and SUB–2a	Alcohol Use Brief Intervention Provided or Offered and SUB–2a Alcohol Use Brief Intervention.	Yes.
N/A *	SUB–3 and SUB–3a	Alcohol and Other Drug Use Disorder Treatment Provided or Offered at Discharge and SUB–3a Alcohol and Other Drug Use Disorder Treatment at Discharge.	Yes.
N/A *	TOB–2 and TOB–2a	Tobacco Use Treatment Provided or Offered and TOB–2a Tobacco Use Treatment.	Yes.
N/A *	TOB–3 and TOB–3a	Tobacco Use Treatment Provided or Offered at Discharge and TOB–3a Tobacco Use Treatment at Discharge.	Yes.
1659	IMM–2	Influenza Immunization	Yes.
N/A *	N/A	Transition Record with Specified Elements Received by Discharged Patients (Discharges from an Inpatient Facility to Home/Self Care or Any Other Site of Care).	Yes.
N/A	N/A	Screening for Metabolic Disorders	Yes.
2860	N/A	Thirty-Day All-Cause Unplanned Readmission Following Psychiatric Hospitalization in an Inpatient Psychiatric Facility.	No (claims-based).

TABLE 7—PATIENT-LEVEL DATA SUBMISSION REQUIREMENTS FOR CY 2014 IPFQR PROGRAM MEASURE SET—Continued

NQF No.	Measure ID	Measure	Patient-level data submission
3205	Med Cont	Medication Continuation Following Inpatient Psychiatric Discharge.	No (claims-based).
TBD	COVID HCP	COVID–19 Healthcare Personnel (HCP) Vaccination Measure	No (calculated for HCP).

*Measure is no longer endorsed by the NQF but was endorsed at time of adoption. Section 1886(s)(4)(D)(ii) of the Act authorizes the Secretary to specify a measure that is not endorsed by the NQF as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary. We attempted to find available measures for each of these clinical topics that have been endorsed or adopted by a consensus organization and found no other feasible and practical measures on the topics for the IPF setting.

11. On page 42661, in the third column; in the last paragraph under V. Collection of Information Requirements, the 8th line from the bottom of the page, remove the sentence ''We have not made any changes from what was proposed'' and add in its place ''We have updated these estimates based on the proposals finalized in this final rule''.

12. On page 42669, revise Table 15 to read as follows.

NQF No.	Measure ID	Measure description	Estimated cases (per facility)	Time per case (hours)	Annual time per facility (hours)	Number IPFs**	Total annual time (hours)	Total annual cost ($)
0576	FUH	Follow-Up After Hospitalization for Mental Illness*.	0	0	0	1,634	0	0
0648	N/A	Timely Transmission of Transition Record (Discharges from an Inpatient Facility to Home/Self Care or Any Other Site of Care).	(609)	0.25	152.25	1,634	(248,776.5)	(10,199,836.50)
Total			(609)	Varies	152.25	1,634	(248,776.5)	(10,199,836.50)

*CMS will collect these data using Medicare Part A and Part B claims; therefore, these measures will not require facilities to submit data on any cases.
**We note that the previously approved number of IPFs is 1,679; however, we adjusted that in Table 12 based on updated data.
***At $41.00/hr.

13. On page 42672, below Table 15, in the second column, in the second full paragraph, remove the paragraph,

''We estimate that the total impact of these changes for FY 2022 payments compared to FY 2021 payments will be a net increase of approximately $80 million. This reflects an $75 million increase from the update to the payment rates (+$100 million from the 2nd quarter 2021 IGI forecast of the 2016-based IPF market basket of 2.7 percent, and −$25 million for the productivity adjustment of 0.7 percentage point), as well as a $5 million increase as a result of the update to the outlier threshold amount. Outlier payments are estimated to change from 1.9 percent in FY 2021 to 2.0 percent of total estimated IPF payments in FY 2022.''

and add in its place

''We estimate that the total impact of these changes for FY 2022 payments compared to FY 2021 payments will be a net increase of approximately $70 million. This reflects a $75 million increase from the update to the payment rates (+$100 million from the 2nd quarter 2021 IGI forecast of the 2016-based IPF market basket of 2.7 percent, and −$25 million for the productivity adjustment of 0.7 percentage point), as well as a $5 million decrease as a result of the update to the outlier threshold amount. Outlier payments are estimated to change from 2.1 percent in FY 2021 to 2.0 percent of total estimated IPF payments in FY 2022.''

14. On page 42672 in the third column, in the fourth full paragraph,

a. In line 2, remove ''$80 million'' and add in its place ''$70 million''.

b. In line 6, remove the word ''increase'' and add in its place ''decrease''.

15. On pages 42674 and 42675, revise Table 18 to read as follows:

TABLE 18—FY 2022 IPF PPS FINAL PAYMENT IMPACTS

[Percent change in columns 3 through 5]

Facility by type	Number of facilities		Outlier		FY 2022 wage index, LRS, and COLA		Total percent change [1]	
	FY 2019 claims	FY 2020 claims	FY 2019 claims	FY 2020 claims	FY 2019 claims	FY 2020 claims	FY 2019 claims	FY 2020 claims
(1)	(2)		(3)		(4)		(5)	
All Facilities	1,520	1,534	−0.1	−1.1	0.0	0.0	1.9	0.9
Total Urban	1,221	1,235	−0.1	−1.1	0.0	0.0	1.8	0.8
Urban unit	740	737	−0.2	−1.8	−0.1	−0.1	1.7	0.1
Urban hospital	481	498	0.0	−0.3	0.0	0.0	2.0	1.7
Total Rural	299	299	−0.1	−0.7	0.2	0.2	2.1	1.5
Rural unit	239	238	−0.1	−0.8	0.1	0.1	2.0	1.3
Rural hospital	60	61	−0.1	−0.4	0.4	0.4	2.3	2.0
By Type of Ownership:								
Freestanding IPFs:								
Urban Psychiatric Hospitals:								
Government	116	123	−0.2	−1.7	−0.2	−0.2	1.6	0.1

TABLE 18—FY 2022 IPF PPS FINAL PAYMENT IMPACTS—Continued

[Percent change in columns 3 through 5]

Facility by type	Number of facilities		Outlier		FY 2022 wage index, LRS, and COLA		Total percent change [1]	
	FY 2019 claims	FY 2020 claims	FY 2019 claims	FY 2020 claims	FY 2019 claims	FY 2020 claims	FY 2019 claims	FY 2020 claims
Non-Profit	95	97	−0.1	−0.5	−0.2	−0.1	1.8	1.4
For-Profit	270	278	0.0	−0.1	0.1	0.1	2.1	2.0
Rural Psychiatric Hospitals:								
Government	31	32	−0.1	−0.8	0.5	0.6	2.5	1.8
Non-Profit	12	12	−0.1	−1.2	−0.1	0.0	1.8	0.7
For-Profit	17	17	0.0	0.0	0.4	0.4	2.4	2.4
IPF Units:								
Urban:								
Government	108	107	−0.4	−3.4	0.1	0.1	1.8	−1.4
Non-Profit	480	478	−0.2	−1.7	−0.1	−0.1	1.7	0.2
For-Profit	152	152	−0.1	−0.7	−0.1	−0.1	1.8	1.2
Rural:								
Government	58	57	0.0	−0.4	0.4	0.3	2.3	1.9
Non-Profit	132	131	−0.1	−1.0	0.1	0.1	1.9	1.0
For-Profit	49	50	−0.1	−0.6	−0.2	−0.2	1.7	1.2
By Teaching Status:								
Non-teaching	1,322	1,336	−0.1	−0.8	0.0	0.0	1.9	1.1
Less than 10% interns and residents to beds	109	109	−0.2	−1.9	0.1	0.1	1.9	0.2
10% to 30% interns and residents to beds	67	67	−0.3	−2.4	−0.1	−0.1	1.6	−0.5
More than 30% interns and residents to beds	22	22	−0.4	−3.2	−0.1	−0.1	1.5	−1.3
By Region:								
New England	106	106	−0.2	−1.2	−0.4	−0.4	1.5	0.3
Mid-Atlantic	215	216	−0.2	−2.0	−0.2	−0.2	1.6	−0.2
South Atlantic	240	243	−0.1	−0.7	0.6	0.6	2.5	1.9
East North Central	243	244	−0.1	−0.7	−0.2	−0.2	1.7	1.0
East South Central	152	155	−0.1	−0.7	−0.5	−0.5	1.4	0.7
West North Central	108	109	−0.2	−1.4	0.1	0.1	2.0	0.7
West South Central	224	227	−0.1	−0.5	−0.3	−0.3	1.7	1.3
Mountain	103	103	−0.1	−0.7	0.2	0.3	2.2	1.6
Pacific	129	131	−0.2	−1.4	0.4	0.4	2.3	1.0
By Bed Size:								
Psychiatric Hospitals:								
Beds: 0–24	83	88	−0.1	−0.5	0.1	0.0	2.0	1.5
Beds: 25–49	79	83	0.0	−0.2	−0.3	−0.3	1.7	1.5
Beds: 50–75	84	88	0.0	−0.1	0.1	0.2	2.1	2.2
Beds: 76 +	295	300	0.0	−0.4	0.1	0.1	2.1	1.7
Psychiatric Units:								
Beds: 0–24	536	531	−0.2	−1.2	0.0	0.0	1.8	0.7
Beds: 25–49	259	259	−0.2	−1.3	0.0	0.0	1.9	0.7
Beds: 50–75	114	114	−0.2	−2.0	−0.3	−0.3	1.5	−0.3
Beds: 76 +	70	71	−0.3	−2.5	0.0	0.0	1.8	−0.5

[1] This column includes the impact of the updates in columns (3) and (4) above, and of the final IPF market basket increase factor for FY 2022 (2.7 percent), reduced by 0.7 percentage point for the productivity adjustment as required by section 1886(s)(2)(A)(i) of the Act. Note, the products of these impacts may be different from the percentage changes shown here due to rounding effects.

16. On page 42675 in the first column, in the second full paragraph,

a. In line 2, remove the number ''1,519'' and add in its place ''1,520''.

b. In line 6, remove ''1.9 percent'' and add in its place ''2.1 percent''.

17. On page 42675, in the second column,

a. In the first full paragraph,

(1) In line 5, remove the sentence,

''Based on the FY 2019 claims, the estimated change in total IPF payments for FY 2022 would include an approximate 0.1 percent increase in payments because we would expect the outlier portion of total payments to increase from approximately 1.9 percent to 2.0 percent.''

and add in its place,

''Based on the FY 2019 claims, the estimated change in total IPF payments for FY 2022 would include an approximate 0.1 percent decrease in payments because we would expect the outlier portion of total payments to decrease from approximately 2.1 percent to 2.0 percent.''

(2) In the second full paragraph and continuing into the first paragraph of the third column, remove the paragraph,

''The overall impact of the estimated increase or decrease to payments due to updating the outlier fixed dollar loss threshold (as shown in column 3 of Table 18), across all hospital groups, is 0.1 percent based on the FY 2019 claims, or −1.1 percent based on the FY 2020 claims. Based on the FY 2019 claims, the largest increase in payments due to this change is estimated to be 0.4 percent for teaching IPFs with more than 30 percent interns and residents to beds. Among teaching IPFs, this same provider facility type would experience the largest estimated decrease in payments if we were to instead increase the outlier fixed dollar loss threshold based on the FY 2020 claims distribution.''

and add in its place

''The overall impact of the estimated decrease to payments due to updating the outlier fixed dollar loss threshold (as shown in column 3 of Table 18), across all hospital groups, is a 0.1 percent decrease based on the FY 2019 claims, or a 1.1 percent decrease based on the FY 2020 claims. Based on the FY 2019 claims, the largest decreases in payments due to this change are estimated to be 0.4 percent for urban government IPF units and 0.4 percent for teaching IPFs with more than 30 percent interns and residents to beds. These same provider facility types would also experience the largest estimated decreases in payments if we were to instead increase the outlier fixed dollar loss threshold based on the FY 2020 claims distribution.''

18. On page 42676,

a. In the first column, in the first full paragraph, remove the paragraph,

''Finally, column 5 compares the total final changes reflected in this final rule for FY 2022 to the estimates for FY 2021 (without these changes). The average estimated

increase for all IPFs is approximately 2.1 percent based on the FY 2019 claims, or 0.9 percent based on the FY 2020 claims. These estimated net increases include the effects of the 2016-based market basket update of 2.7 percent reduced by the productivity adjustment of 0.7 percentage point, as required by section 1886(s)(2)(A)(i) of the Act. They also include the overall estimated 0.1 percent increase in estimated IPF outlier payments as a percent of total payments from updating the outlier fixed dollar loss threshold amount. In addition, column 5 includes the distributional effects of the final updates to the IPF wage index, the labor-related share, and the final updated COLA factors, whose impacts are displayed in column 4. Based on the FY 2020 claims distribution, the increase to estimated payments due to the market basket update factor are offset in large part for some provider types by the increase to the outlier fixed dollar loss threshold.''

and add in its place

''Finally, column 5 compares the total final changes reflected in this final rule for FY 2022 to the estimates for FY 2021 (without these changes). The average estimated increase for all IPFs is approximately 1.9 percent based on the FY 2019 claims, or 0.9 percent based on the FY 2020 claims. These estimated net increases include the effects of the 2016-based IPF market basket update of 2.7 percent reduced by the productivity adjustment of 0.7 percentage point, as required by section 1886(s)(2)(A)(i) of the Act. They also include the overall estimated 0.1 percent decrease in estimated IPF outlier payments as a percent of total payments from updating the outlier fixed dollar loss threshold amount. In addition, column 5 includes the distributional effects of the final updates to the IPF wage index, the labor-related share, and the final updated COLA factors, whose impacts are displayed in column 4. Based on the FY 2020 claims distribution, the increase to estimated payments due to the market basket update factor are offset in large part for some provider types by the increase to the outlier fixed dollar loss threshold.''

b. In the second column, in the first full paragraph, remove the paragraph,

''IPF payments are therefore estimated to increase by 2.1 percent in urban areas and 2.2 percent in rural areas based on this finalized policy. Overall, IPFs are estimated to experience a net increase in payments as a result of the updates in this final rule. The largest payment increase is estimated at 2.7 percent for IPFs in the South Atlantic region.''

and add in its place

''IPF payments are therefore estimated to increase by 1.8 percent in urban areas and 2.1 percent in rural areas based on this finalized policy. Overall, IPFs are estimated to experience a net increase in payments as a result of the updates in this final rule. The largest payment increases are estimated at 2.5 percent for IPFs in the South Atlantic region and 2.5 percent for rural, government-owned IPF hospitals.''

19. On page 42677,

a. Above Table 15, in the third column, in the first full paragraph, in line 13, remove the number ''1,519'' and add in its place ''1,520''.

b. Revise Table 19 to read as follows:

TABLE 19—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED COSTS, SAVINGS, AND TRANSFERS

Category	Primary estimate ($million/year)	Low estimate	High estimate	Units		
				Year dollars	Discount rate (%)	Period covered
Regulatory Review Costs	0.2			2020		FY 2022.
Annualized Monetized Costs Savings	−0.51	−0.38	−0.64	2019	7	FY 2023–FY 2031.
	−0.44	−0.33	−0.54	2019	3	FY 2023–FY 2031.
Annualized Monetized Transfers from Federal Government to IPF Medicare Providers.	70			FY 2022		FY 2022.

c. Below Table 19, in the third column, in line 10, remove the number ''1,519'' and add in its place ''1,520''.

Karuna Seshasai,

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

[FR Doc. 2021–21546 Filed 9–30–21; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3000

[212L1109AF.LLHQ300000. L13100000.PP0000]

RIN 1004–AE81

Minerals Management: Adjustment of Cost Recovery Fees

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule updates the fees set forth in the Bureau of Land Management (BLM) mineral resources regulations for the processing of certain minerals program-related actions. It also adjusts certain filing fees for minerals-related documents. These updated fees include those for actions such as lease renewals and mineral patent adjudications.

DATES: This final rule is effective on October 4, 2021.

ADDRESSES: You may send inquiries or suggestions to Director (630), Bureau of Land Management, 760 Horizon Drive, Grand Junction, CO 81506; Attention: RIN 1004–AE81.

FOR FURTHER INFORMATION CONTACT: Sheila Mallory, Acting Chief, Division of Fluid Minerals, 775–287–3293, *smallory@blm.gov;* Lindsey Curnutt, Chief, Division of Solid Minerals, 775–824–2910, *lcurnutt@blm.gov;* or Faith Bremner, Regulatory Analyst, Division of Regulatory Affairs, *fbremner@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may leave a message for these individuals with the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

I. Background

The BLM has authority to charge fees for processing applications and other documents relating to public lands under section 304 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1734. In 2005, the BLM published a final cost recovery rule (70 FR 58854) that established new fees or revised fees and service charges for processing documents related to its minerals programs (''2005 Cost Recovery Rule''). In addition, the 2005 Cost Recovery Rule also established the method the BLM would use to adjust those fees and service charges for inflation on an annual basis.

The regulations at 43 CFR 3000.12(a) provide that the BLM will annually adjust fees established in subchapter C (43 CFR parts 3000–3900) according to changes in the Implicit Price Deflator for Gross Domestic Product (IPD–GDP), which is published quarterly by the U.S.

Department of Commerce. See also 43 CFR 3000.10. This final rule updates those fees and service charges consistent with that direction. The fee adjustments in this final rule are based on the mathematical formula set forth in the 2005 Cost Recovery Rule. The public had an opportunity to comment on that adjustment procedure as part of the 2005 rulemaking. Accordingly, the Department of the Interior for good cause finds under 5 U.S.C. 553(b)(B) and (d)(3) that notice and public comment procedures are unnecessary and that the fee adjustments in this final rule may be effective less than 30 days after publication. See 43 CFR 3000.10(c).

II. Discussion of Final Rule

As set forth in the 2005 Cost Recovery Rule, the fee updates are based on the change in the IPD–GDP. The BLM's minerals program publishes the updated cost recovery fees annually, at the start of each fiscal year (FY).

This final rule updates the current (FY 2021) cost recovery fees for use in FY 2022. The current fees were set by the cost recovery fee rule published on October 9, 2020 (85 FR 64056), effective October 9, 2020. The update in this final rule adjusts the FY 2021 fees based on the change in the IPD–GDP from the 4th Quarter of 2019 to the 4th Quarter of 2020.

Under this final rule, 33 fees will remain the same and 15 fees will increase. Of the 15 fees that are being increased by this final rule, 12 fees will increase by $5 each, and one fee will increase by $10. The largest increase, $45, will be applied to the fee for adjudicating a mineral patent application containing more than 10 claims, which will increase from $3,340 to $3,385. The fee for adjudicating a patent application containing 10 or fewer claims will increase by $20, from $1,670 to $1,690. It is important to note that the ''real'' values of the fees are not actually increasing, since real values account for the effect of inflation. In real terms, the values of the fees are simply being adjusted to account for the changes in the prices of goods and services produced in the United States.

The calculations that resulted in the new fees are included in the table below:

Fixed cost recovery fees	Existing fee [1] (FY 2021)	Existing value [2]	IPD–GDP increase [3]	New value [4]	New fee [5] (FY 2022)
Oil & Gas (parts 3100, 3110, 3120, 3130, 3150):					
Noncompetitive lease application	$445	$444.321	$5.598	$449.919	$450
Competitive lease application	170	172.431	2.172	174.603	175
Assignment and transfer of record title or operating rights	100	99.470	1.253	100.723	100
Overriding royalty transfer, payment out of production	15	13.260	0.167	13.427	15
Name change, corporate merger or transfer to heir/devisee	230	232.096	2.924	235.020	235
Lease consolidation	490	490.726	6.183	496.909	495
Lease renewal or exchange	445	444.321	5.598	449.919	450
Lease reinstatement, Class I	85	86.197	1.086	87.283	85
Leasing under right-of-way	445	444.321	5.598	449.919	450
Geophysical exploration permit application—Alaska	25	27.142	0.341	27.483	25
Renewal of exploration permit—Alaska	25	27.142	0.341	27.483	25
Geothermal (part 3200):					
Noncompetitive lease application	445	444.321	5.598	449.919	450
Competitive lease application	170	172.431	2.172	174.603	175
Assignment and transfer of record title or operating right	100	99.470	1.253	100.723	100
Name change, corporate merger or transfer to heir/devisee	230	232.096	2.924	235.020	235
Lease consolidation	490	490.726	6.183	496.909	495
Lease reinstatement	85	86.197	1.086	87.283	85
Nomination of lands	125	124.143	1.564	125.707	125
Plus per acre nomination fee	0.12	0.122	0.001	0.123	0.12
Site license application	65	66.313	0.835	67.148	65
Assignment or transfer of site license	65	66.313	0.835	67.148	65
Coal (parts 3400, 3470):					
License to mine application	15	13.260	0.167	13.427	15
Exploration license application	365	364.735	4.595	369.330	370
Lease or lease interest transfer	75	72.960	0.919	73.879	75
Leasing of Solid Minerals Other Than Coal and Oil Shale (parts 3500, 3580):					
Applications other than those listed below	40	39.792	0.501	40.293	40
Prospecting permit amendment	75	72.960	0.919	73.879	75
Extension of prospecting permit	120	119.366	1.504	120.870	120
Lease modification or fringe acreage lease	35	33.168	0.417	33.584	35
Lease renewal	570	570.323	7.186	577.509	580
Assignment, sublease, or transfer of operating rights	35	33.168	0.417	33.585	35
Transfer of overriding royalty	35	33.168	0.417	33.585	35
Use permit	35	33.168	0.417	33.585	35
Shasta and Trinity hardrock mineral lease	35	33.168	0.417	33.585	35
Renewal of existing sand and gravel lease in Nevada	35	33.168	0.417	33.585	35
Multiple Use; Mining (Group 3700):					
Notice of protest of placer mining operations	15	13.260	0.167	13.427	15

[1] The Existing Fee was established by the 2020 (FY 2021) cost recovery fee update rule published on October 9, 2020 (85 FR 64056), effective October 9, 2020.

[2] The Existing Value is the figure from the New Value column in the previous year's rule.

[3] From 4th Quarter 2019 (112.950) to 4th Quarter 2020 (114.368), the IPD–GDP increased by 1.26 percent. The value in the IPD–GDP Increase column is 1.26 percent of the ''Existing Value.''

[4] The sum of the ''Existing Value'' and the ''IPD–GDP Increase'' is the ''New Value.''

[5] The ''New Fee'' for FY 2022 is the ''New Value'' rounded to the nearest $5 for values equal to or greater than $1, or rounded to the nearest penny for values under $1.

Fixed cost recovery fees	Existing fee [1] (FY 2021)	Existing value [2]	IPD–GDP increase [3]	New value [4]	New fee [5] (FY 2022)
Mining Law Administration (parts 3800, 3810, 3830, 3850, 3860, 3870):					
Application to open lands to location	15	13.260	0.167	13.427	15
Notice of location	20	19.884	0.250	20.134	20
Amendment of location	15	13.260	0.167	13.427	15
Transfer of mining claim/site	15	13.260	0.167	13.427	15
Recording an annual FLPMA filing	15	13.260	0.167	13.427	15
Deferment of assessment work	120	119.366	1.504	120.870	120
Recording a notice of intent to locate mining claims on Stockraising Homestead Act lands	35	33.168	0.417	33.585	35
Mineral patent adjudication (more than ten claims)	3,340	3,342.351	42.113	3,384.464	3,385
(ten or fewer claims)	1,670	1,671.158	21.056	1,692.214	1,690
Adverse claim	120	119.366	1.504	120.870	120
Protest	75	72.960	0.919	73.879	75
Oil Shale Management (parts 3900, 3910, 3930):					
Exploration license application	350	349.837	4.407	354.244	355
Assignment or sublease of record title or overriding royalty	70	71.159	0.896	72.055	70

III. How Fees Are Adjusted

The BLM took the base values (or ''existing values'') upon which it derived the FY 2021 cost recovery fees (or ''existing fees'') and multiplied them by the percent change in the IPD–GDP (1.26 percent for this update) to generate the ''IPD–GDP increases'' (in dollars). The BLM then added the ''IPD–GDP increases'' to the ''existing values'' to generate the ''new values.'' The BLM then calculated the ''new fees'' by rounding the ''new values'' to the closest multiple of $5 for fees equal to or greater than $1, or to the nearest cent for fees under $1. The ''new fees'' are the updated cost recovery fees for FY 2022.

The source for IDP–GDP data is the U.S. Department of Commerce, Bureau of Economic Analysis, specifically, ''Table 1.1.9. Implicit Price Deflators for Gross Domestic Product,'' which the BLM accessed on May 13, 2021, on the web at *https://apps.bea.gov/iTable/iTable.cfm?reqid=19&step=2#reqid=19&step=3&isuri=1&1921=survey&1903=13.*

IV. Procedural Matters

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule, and the Office of Management and Budget has not reviewed this final rule under Executive Order 12866.

The BLM has determined that this final rule will not have an annual effect on the economy of $100 million or more. It will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The changes in this rule are much smaller than those in the 2005 Cost Recovery Rule, which did not approach the threshold in Executive Order 12866. For instructions on how to view a copy of the analysis prepared in conjunction with the 2005 Cost Recovery Rule, please contact one of the persons listed in the **FOR FURTHER INFORMATION CONTACT** section above.

This final rule will not create inconsistencies or otherwise interfere with an action taken or planned by another agency. This rule does not change the relationships of the onshore minerals programs with other agencies' actions. These relationships are included in agreements and memoranda of understanding that will not change with this rule.

In addition, this final rule does not materially affect the budgetary impact of entitlements, grants, or loan programs, or the rights and obligations of their recipients. This rule applies an inflationary adjustment factor to existing user fees for processing certain actions associated with the onshore minerals programs.

Finally, this final rule will not raise novel legal or policy issues. As explained earlier, this rule simply implements an annual process to account for inflation that was adopted by and explained in the 2005 Cost Recovery Rule.

The Regulatory Flexibility Act

This final rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). As a result, a Regulatory Flexibility Analysis is not required. The Small Business Administration (SBA) defines small entities as individual, limited partnerships, or small companies considered to be at arm's length from the control of any parent companies if they meet the following size requirements as established for each North American Industry Classification System (NAICS) code:

- Iron ore mining (NAICS code 212210): 750 or fewer employees
- Gold ore mining (NAICS code 212221): 1,500 or fewer employees
- Silver ore mining (NAICS code 212222): 250 or fewer employees
- Uranium-Radium-Vanadium ore mining (NAICS code 212291): 250 or fewer employees
- All Other Metal ore mining (NAICS code 212299): 750 or fewer employees
- Bituminous Coal and Lignite Surface Mining (NAICS code 212111): 1,250 or fewer employees
- Bituminous Coal Underground Mining (NAICS code 212112): 1,500 or fewer employees
- Crude Petroleum Extraction (NAICS code 211120): 1,250 or fewer employees
- Natural Gas Extraction (NAICS code 211130): 1,250 or fewer employees
- All Other Non-Metallic Mineral Mining (NAICS code 212399): 500 or fewer employees

The SBA would consider many, if not most, of the operators with whom the BLM works in the onshore minerals programs to be small entities. The BLM notes that this final rule does not affect service industries, for which the SBA has a different definition of ''small entity.''

The final rule may affect a large number of small entities because 15 fees for activities on public lands will be increased. The adjustments result in no increase in the fees for processing 33 actions relating to the BLM's minerals programs. The highest adjustment, in dollar terms, is for adjudications of mineral patent applications involving

more than 10 mining claims; that fee will increase by $45. It is important to note that the ''real'' values of the fees are not actually increasing, since real values account for the effect of inflation. In real terms, the values of the fees are simply being adjusted to account for the changes in the prices of goods and services produced in the United States. Accordingly, the BLM has concluded that the economic effect of the rule's changes will not be significant, even for small entities.

For the 2005 Cost Recovery Rule, the BLM completed a Regulatory Flexibility Act threshold analysis, which is available for public review in the administrative record for that rule. For instructions on how to view a copy of that analysis, please contact one of the persons listed in the **FOR FURTHER INFORMATION CONTACT** section above. The analysis for the 2005 Cost Recovery Rule concluded that the fees would not have a significant economic effect on a substantial number of small entities. The fee increases implemented in this rule are substantially smaller than those provided for in the 2005 Cost Recovery Rule.

The Small Business Regulatory Enforcement Fairness Act

This final rule is not a ''major rule'' as defined at 5 U.S.C. 804(2). The final rule will not have an annual effect on the economy greater than $100 million; it will not result in major cost or price increases for consumers, industries, government agencies, or regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. Accordingly, a Small Entity Compliance Guide is not required.

Executive Order 13132, Federalism

This final rule 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. In accordance with Executive Order 13132, the BLM therefore finds that the final rule does not have federalism implications, and a federalism assessment is not required.

The Paperwork Reduction Act of 1995

This final rule does not contain information-collection requirements that require a control number from the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). After the effective date of this rule, the new fees may affect the non-hour burdens associated with the following control numbers:

Oil and Gas

(1) 1004–0034, which expires August 31, 2021; [6]

(2) 1004–0137, which expires October 31, 2021;

(3) 1004–0162, which expires October 31, 2021;

(4) 1004–0185, which expires December 31, 2021;

Geothermal

(5) 1004–0132, which expires July 31, 2023;

Coal

(6) 1004–0073, which expires April 30, 2023;

Mining Claims

(7) 1004–0025, which expires February 28, 2022;

(8) 1004–0114, which expires April 30, 2023; and

Leasing of Solid Minerals Other Than Oil Shale

(9) 1004–0121, which expires October 31, 2022.

Takings Implication Assessment (Executive Order 12630)

As required by Executive Order 12630, the BLM has determined that this final rule will not cause a taking of private property. No private property rights will be affected by a rule that merely updates fees. The BLM therefore certifies that this final rule does not represent a governmental action capable of interference with constitutionally protected property rights.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the BLM finds that this final rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive order.

The National Environmental Policy Act (NEPA)

The BLM has determined that this final rule qualifies as a routine financial transaction and a regulation of an administrative, financial, legal, or procedural nature that is categorically excluded from environmental review under NEPA pursuant to 43 CFR 46.205 and 46.210(c) and (i). The final rule does not meet any of the 12 criteria for exceptions to categorical exclusions listed at 43 CFR 46.215. Therefore, neither an environmental assessment nor an environmental impact statement is required in connection with the rule (40 CFR 1508.4).

The Unfunded Mandates Reform Act of 1995

The BLM has determined that this final rule is not significant under the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.,* because it will not result in State, local, private sector, or tribal government expenditures of $100 million or more in any one year, 2 U.S.C. 1532. This rule will not significantly or uniquely affect small governments. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act.

Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

In accordance with Executive Order 13175, the BLM has determined that this final rule does not include policies that have tribal implications. Specifically, the rule would not have substantial direct effects on one or more Indian Tribes. Consequently, the BLM did not utilize the consultation process set forth in Section 5 of the Executive order.

Information Quality Act

In developing this final rule, the BLM did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554).

Effects on the Nation's Energy Supply (Executive Order 13211)

In accordance with Executive Order 13211, the BLM has determined that this final rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It merely adjusts certain administrative cost recovery fees to account for inflation.

Author

The principal author of this final rule is Faith Bremner of the Division of Regulatory Affairs, Bureau of Land Management.

List of Subjects in 43 CFR Part 3000

Public lands—mineral resources, Reporting and recordkeeping requirements.

For reasons stated in the preamble, the Bureau of Land Management amends 43 CFR part 3000 as follows:

[6] A renewal request for control number 1004–0034 was submitted to the Office of Management and Budget on May 5, 2021.

PART 3000—MINERALS MANAGEMENT: GENERAL

■ 1. The authority citation for part 3000 continues to read as follows:

Authority: 16 U.S.C. 3101 *et seq.*; 30 U.S.C. 181 *et seq.*, 301–306, 351–359, and 601 *et seq.*; 31 U.S.C. 9701; 40 U.S.C. 471 *et seq.*; 42 U.S.C. 6508; 43 U.S.C. 1701 *et seq.*; and Pub. L. 97–35, 95 Stat. 357.

Subpart 3000—General

■ 2. Amend § 3000.12 by revising paragraph (a) to read as follows:

§ 3000.12 What is the fee schedule for fixed fees?

(a) The table in this section shows the fixed fees that must be paid to the BLM for the services listed for Fiscal Year (FY) 2022. These fees are nonrefundable and must be included with documents filed under this chapter. Fees will be adjusted annually according to the change in the Implicit Price Deflator for Gross Domestic Product (IPD–GDP) by way of publication of a final rule in the **Federal Register** and will subsequently be posted on the BLM website (*https://www.blm.gov*) before October 1 each year. Revised fees are effective each year on October 1.

TABLE 1 TO PARAGRAPH (a)—FY 2022 PROCESSING AND FILING FEE TABLE

Document/action	FY 2022 fee
Oil & Gas (parts 3100, 3110, 3120, 3130, 3150):	
Noncompetitive lease application	$450
Competitive lease application	175
Assignment and transfer of record title or operating rights	100
Overriding royalty transfer, payment out of production	15
Name change, corporate merger or transfer to heir/devisee	235
Lease consolidation	495
Lease renewal or exchange	450
Lease reinstatement, Class I	85
Leasing under right-of-way	450
Geophysical exploration permit application—Alaska	25
Renewal of exploration permit—Alaska	25
Geothermal (part 3200):	
Noncompetitive lease application	450
Competitive lease application	175
Assignment and transfer of record title or operating rights	100
Name change, corporate merger or transfer to heir/devisee	235
Lease consolidation	495
Lease reinstatement	85
Nomination of lands	125
plus per acre nomination fee	0.12
Site license application	65
Assignment or transfer of site license	65
Coal (parts 3400, 3470):	
License to mine application	15
Exploration license application	370
Lease or lease interest transfer	75
Leasing of Solid Minerals Other Than Coal and Oil Shale (parts 3500, 3580):	
Applications other than those listed below	40
Prospecting permit application amendment	75
Extension of prospecting permit	120
Lease modification or fringe acreage lease	35
Lease renewal	580
Assignment, sublease, or transfer of operating rights	35
Transfer of overriding royalty	35
Use permit	35
Shasta and Trinity hardrock mineral lease	35
Renewal of existing sand and gravel lease in Nevada	35
Public Law 359; Mining in Powersite Withdrawals: General (part 3730):	
Notice of protest of placer mining operations	15
Mining Law Administration (parts 3800, 3810, 3830, 3860, 3870):	
Application to open lands to location	15
Notice of location [1]	20
Amendment of location	15
Transfer of mining claim/site	15
Recording an annual FLPMA filing	15
Deferment of assessment work	120
Recording a notice of intent to locate mining claims on Stockraising Homestead Act lands	35
Mineral patent adjudication	* 3,385 ** 1,690
Adverse claim	120
Protest	75
Oil Shale Management (parts 3900, 3910, 3930):	
Exploration license application	355
Application for assignment or sublease of record title or overriding royalty	70

[1] To record a mining claim or site location, this processing fee along with the initial maintenance fee and the one-time location fee required by statute (43 CFR part 3833) must be paid.

* (more than 10 claims).

** (10 or fewer claims).

* * * * *

Laura Daniel-Davis,

Principal Deputy Assistant Secretary, Land and Minerals Management.

[FR Doc. 2021–21514 Filed 10–1–21; 8:45 am]

BILLING CODE 4310–84–P

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 801

[Docket No.: NTSB–2021–0006]

RIN 3147–AA23

Internal Personnel Rules and Practices of the NTSB

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Interim final rule; request for comments.

SUMMARY: The National Transportation Safety Board (NTSB) is amending its Internal Personnel Rules and Practices to reflect that the agency is closing its ''public reference room'' and will now make qualifying records electronically available. Moreover, the agency will remove an outdated paragraph describing a particular category of exempted records under the Freedom of Information Act (FOIA): internal matters of a relatively trivial nature that have no significant public interest, and predominately internal matters that the release would risk circumvention of a statute or agency regulation. The revisions to the NTSB FOIA regulation are being issued as an interim final rule to ensure that an updated regulations is in place as soon as practicable to implement the Supreme Court decision.

DATES: This rule is effective on October 4, 2021. The NTSB will accept written comments on this interim final rule on or before December 3, 2021.

ADDRESSES: You may send comments, identified by Docket Number (No.) NTSB–2021–0006, by any of the following methods:

- *Federal e-Rulemaking Portal: https://www.regulations.gov.*
- *Email: rulemaking@ntsb.gov.*
- *Fax:* 202–314–6090.
- *Mail/Hand Delivery/Courier:* NTSB, Office of General Counsel, 490 L'Enfant Plaza East SW, Washington, DC 20594.

Instructions: All submissions in response to this interim final rule must include Docket No. NTSB–2021–0006. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket, go to *https://www.regulations.gov* and search Docket No. NTSB–2021–0006.

FOR FURTHER INFORMATION CONTACT: Kathleen Silbaugh, General Counsel, (202) 314–6080, *rulemaking@ntsb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Previously, the agency offered its physical public reading room to allow for in-person inspection of its **Federal Register** publications; however, with the advent of modern technology, the need for such a room is obsolete as documents are electronically available to the public through regulations.gov and the agency's electronic reading room.

Currently, part 801 provides that the NTSB will maintain a ''public reference room'' in accordance with FOIA and notes the various records that will be made available in that room; however, with fewer visitors and the frequent use of the public reference room as a meeting space, the agency is closing its physical reading room and will make qualifying records available electronically. Consequently, the agency is issuing this interim final rule because technical amendments are necessary to remove all references to the ''public reference room.''

Further, the agency will amend 49 CFR 801.52, which exempts internal personnel rules and practices of the NTSB from public disclosure under 5 U.S.C. 552(b)(2), FOIA's Exemption 2. Consistent with that exemption, § 801.52(b) pertains to records regarding internal matters of a relatively trivial nature that have no significant public interest, and predominately internal matters that the release would risk circumvention of a statute or agency regulation. However, the Supreme Court has since held that the exemption ''encompasses only records relating to issues of employee relations and human resources.'' *Milner* v. *Department of the Navy,* 131 S.Ct. 1259 (2011). Accordingly, the NTSB is issuing an interim final rule to remove paragraph (b) from 49 CFR 801.52.

II. Regulatory Analysis

Because the NTSB is an independent agency, this interim final rule does not require an assessment of its potential costs and benefits under section 6(a)(3) of Executive Order (E.O.) 12866, Regulatory Planning and Review, 58 FR 51735 (Sept. 30, 1993). In addition, the NTSB has considered whether this rule would have a significant economic impact on a substantial number of small entities, under the Regulatory Flexibility Act (5 U.S.C. 601–612). The NTSB certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

The NTSB does not anticipate this rule will have a substantial, direct effect on state or local governments or will preempt state law; as such, this rule does not have implications for federalism under E.O. 13132, Federalism, 64 FR 43255 (Aug. 4, 1999).

This rule complies with all applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, 61 FR 4729 (Feb. 5, 1996), to minimize litigation, eliminate ambiguity, and reduce burden. The NTSB has evaluated this rule under: E.O. 12898, Federal Actions to Address Environmental Judice in Minority Populations and Low-Income Populations, 59 FR 7629 (Feb. 16, 1994); E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks, 62 FR 19885 (Apr. 21, 1997); E.O. 13175, Consultation and Coordination with Indian Tribal Governments, 65 FR 67249 (Nov. 6, 2000); E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 18, 2001); and the National Environmental Policy Act, 42 U.S.C. 4321–47. Pursuant to the Paperwork Reduction Act, the NTSB has determined that there is no new requirement for information collection associated with this interim final rule. The NTSB has concluded that this interim final rule neither violates nor requires further consideration under those orders, statutes, E.O.s, and acts.

List of Subjects in 49 CFR Part 801

Archives and records, Freedom of information.

Accordingly, for the reasons stated in the Preamble, the NTSB amends 49 CFR part 801 as follows:

PART 801—PUBLIC AVAILABILITY OF INFORMATION

■ 1. The authority citation for part 801 continues to read as follows:

Authority: 49 U.S.C. 1113(f); 5 U.S.C. 552; 18 U.S.C. 641, 2071; 31 U.S.C. 3717, 9701; 44 U.S.C. Chapters 21, 29, 31, and 33.

■ 2. In part 801, revise all references to ''public reference room'' to read ''electronic reading room''.

■ 3. Revise § 801.52 to read as follows:

§ 801.52 Internal personnel rules and practices of the NTSB.

Pursuant to 5 U.S.C. 552(b)(2), the following records are exempt from disclosure under FOIA: Records relating solely to internal personnel rules and practices, including memoranda pertaining to personnel matters such as staffing policies, and procedures for the hiring, training, promotion, demotion, or discharge of employees, and management plans, records, or proposals relating to labor-management relations.

Jennifer Homendy,

Chair.

[FR Doc. 2021–21517 Filed 10–1–21; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 10

[Docket No. FWS–HQ–MB–2018–0090; FF09M22000–212–FXMB1231099BPP0]

RIN 1018–BD76

Regulations Governing Take of Migratory Birds; Revocation of Provisions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: On January 7, 2021, we, the U.S. Fish and Wildlife Service (we, the Service, or USFWS), published a final rule (January 7 rule) defining the scope of the Migratory Bird Treaty Act (MBTA) as it applies to conduct resulting in the injury or death of migratory birds protected by the MBTA. We now revoke that rule for the reasons set forth below. The immediate effect of this final rule is to return to implementing the MBTA as prohibiting incidental take and applying enforcement discretion, consistent with judicial precedent and longstanding agency practice prior to 2017.

DATES: This rule is effective December 3, 2021.

FOR FURTHER INFORMATION CONTACT: Jerome Ford, Assistant Director, Migratory Birds, at 202–208–1050.

SUPPLEMENTARY INFORMATION: On January 7, 2021, we published a final rule defining the scope of the MBTA (16 U.S.C. 703 *et seq.*) as it applies to conduct resulting in the injury or death of migratory birds protected by the MBTA (86 FR 1134) (hereafter referred to as the ''January 7 rule''). The January 7 rule codified an interpretation of the MBTA set forth in a 2017 legal opinion of the Solicitor of the Department of the Interior, Solicitor's Opinion M–37050 (also referred to as the Jorjani Opinion), which concluded that the MBTA does not prohibit incidental take.

As initially published, the January 7 rule was to become effective 30 days later, on February 8, 2021. However, on February 4, 2021, USFWS submitted a final rule to the **Federal Register** correcting the January 7 rule's effective date to March 8, 2021, to conform with its status as a ''major rule'' under the Congressional Review Act, which requires a minimum effective date period of 60 days, *see* 5 U.S.C. 801(a)(3) and 804(2). The final rule extending the effective date of the January 7 final rule itself became effective when it was made available for public inspection in the reading room of the Office of the Federal Register on February 5, 2021, and was published in the **Federal Register** on February 9, 2021 (86 FR 8715). In that document, we also sought public comment to inform our review of the January 7 rule and to determine whether further extension of the effective date was necessary.

After further review, we decided not to extend the effective date of the January 7 rule beyond March 8. We acknowledged that the January 7 rule would remain in effect for some period of time even if it is ultimately determined, after notice and comment, that it should be revoked. But rather than extending the effective date again, we determined that the most transparent and efficient path forward was instead to immediately propose to revoke the January 7 rule. The proposed rule provided the public with notice of our intent to revoke the January 7 rule, subject to our final decision after consideration of public comments.

We have undertaken further review of the January 7 rule and considered public comments on our proposed revocation rule and determine that the January 7 rule does not reflect the best reading of the MBTA's text, purpose, and history. It is also inconsistent with the majority of relevant court decisions addressing the issue, including the decision of the District Court for the Southern District of New York on August 11, 2020 that expressly rejected the rationale offered in the rule. The January 7 rule's reading of the MBTA also raises serious concerns with Canada, a United States' treaty partner, and for the migratory bird resources protected by the MBTA and underlying treaties. Accordingly, we revoke the January 7 rule and remove the regulation codifying the interpretation set forth in the January 7 rule at 50 CFR 10.14.

At this time, we have not proposed replacement language for the Code of Federal Regulations. This rulemaking simply removes the current regulatory language. A Director's Order clarifying our current enforcement position was issued at the time of this final rule's publication and will come into effect on the effective date of this final rule (see **DATES**). We will introduce new policies in the future, including a proposed regulation codifying an interpretation of the MBTA that prohibits incidental take and potentially a regulatory framework for the issuance of permits to authorize incidental take. Concurrent with this final rule, we have also published an advance notice of proposed rulemaking requesting public input on potential alternatives for authorizing incidental take of migratory birds and a Director's Order clarifying our current enforcement position. These new policies and regulatory actions will fully implement the new National Environmental Policy Act (NEPA) Record of Decision (ROD) associated with this revocation rule, which is available at *https://www.fws.gov/regulations/mbta/resources.*

The MBTA statutory provisions at issue in the January 7 rule have been the subject of repeated litigation and diametrically opposed opinions of the Solicitors of the Department of the Interior. The longstanding historical agency practice confirmed in the earlier Solicitor M-Opinion, M–37041, and upheld by most reviewing courts, had been that the MBTA prohibits the incidental take of migratory birds (subject to certain legal constraints). The January 7 rule reversed several decades of past agency practice and interpreted the scope of the MBTA to exclude any prohibition on the incidental take of migratory birds. In so doing, the January 7 rule codified Solicitor's Opinion M–37050, which itself had been vacated by the United States District Court for the Southern District of New York. This interpretation focused on the language of section 2 of the MBTA, which, in relevant part, makes it ''unlawful at any time, by any means, or in any manner, to pursue, hunt, take, capture, kill'' migratory birds or attempt to do the same. 16 U.S.C. 703(a). Solicitor's Opinion M–37050 and the January 7 rule argued that the prohibited terms listed in section 2 all refer to conduct directed at migratory birds, and that the broad preceding language, ''by any means, or in any manner,'' simply covers all potential methods and means of performing actions directed at

migratory birds and does not extend coverage to actions that incidentally take or kill migratory birds.

As noted above, on August 11, 2020, a court rejected the interpretation set forth in Solicitor's Opinion M–37050 as contrary to the MBTA and vacated that opinion. *Natural Res. Def. Council* v. *U.S. Dep't of the Interior,* 478 F. Supp. 3d 469 (S.D.N.Y. 2020) (''*NRDC*''). In late January 2021, two new lawsuits were filed that challenge the January 7 rule. *Nat'l Audubon Soc'y* v. *U.S. Fish & Wildlife Serv.,* 1:21–cv–00448 (S.D.N.Y. filed Jan. 19, 2021); *State of New York* v. *U.S. Dep't of the Interior,* 1:21–cv–00452 (S.D.N.Y. filed Jan. 19, 2021). At the time the January 7 rule was published, the United States had filed a notice of appeal of the *NRDC* decision in the U.S. Court of Appeals for the Second Circuit. Since that time, the United States filed a stipulation to dismiss that appeal on February 25, 2021, and the Deputy Solicitor permanently withdrew M–37050 on March 8, 2021.

The District Court's decision in *NRDC* expressly rejected the basis for the January 7 rule's conclusion that the statute does not prohibit incidental take. In particular, the court reasoned that the plain language of the MBTA's prohibition on killing protected migratory bird species ''at any time, by any means, and in any manner'' shows that the MBTA prohibits incidental killing. *See* 478 F. Supp. 3d at 481. Thus, the statute is not limited to actions directed at migratory birds as set forth in the January 7 rule. After closely examining the court's holding, we are persuaded that it advances the better reading of the statute, including that the most natural reading of ''kill'' is that it also prohibits incidental killing.

The interpretation contained in the January 7 rule relies heavily on *United States* v. *CITGO Petroleum Corp.,* 801 F.3d 477 (5th Cir. 2015) (*CITGO*). The Fifth Circuit is the only Circuit Court of Appeals to expressly state that the MBTA does not prohibit incidental take. In *CITGO,* the Fifth Circuit held that the term ''take'' in the MBTA does not include incidental taking because ''take'' at the time the MBTA was enacted in 1918 referred in common law to ''[reducing] animals, by killing or capturing, to human control'' and accordingly could not apply to accidental or incidental take. *Id.* at 489 (following *Babbitt* v. *Sweet Home Chapter Cmtys. for a Great Or.,* 515 U.S. 687, 717 (1995) (Scalia J., dissenting) (*Sweet Home*)). While we do not agree with the *CITGO* court's interpretation of the term ''take'' under the MBTA, we further note that *CITGO* does not provide legal precedent for construing ''kill'' narrowly. The *CITGO* court's analysis is limited by its terms to addressing the meaning of the term ''take'' under the MBTA; thus, any analysis of the meaning of the term ''kill'' was not part of the court's holding.

Moreover, as discussed below and even though it was dicta, we also disagree with the *CITGO* court's analysis of the term ''kill.''

Although the *CITGO* court's holding was limited to interpreting ''take,'' the court opined in dicta that the term ''kill'' is limited to intentional acts aimed at migratory birds in the same manner as ''take.'' *See* 801 F.3d at 489 n.10. However, the court based this conclusion on two questionable premises.

First, the court stated that ''kill'' has little if any independent meaning outside of the surrounding prohibitory terms ''pursue,'' ''hunt,'' ''capture,'' and ''take,'' analogizing the list of prohibited acts to those of two other environmental statutes—the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) and the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*). *See id.* The obvious problem with this argument is that it effectively reads the term ''kill'' out of the statute; in other words, the *CITGO* court's reasoning renders ''kill'' superfluous to the other terms mentioned, thus violating the rule against surplusage. *See, e.g., Corley* v. *United States,* 556 U.S. 303, 314 (2009).

Second, employing the *noscitur a sociis* canon of statutory construction (which provides that the meaning of an ambiguous word should be determined by considering its context within the words it is associated with), the Fifth Circuit argued that because the surrounding terms apply to ''deliberate acts that effect bird deaths,'' then ''kill'' must also. *See* 801 F.3d at 489 n.10. The January 7 rule also relied heavily on this canon to argue that both ''take'' and ''kill'' must be read as deliberate acts in concert with the other referenced terms. Upon closer inspection though, the only terms that clearly and unambiguously refer to deliberate acts are ''hunt'' and ''pursue.'' Both the *CITGO* court and the January 7 final rule erroneously determined that ''capture'' can also only be interpreted as a deliberate act. This is not so. There are many examples of unintentional or incidental capture, such as incidental capture in traps intended for animals other than birds or in netting designed to prevent swallows nesting under bridges. Thus, the *CITGO* court's primary argument that ''kill'' only applies to ''deliberate actions'' rests on the fact that just two of the five prohibited actions unambiguously describe deliberate acts. The fact that most of the prohibited terms can be read to encompass actions that are not deliberate in nature is a strong indication that Congress did not intend those terms to narrowly apply only to direct actions.

The *NRDC* court similarly rejected the January 7 rule's interpretation of the term ''kill'' and its meaning within the context of the list of actions prohibited by the MBTA. The court noted the broad, expansive language of section 2 prohibiting hunting, pursuit, capture, taking, and killing of migratory birds ''by any means or in any manner.'' 478 F. Supp. 3d at 482. The court reasoned that the plain meaning of this language can only be construed to mean that activities that result in the death of a migratory bird are a violation ''irrespective of whether those activities are specifically directed at wildlife.'' *Id.* The court also noted that the *Sweet Home* decision relied upon by the *CITGO* court and the January 7 rule actually counsels in favor of a broad reading of the term ''kill,'' even assuming Justice Scalia accurately defined the term ''take'' in his dissent. The *Sweet Home* case dealt specifically with the definition of ''take'' under the ESA, which included the terms ''harm'' and ''kill.'' The majority in *Sweet Home* was critical of the consequences of limiting liability under the ESA to ''affirmative conduct intentionally directed against a particular animal or animals,'' reasoning that knowledge of the consequences of an act are sufficient to infer liability, including typical incidental take scenarios. *Id.* at 481–82.

The *NRDC* court went on to criticize the use of the *noscitur a sociis* canon in Solicitor's Opinion M–37050 (a use repeated in the January 7 rule). The court reasoned that the term ''kill'' is broad and can apply to both intentional, unintentional, and incidental conduct. The court faulted the Solicitor's narrow view of the term and disagreed that the surrounding terms required that narrow reading. To the contrary, the court found the term ''kill'' to be broad and not at all ambiguous, pointedly noting that proper use of the *noscitur* canon is confined to interpreting ambiguous statutory language. Moreover, use of the *noscitur* canon deprives ''kill'' of any independent meaning, which runs headlong into the canon against surplusage as noted above. The court did not agree that an example provided by the government demonstrated that ''kill'' had independent meaning from ''take'' under the interpretation espoused by Solicitor's Opinion M–37050. By analogy, the court referenced

the Supreme Court's rejection of the dissent's use of the *noscitur* canon in *Sweet Home,* which similarly gave the term ''harm'' the same essential function as the surrounding terms used in the definition of ''take'' under the ESA, denying it independent meaning. *See id.* at 484.

The *CITGO* court, M–37050, and the January 7 rule also cited potential constitutional concerns in rejecting an interpretation of the MBTA that prohibits incidental take—specifically that this interpretation results in implementing the MBTA in a vague and overbroad manner thus violating the constitutional right to due process. Although the *NRDC* court did not address these concerns because it found the language of the MBTA unambiguous in the context of its application to incidental take, these concerns also do not counsel in favor of rejecting that interpretation even if the relevant language is considered ambiguous. The constitutional concerns cited in the January 7 rule can be addressed simply by noting that the Act's reach within the context of incidental take is limited by applying the standard legal tools of proximate causation and foreseeability—as explained by the Tenth Circuit in *United States* v. *Apollo Energies,* 611 F.3d 679 (10th Cir. 2010) and in M–37041—and by adopting policies and regulations that eliminate potential prosecutorial overreach and absurd results. Upon revocation of this rule, we issued a Director's Order clarifying our current enforcement position and will consider developing a regulatory authorization framework, as explained below. These policies will eliminate any potential constitutional concerns by providing the public with adequate notice of the scope of potential liability under the MBTA and how any potential violations may be avoided or authorized.

In sum, after further review of the January 7 rule and the *CITGO* and *NRDC* decisions, along with the language of the statute, we now conclude that the interpretation of the MBTA set forth in the January 7 rule and Solicitor's Opinion M–37050, which provided the basis for that interpretation, is not the construction that best accords with the text, purposes, and history of the MBTA. It simply cannot be squared with the *NRDC* court's holding that the MBTA's plain language encompasses the incidental killing of migratory birds. Even if the *NRDC* court's plain-language analysis were incorrect, the operative language of the MBTA is at minimum ambiguous, thus USFWS has discretion to implement that language in a manner consistent with the conservation purposes of the statute and its underlying Conventions that avoids any potential constitutional concerns. Reference to case law in general or legislative history can be interpreted to bolster either interpretation as demonstrated by the relevant analysis in the January 7 rule versus that of the initial Solicitor's Opinion, M–37041, thus is of limited assistance if the relevant language is indeed ambiguous. In any case, the Service certainly has discretion to revoke the January 7 rule given the legal infirmities raised by the *NRDC* court and the rule's reliance on the *CITGO* decision.

To the extent that the primary policy justifications for the January 7 rule were resolving uncertainty and increasing transparency through rulemaking, we do not consider these concerns to outweigh the legal infirmities of the January 7 rule or the conservation purposes of the statute and its underlying Conventions. Interpreting the statute to exclude incidental take is not the reading that best advances these purposes or provides the most natural reading of section 2, which is underscored by the following additional reasons for revoking the current regulation.

First, the January 7 rule is undermined by the 2002 legislation authorizing military-readiness activities that incidentally take or kill migratory birds. In that legislation, Congress temporarily exempted ''incidental taking'' caused by military-readiness activities from the prohibitions of the MBTA; required the Secretary of Defense to identify, minimize, and mitigate the adverse effect of military-readiness activities on migratory birds; and directed USFWS to issue regulations under the MBTA creating a permanent exemption for military-readiness activities. Bob Stump National Defense Authorization Act for Fiscal Year 2003, Public Law 107–314, Div. A, Title III, section 315 (2002), 116 Stat. 2509 (Stump Act). This legislation was enacted in response to a court ruling that had enjoined military training that incidentally killed migratory birds. *Ctr. for Biological Diversity* v. *Pirie,* 191 F. Supp. 2d 161 and 201 F. Supp. 2d 113 (D.D.C. 2002), *vacated on other grounds sub nom. Ctr. for Biological Diversity* v. *England,* 2003 U.S. App. Lexis 1110 (D.C. Cir. Jan. 23, 2003). Notably, Congress did not amend the MBTA to define the terms ''take'' or ''kill.'' Instead, Congress itself uses the term ''incidental take'' and provides that the MBTA ''shall not apply'' to such take by the Armed Forces during ''military-readiness activities.'' Moreover, Congress limited the exemption only to military-readiness activities, *i.e.,* training and operations related to combat and the testing of equipment for combat use. It expressly excluded routine military-support functions and the ''operation of industrial activities'' from the exemption afforded by the 2002 legislation, leaving such non-combat-related activities fully subject to the prohibitions of the Act. Even then, the military-readiness incidental take carve-out was only temporarily effectuated through the statute itself. Congress further directed the Department of the Interior (DOI or the Department) ''to prescribe regulations to exempt the Armed Forces for the incidental taking of migratory birds during military readiness activities.''

This would be an odd manner in which to proceed to address the issue raised by the *Pirie* case if Congress' governing understanding at the time was that incidental take of any kind was not covered by the Act. Congress simply could have amended the MBTA to clarify that incidental take is not prohibited by the statute or, at the least, that take incidental to military-readiness activities is not prohibited. Instead, Congress limited its amendment to exempting incidental take only by military-readiness activities, expressly excluded other military activities from the exemption, and further directed DOI to issue regulations delineating the scope of the military-readiness carve-out from the incidental-take prohibitions of the Act. All of these factors indicate that Congress understood that the MBTA's take and kill prohibitions included what Congress itself termed ''incidental take.''

In arguing that Congress's authorization of incidental take during military-readiness activities did not authorize enforcement of incidental take in other contexts, the January 7 rule cites the *CITGO* court's conclusion that a ''single carve-out from the law cannot mean that the entire coverage of the MBTA was implicitly and hugely expanded.'' *CITGO,* 801 F.3d at 491. It is true that the Stump Act did not, by its terms, authorize enforcement of incidental take in other contexts. It clearly could not do anything of the sort, based on its narrow application to military-readiness activities. Rather, the logical explanation is that Congress considered that the MBTA already prohibited incidental take (particularly given USFWS's enforcement of incidental take violations over the prior three decades) and there was no comprehensive regulatory mechanism available to authorize that take. Thus, it was necessary to temporarily exempt incidental take pursuant to military-readiness activities to address the *Pirie*

case and direct USFWS to create a permanent exemption. This conclusion is supported by the fact that Congress specifically stated in the Stump Act that the exemption did not apply to certain military activities that do not meet the definition of military readiness, including operation of industrial activities and routine military-support functions.

On closer inspection, the *CITGO* court's analysis of the purposes behind enactment of the military-readiness exemption is circular. Assuming the military-readiness exemption is necessary because the MBTA otherwise prohibits incidental take only represents an implicit and huge expansion of coverage under the MBTA if it is assumed that the statute did not already prohibit incidental take up to that point. But Congress would have had no need to enact the exemption if the MBTA did not—both on its terms and in Congress's understanding—prohibit incidental take. The adoption of a provision to exempt incidental take in one specific instance is merely a narrowly tailored exception to the general rule and provides clear evidence of what Congress understood the MBTA to prohibit.

Second, further consideration of concerns expressed by one of our treaty partners counsels in favor of revoking the January 7 rule. The MBTA implements four bilateral migratory bird Conventions with Canada, Mexico, Russia, and Japan. *See* 16 U.S.C. 703–705, 712. The Government of Canada communicated its concerns with the January 7 rule both during and after the rulemaking process, including providing comments on the environmental impact statement (EIS) associated with the rule.

After the public notice and comment period had closed, Canada's Minister of Environment and Climate Change summarized the Government of Canada's concerns in a public statement issued on December 18, 2020 (*https://www.canada.ca/en/environment-climate-change/news/2020/12/minister-wilkinson-expresses-concern-over-proposed-regulatory-changes-to-the-united-states-migratory-bird-treaty-act.html*). Minister Wilkinson voiced the Government of Canada's concern regarding ''the potential negative impacts to our shared migratory bird species'' of allowing the incidental take of migratory birds under the MBTA rule and ''the lack of quantitative analysis to inform the decision.'' He noted that the ''Government of Canada's interpretation of the proposed changes . . . is that they are not consistent with the objectives of the Convention for the Protection of Migratory Birds in the United States and Canada.'' Additionally, in its public comments on the draft EIS for the MBTA rule, Canada stated that it believes the rule ''is inconsistent with previous understandings between Canada and the United States (U.S.), and is inconsistent with the long-standing protections that have been afforded to non-targeted birds under the Convention for the Protection of Migratory Birds in the United States and Canada . . . as agreed upon by Canada and the U.S. through Article I. The removal of such protections will result in further unmitigated risks to vulnerable bird populations protected under the Convention.'' After further consideration, we have similar concerns to those of our treaty partner, Canada.

The protections for ''non-targeted birds'' noted by the Canadian Minister are part and parcel of the Canada Convention, as amended by the Protocol between the United States and Canada Amending the 1916 Convention for the Protection of Migratory Birds in Canada and the United States, which protects not only game birds hunted and trapped for sport and food, but also nongame birds and insectivorous birds. For instance, the preamble to the Convention declares ''saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless'' as its very purpose and declares that ''many of these species are . . . in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds.'' Convention between the United States and Great Britain (on behalf of Canada) for the Protection of Migratory Birds, 39 Stat. 1702 (Aug. 16, 1916). Thus, whether one argues that the language of section 2 of the MBTA plainly prohibits incidental killing of migratory birds or is ambiguous in that regard, an interpretation that excludes incidental killing is difficult to square with the express conservation purposes of the Canada Convention. Moreover, until recently there had been a longstanding ''mutually held interpretation'' between the two treaty partners that regulating incidental take is consistent with the underlying Convention, as stated in an exchange of Diplomatic Notes in 2008. While Canada expressed its position before the final rule published on January 7, upon review, we now have determined that the concerns raised by the United States' treaty partner counsel in favor of revocation of the rule.

In addition to the Canada Convention, the January 7 rule may also be inconsistent with the migratory bird conventions with Mexico, Japan, and Russia. The Japan and Russia Conventions both broadly call for the parties to prevent damage to birds from pollution. *See* Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, Mar. 4, 1972, 25 U.S.T. 3329 (Japan Convention); Convention between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment, Nov. 19, 1976, 29 U.S.T. 4647 (Russia Convention). The Protocols amending the Canada and Mexico Conventions contain similar language calling for the parties to seek means to prevent damage to birds and their environment from pollution. *See* Protocol between the Government of the United States and the Government of Canada Amending the 1916 Convention Between the United Kingdom and the United States of America for the Protection of Migratory Birds, Dec. 14, 1995, S. Treaty Doc. No. 104–28, T.I.A.S. 12721; Protocol Between the Government of the United States of America and the Government of the United Mexican States Amending the Convention for the Protection of Migratory Birds and Game Mammals, May 5, 1997, S. Treaty Doc. No. 105–26.

Some of the relevant provisions include article IV of the Protocol with Canada, which states that each party shall use its authority to ''take appropriate measures to preserve and enhance the environment of migratory birds,'' and in particular shall ''seek means to prevent damage to [migratory] birds and their environments, including damage resulting from pollution''; article I of the Mexico Convention, which discusses protecting migratory birds by ''means of adequate methods[. . .]''; article VI(a) of the Japan Convention, which provides that parties shall ''[s]eek means to prevent damage to such birds and their environment, including, especially, damage resulting from pollution of the seas''; and articles IV(1) and 2(c) of the Russia Convention, which require parties to ''undertake measures necessary to protect and enhance the environment of migratory birds and to prevent and abate the pollution or detrimental alteration of that environment,'' and, in certain special areas, undertake, to the maximum extent possible, ''measures necessary to protect the ecosystems in those special areas . . . against pollution, detrimental

alteration and other environmental degradation.''

The January 7 rule eliminates a source of liability for pollution that incidentally takes and kills migratory birds—a position that is difficult to square with the mutually agreed upon treaty provisions agreeing to prevent damage to birds from pollution. The January 7 rule does not directly affect natural resource damage assessments conducted under the Comprehensive Environmental Response Compensation and Liability Act, the Oil Pollution Act, and the Clean Water Act to determine compensation to the public for lost natural resources and their services from accidents that have environmental impacts, such as oil spills. However, for oil spills such as the BP *Deepwater Horizon* Gulf oil spill and the *Exxon Valdez* oil spill in Alaska, significant penalties were levied in addition to those calculated under natural resource damage assessments based on incidental-take liability under the MBTA. Those fines constituted a large proportion of the total criminal fines and civil penalties associated with historical enforcement of incidental take violations. As noted in the EIS, the January 7 rule eliminates the Federal Government's ability to levy similar fines in the future, thereby reducing the deterrent effect of the MBTA and the Federal Government's ability to mitigate some of the harm by directing these fines to the North American Wetlands Conservation Act fund for the protection and restoration of wetland habitat for migratory birds.

In sum, the issues raised by the Government of Canada raise significant concerns regarding whether the January 7 rule is consistent with the Canada Convention, and questions also remain regarding that rule's consistency with the other migratory bird Conventions. We note as well that the primary policy justifications for the January 7 rule were resolving uncertainty and increasing transparency through rulemaking. These concerns, however, do not outweigh the legal infirmities of the January 7 rule or the conservation objectives described above. In any case, the Service has issued a Director's Order concurrently with this rule that explains in more detail our enforcement priorities regarding incidental take of migratory birds and published an advance notice of proposed rulemaking to seek public input on an authorization framework. Both actions will provide the public with more clarity and transparency regarding compliance with the MBTA. On these bases, in addition to the legal concerns raised above, we revoke the January 7 MBTA rule.

Public Comments

On May 7, 2021, the Service published in the **Federal Register** (86 FR 24573) a proposed rule seeking public comment on whether the Service should revoke the final rule published on January 7, 2020, that defined the scope of the MBTA as it applies to conduct resulting in the injury or death of migratory birds protected by the Act. We solicited public comments on the proposed rule for 30 days, ending on June 7, 2021. We received 238 comments. Many comments included additional attachments (*e.g.,* scanned letters, photographs, and supporting documents). These comments represented the views of multiple State and local government agencies, private industries, nongovernmental organizations (NGOs), and private citizens. In addition to the individual comments received, 3 of those comments were petitions that contained a total of 42,610 individual signatures supporting the revocation of the January 7 rule. We solicited public comments on the following topics:

1. Whether we should revoke the rule, as proposed, and why or why not;
2. The costs or benefits of revoking the rule;
3. The costs or benefits of leaving the rule in place; and
4. Any reliance interests that might be affected by revoking the rule, or not revoking the rule.

The following text presents the substantive comments we received and the Service's response to them.

Comment: There are other statutes besides the MBTA that protect birds, including NEPA, that industry would still have to comply with, and birds would continue to benefit from those protections. State and local laws also prevent the unnecessary killing of birds; therefore, it is unnecessary for the Service to revoke the January 7 rule.

Service Response: The Service recognizes that there are numerous reasons why an entity would continue to implement best practices, including other Federal or State laws, industry standard practices, public perception, etc. These mechanisms could reduce impacts to birds in some circumstances, but do not provide the uniform conservation protections that Federal regulation can provide. In any case, proper interpretation of the MBTA does not change based on whether other statutes or practices may be protective of migratory birds. Rather, the interpretation must be guided by the MBTA itself. Here, the Service believes the best path forward is to revoke the January 7 rule as it presents an interpretation that is not the best interpretation of the MBTA.

Comment: Several commenters stated that they were against revocation of the rule because it would create uncertainty by returning to inconsistent enforcement discretion when incidental take occurs under the MBTA.

Service Response: The Service acknowledges that this final rule, by its terms, simply revokes the January 7 rule by removing the regulatory language at 50 CFR 10.14 and does not purport to replace that regulation with new regulatory language at this time. However, upon revocation of the rule, the Service expects to develop a comprehensive regulatory framework governing MBTA compliance and enforcement to reduce public uncertainty and provide consistent implementation of the MBTA. To begin that process, we issued an advanced notice of proposed rulemaking concurrently with publication of this final rule that requests public input on a potential regulatory framework for authorizing incidental take under the MBTA. In addition, while certainty in application of the law is a significant consideration, ultimately the Service must interpret and implement the MBTA in a manner that best effectuates Congress' intent. For the reasons explained herein, the Service believes that the January 7 rule does not reflect the best reading of the MBTA's text, purpose, and history and therefore should be revoked.

Comment: Several commenters stated they were against the revocation of the final rule as it would create undue economic burden and expose industry to prosecution.

Service Response: The Service acknowledges that implementing best practices to reduce bird mortality from some industry sectors can include increased costs. However, during the January 7 rulemaking process, most industry sectors informed the Service that they would continue to implement best practices regardless of our regulatory position. Thus, we do not expect a significant increase in economic burden on these industries. Moreover, while consideration of regulatory burdens is undoubtedly important, ultimately the Service's interpretation of the MBTA must be guided by the MBTA itself.

Comment: The proposed rule does not reconcile varying court decisions or discuss how the Service would address MBTA enforcement.

Service Response: Upon revocation of the January 7 rule, the Service will apply enforcement discretion and not prioritize investigating projects that

implement best practices to avoid and minimize impacts to migratory birds. Enforcement of the MBTA would be applied consistent with applicable case law. As noted in the proposed rule preamble, reference to case law can be used to bolster either interpretation as demonstrated by the relevant analysis in the January 7 rule concluding that case law bolsters the interpretation that the MBTA does not prohibit incidental take versus the opposite conclusion in the initial Solicitor's Opinion, M–37041. Thus, case law is of limited assistance and cannot be reconciled in adopting either interpretation. On balance, we conclude that case law generally favors an interpretation that the MBTA prohibits incidental take as explained in M–37041, but we acknowledge there are cases, such as the *CITGO* case in the Fifth Circuit Court of Appeals, that adopt the opposite interpretation. In the longer term, the Service expects to implement a comprehensive regulatory framework governing MBTA compliance and enforcement to reduce public uncertainty and provide consistent implementation of the MBTA.

Comment: Some commenters stated that the rule should not be revoked until an enforcement policy, general permit system, or *de minimis* standard for incidental take is developed.

Service Response: Given the Service's conclusion that the January 7 rule does not reflect the best interpretation of the MBTA, the Service decided that the appropriate initial step is to immediately revoke that rule before the Service considers a replacement policy or regulation. The Service issued a Director's Order concurrently with this final rule that clarifies how the MBTA will be implemented and enforced after this final rule becomes effective. The Service will consider developing an appropriate regulatory framework to authorize incidental take consistent with application of best management practices in the future.

Comment: Several commenters stated that they were neutral regarding revocation of the rule, but that if the Service finalized revocation, it should then promulgate a rule that creates a permitting program so that industry would have a means of compliance and legal certainty.

Service Response: Upon revocation of the January 7 rule, the Service will evaluate options to develop a formal approach to authorize compliance with the MBTA in the context of incidental take of migratory birds.

Comment: Some commenters stated they will continue to use best practices to avoid and minimize bird mortality regardless of the regulatory approach adopted by the Service.

Service Response: The Service acknowledges and appreciates industry efforts to reduce impacts on migratory birds regardless of MBTA policy positions. The Service envisions any future regulatory approach to authorizing incidental take will be rooted in the implementation of industry best practices. We will continue to work with industry to provide guidance on the appropriateness and implementation of those best practices.

Comment: Some commenters stated that, while reversing the rule was a positive first step, it must be followed by rulemaking that establishes an incidental take permitting system.

Service Response: Upon revocation of the January 7 rule, the Service will evaluate options for developing a regulatory approach to resolve any uncertainties pertaining to MBTA compliance. In the short term, the Service issued a Director's Order clarifying our current enforcement position and an advanced notice of proposed rulemaking to inform development of a longer-term proposal to implement an incidental take authorization framework.

Comment: The Service should revoke the January 7 rule and return to the previous interpretation that incidental take is prohibited by the MBTA because that interpretation is more aligned with judicial precedent.

Service Response: We agree that the interpretation that incidental take is prohibited under the MBTA is consistent with judicial precedent in many jurisdictions and is the best interpretation of the law. Upon revocation of the January 7 rule, we will return to our prior interpretation that the MBTA prohibits incidental take. However, we will also engage in rulemaking to codify the interpretation that the MBTA prohibits incidental take to provide the public with greater clarity regarding what violations of the MBTA we will prioritize for enforcement.

Comment: One commenter argued that if the January 7 rule is revoked, all contracts affected by reliance on the January 7 rule need to be grandfathered to avoid impacting the terms under which those contracts were negotiated.

Service Response: Any contracts entered into that may be affected by reliance on the January 7 rule are not within the Service's jurisdiction to address. The Service does not have the authority to mandate any alteration of private contracts, nor does it believe it necessary to create a regulatory carve-out for contracts negotiated in good faith and placed into effect during the period between March 8 when the January 7 rule went into effect and the date this final rule will become effective (see **DATES**). We will continue to work with companies on a case-by-case basis and encourage implementation or continued use of best management practices that avoid or minimize incidental take of migratory birds. We will consider any potential effect of reliance on the short-term applicability of the January 7 rule in working with those companies and in prioritizing our enforcement resources.

As noted above, the Service requested comments on specific reliance interests that might be affected by revocation of the rule. We received several comments such as this one that generally stated how reliance interests may be affected by revoking the rule but without providing specific instances to corroborate those statements. No commenters identified any specific circumstances or situations where entities had relied on the January 7 rule and as a result their reliance interest would be affected by the rule's revocation. Moreover, many commenters noted that entities would continue to implement best management practices and conservation measures for a variety of reasons despite the January 7 rule, including compliance with federal and state regulations other than the MBTA.

Comment: Revocation of the January 7 rule is appropriate because birds provide substantial economic benefits via recreational bird watching/hunting and fines for MBTA violations contribute to bird conservation actions.

Service Response: The Service agrees that birds provide significant economic benefits for bird watching, bird hunting, and general enjoyment by the American public. Birds also provide critical ecosystems services reducing the costs and need for pest control, pollination, and other services beneficial to humans.

Comment: Many commenters supported revocation of the January 7 rule and urged the Service to work with States and industries to find best practices to balance industry needs and bird protections.

Service Response: The Service has and will continue to work with Federal and State agencies, NGOs, and industry to identify, develop, and evaluate actions that either avoid or minimize the impacts to migratory birds. The Service will continue to develop policies and regulations to further develop this cooperative approach. This approach will provide a resilient, long-term framework for implementing the MBTA that will provide long-term certainty to the regulated community

and improved conservation of migratory birds.

Comment: Revoking the January 7 rule is best for bird conservation and reduces the chance that a species may eventually need to be listed as threatened or endangered.

Service Response: The Service agrees that working with Federal and State agencies, NGOs, and industry to avoid and minimize the incidental take of migratory birds is critical to the conservation of migratory birds and may reduce the number of bird species that require protection under the Endangered Species Act in the long term.

Comment: Existing science supports leaving the January 7 rule in place because predators are a significant source of threats to migratory birds according to a Service website (*https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php*). Thus, the Service should focus its efforts and use scientifically sound conservation and policies to address those impacts.

Service Response: The Service agrees that predators are a source of mortality for birds. However, the rule the Service revokes applies to the incidental take of birds caused directly by human activities, not to predator impacts in general. Incidental take of birds is a leading cause of avian mortality, and the Service's revocation of the January 7 rule will help reduce the effects of incidental take on migratory bird populations. Moreover, proper interpretation of the MBTA does not change based on whether non-human factors adversely impact migratory birds. Rather, the interpretation must be guided by the MBTA itself.

Comment: The January 7 rule should be revoked because the MBTA has proven to be a highly successful tool for co-management, regulation, and mitigation of negative effects on migratory bird populations across State and international borders, strengthening the collaborative conservation efforts between State, Tribal, territorial, provincial, and Federal agencies as well as the four regional Flyway Councils. State agencies and their conservation partners have long expressed the need for the protections this rule would provide.

Service Response: The Service agrees the MBTA is one of the best tools for the conservation and management of migratory birds and looks forward to working with all stakeholders in developing additional steps to clarify its implementation of the MBTA in the context of incidental take. The Service will provide the public with opportunities to comment on reasonable implementation alternatives throughout that process.

Comment: Repeal of the January 7 rule would greatly expand the Service's interpretation of the MBTA and expose incidental-take violations to criminal prosecution.

Service Response: The commenter is correct that revoking the January 7 rule will allow for prosecution of actions that incidentally take migratory birds. The Service will rely on judicious use of enforcement discretion to determine whether to enforce the statute in these situations as it did for decades prior to the recent change in interpretation codified by the January 7 rule.

Comment: The interpretation of the MBTA codified at 50 CFR 10.14 by the January 7 rule better accords with the language and purpose of the MBTA as passed by Congress. Focusing on the plain language of the MBTA and appropriate canons of statutory construction results in an interpretation consistent with that codified at 50 CFR 10.14, which thus should not be revoked.

Service Response: We disagree with the commenter for the reasons spelled out in the preamble to this final rule. Applying canons of statutory construction to the relevant language in the MBTA has resulted in courts reaching opposite conclusions regarding whether the plain language of the MBTA prohibits or excludes incidental take of migratory birds.

Comment: The Service should consult with other Federal agencies, including the Department of Justice to ensure that this rulemaking is constitutional.

Service Response: This rulemaking has undergone a rigorous interagency review process, as required by Executive Order 12866.

Comment: The Service's interpretation of the MBTA is not entitled to *Chevron* deference because *Chevron* deference is an unconstitutional abdication of the judicial role of independent judgment, violates the separation of powers, and contravenes due process.

Service Response: The Service is revoking the January 7 rule because it does not represent the best interpretation of the MBTA, whether the operative statutory language is plain or ambiguous. We do not opine here on the constitutionality of *Chevron* deference. Any concerns about whether the case giving rise to the concept of *Chevron* deference was correctly decided are both outside the Service's jurisdiction under the MBTA and, more to the point, not directly relevant to our decision to revoke the January 7 rule.

Comment: The proposed rule incorrectly focuses on five of the acts prohibited by the MBTA in section 703. But section 703 prohibits 22 acts, almost all of which involve deliberate acts. Thus, application of the *noscitur a sociis* canon strongly favors interpreting the prohibited acts to involve deliberate actions. Even if ''take,'' ''kill,'' and even ''capture'' are ambiguous terms that could apply to both direct and indirect actions, there are 19 other terms that apply to direct actions; therefore, the most natural reading is that Congress intended all 22 terms to apply to deliberate acts directed at migratory birds.

Service Response: As both the proposed rule, the January 7 rule, and the Jorjani Opinion all conclude, the operative terms that are relevant to determining whether the MBTA prohibits incidental take are the five terms ''hunt, pursue, capture, kill, and take.'' The remaining 17 terms all relate to activities that comprise commercial use of migratory birds, which necessarily entail an act directed at migratory birds given they all require possession or attempted possession. The 17 actions related to commercial use are simply not relevant to whether the MBTA prohibits incidental taking or killing of migratory birds. Those actions are only relevant once a migratory bird has already been taken, captured, or killed. Given that at least two, and likely three, of the five operative terms are ambiguous and could apply to direct or incidental actions, application of the *noscitur a sociis* canon to bolster either interpretation is highly suspect.

Comment: The Service's reliance on the military-readiness authorization mandated by the Stump Act to demonstrate that Congress interpreted the MBTA at that time to prohibit incidental take is misplaced. The Stump Act stated that the MBTA does not apply to incidental take during military-readiness activities in the first place and mandated that the Service issue a regulation acknowledging that such activities are not subject to the MBTA. The Stump Act provides for the continued exemption of any incidental take caused by military-readiness activities rather than providing for an authorization of incidental take by the Service.

Service Response: This argument relies on a selective reading of the Stump Act. The Stump Act's statement that the MBTA does not apply to military-readiness activities was not a general statement of the MBTA's applicability at that time, but instead a specific and temporary exemption for incidental take caused by military-

readiness activities until the Service developed and published a rule specifically exempting those activities. Far from proving that the Service never had authority to prohibit incidental take caused by military-readiness activities in the first place, the explicit temporary nature of the exemption strongly implies the exact opposite. Moreover, the rule promulgated by the Service with the concurrence of the Secretary of Defense as required by the Stump Act calls for suspension or withdrawal of the authorization if certain conditions occur. Thus, the permanence of the exemption is conditional. The Stump Act describes the relevant regulations to be prescribed as both ''authorizing incidental take'' and ''to exempt the Armed Forces for the incidental take of migratory birds.'' Thus, it is certainly reasonable to infer that the Service may condition that take as it did in the military-readiness rule whatever label is given to that authority.

Comment: The proposed revocation rule suggests that the Stump Act's explicit authorization of incidental take during military readiness activities ''reflects a change in Congress' 'governing understanding' of the MBTA, and that henceforth incidental take from any activity other than military readiness activities could be criminally prosecuted.''

Service Response: This is a mischaracterization of the proposed rule that echoes the Fifth Circuit's analysis of the Stump Act in *CITGO.* The Service does not argue that the military-readiness authorization represented a change in congressional interpretation of the MBTA that suddenly applied incidental take prohibitions to all activities not involving military readiness. In fact, the opposite is true. The Stump Act makes clear that Congress already interpreted the MBTA to prohibit incidental take and the military-readiness exception would simply not have been necessary if Congress had instead considered the MBTA to exclude incidental take at that time. If Congress had considered the scope of the MBTA to exclude incidental take at the time and simply wanted to shield the military from further litigation over its military-readiness activities, it could easily have signaled that intent and clarified that it did not consider the MBTA to prohibit incidental take. The specific exceptions from the authorization in the legislation for non-readiness activities such as the routine operation of installation operating support functions are best understood not to support a reading that the authorization was intended as a narrow exemption to shield the military from further MBTA litigation even though Congress considered the MBTA not to prohibit incidental take.

Comment: If the Service revokes the January 7 rule, it will be free to use the responsible-corporate-officer doctrine to bring criminal charges against corporate executives whose companies may cause incidental harm to migratory birds.

Service Response: Decisions regarding whether to file criminal charges are made by the Department of Justice, in accordance with publicly available policies of that Department. In the decades prior to the January 7 rule, the Service is not aware of charges having been brought by the Department of Justice against corporate executives for incidental take, under the MBTA, caused by their companies.

Comment: Application of the MBTA to incidental take is inconsistent with the Service's general regulation defining ''take'' to mean ''to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt [those acts].'' 50 CFR 10.12. Each of these words connotes an active effort to harm a migratory bird and thus excludes actions that may incidentally and indirectly lead to such harm.

Service Response: This argument is simply an extension of the *noscitur a sociis* argument that relies on interpreting terms such as ''kill,'' ''wound,'' and ''capture'' as unambiguously referring to acts directed at migratory birds because of their placement in a list of other terms that can only be construed as directed at birds. However, the fact that those terms could equally apply to incidental conduct undermines that argument. Moreover, the Service clearly did not interpret its own regulation in that manner when it enforced the MBTA in the context of incidental take for over 40 years prior to publication of the Jorjani Opinion. Moreover, Executive Order 13186, which interprets the term ''take'' in 50 CFR 10.12 to apply to both intentional and unintentional take, has not been amended or repealed since its issuance in 2001 (66 FR 3853, January 17, 2001). The Service's interpretation of 50 CFR 10.12 to apply to incidental taking and killing in the context of the MBTA has been longstanding prior to 2017, and thus, the revocation rule is not breaking new ground and is not inconsistent with that regulation.

Comment: The revocation of an existing rule requires an environmental assessment under NEPA. Because the Service drafted an EIS to accompany the original rule after determining it was a major Federal action, revocation is also a major Federal action requiring further NEPA review.

Service Response: Revocation of the existing rule and a return to the Service's prior interpretation of the MBTA is addressed in the EIS associated with the January 7 rule as Alternative B. We have issued a new Record of Decision that reflects our selection of Alternative B and describes how we will implement that alternative. Supplementation of the prior EIS is not necessary as none of the criteria for supplementation have been met. Our determination that supplementing the prior EIS is not necessary is explained in more detail in the Record of Decision (ROD) associated with this revocation rule, which is available at *https://www.fws.gov/regulations/mbta/resources.*

Comment: It is improper to ignore three different circuit court conclusions that conclude the MBTA does not prohibit incidental take and instead rely on a district court decision.

Service Response: As explained in the preamble to this final rule, we have not ignored the conclusions of any of the circuit courts that have ruled on this issue. One circuit court has clearly held that the MBTA does not prohibit incidental take, and two circuit courts have held that it does. Other circuit courts have opined on the issue in dicta. We have assessed all these court decisions in reaching our decision to revoke the January 7 rule.

Comment: The Service should not write a regulation to declare the scope and meaning of a statute over 100 years after its enactment. The Service should revoke the January 7 rule but should not replace it with a regulation codifying a different interpretation of the MBTA.

Service Response: While we agree with the commenter that the January 7 rule should be revoked, we do not agree that the Service lacks authority to interpret the MBTA. Congress specifically provided the Secretary of the Interior with the authority to implement the MBTA. The Secretary has delegated that authority to the Service. Implementation of legislation often requires an agency to clarify language in the statute that is ambiguous and impliedly left to the agency's discretion to interpret and clarify. An agency may also clarify the plain meaning of a statute if it determines there is no ambiguity.

Comment: Revoking the January 7 rule would result in significant uncertainty and potentially harsh and inequitable consequences for key sectors of U.S. industry through a return to uneven enforcement discretion.

Service Response: The Service agrees that splits of opinion in circuit courts regarding the applicability of incidental

take requires clarification, which the Service has the authority to address through enforcement discretion and policy. However, the Service has a history of working with industry to employ best practices to reduce incidental take under the MBTA and pursued only the most egregious offenders. Thus, the Service disagrees that application of enforcement discretion will result in ''harsh and inequitable consequences.'' Further, the Service will continue to develop clearer standards for regulation of incidental take to reduce uncertainty and to ensure enforcement is not uneven. We have also issued a Director's Order concurrently with this final rule that clarifies our current enforcement position and how the Service will prioritize enforcement actions when this rule becomes effective.

Comment: The Service should retain a bright-line standard that the MBTA does not prohibit incidental take. A bright-line rule provides important certainty to a wide range of entities.

Service Response: While we disagree that the MBTA does not prohibit incidental take, we agree that a bright-line standard is a preferable long-term solution to address actions that incidentally take migratory birds. We will continue to work, after publication of this revocation rule, to develop a bright-line standard governing regulation of incidental take under the MBTA that provides certainty to regulated entities.

Comment: Retaining the January 7 rule will not result in significant negative impacts to avian species because companies are already motivated to conserve those species through implementation of best management practices and are already subject to a wide range of other Federal, State, and local avian protection laws.

Service Response: The Service understands that a number of other Federal, State, and local laws and regulations provide some protection to birds. However, these laws and regulations vary by State, and companies are currently free to cease best practices that were undertaken based on compliance with the MBTA. This situation has significant potential for negative impacts to migratory birds from current and future industry projects.

Comment: Retaining the January 7 rule will promote better dialogue and more cooperation by removing the potential for negative repercussions resulting from candid communications with the Service. Companies will work more collaboratively with the Service in an environment of certainty and mutual understanding. Current efforts are supporting migratory birds and reducing impacts, including voluntary efforts like the Land-based Wind Energy Guidelines and Avian Protection Plan Guidelines for power lines, as well as grant programs like America's Conservation Enhancement Act of 2020, Neotropical Migratory Bird Conservation Act, Great American Outdoors Act, Farm Bills, and the North American Waterfowl Management Plan.

Service Response: The Service agrees that industries attempting to employ best practices deserve encouragement and support from the Service, including candid communications. The Service will continue to work collaboratively after revocation of this rule to create clear and achievable standards for regulated entities. The Service agrees that the grant programs mentioned help to conserve and restore habitat for migratory birds and that the guidelines provide useful suggestions that some industries may follow to help avoid or reduce incidental take of migratory birds. The Service concludes, however, that prohibition of incidental take is consistent with the best interpretation of the MBTA and that this tool is necessary to help slow the decline of many species of migratory birds.

Comment: One commenter stated that the January 7 rule should not be revoked because it provides regulatory certainty and supports current efforts to improve U.S. infrastructure.

Service Response: While the Service agrees that the January 7 rule provides regulatory certainty, we also believe that prohibition of incidental take is consistent with the best legal interpretation under the MBTA. Further, the Service has a long track record of working with industry to avoid and minimize incidental take while also allowing infrastructure plans to proceed. The Service disagrees with the assertion that revoking the January 7 rule will inevitably add significant cost and delays to the implementation of infrastructure programs, nor does it agree with the assertion that protecting migratory birds from incidental take will delay climate benefits provided by new, resilient infrastructure.

Comment: The Service has failed to provide an adequate rationale for its change in policy and position on whether the MBTA prohibits incidental take, and thus violates the Administrative Procedure Act.

Service Response: We respectfully disagree and refer the commenter to the detailed explanation and rationale provided in the preamble to this rule. It is important to note that this rule, by its terms, does nothing more than revoke the language at 50 CFR 10.14 that codifies an interpretation that the MBTA does not prohibit incidental take. We are not proposing replacement language at this time. However, we will propose to do so in the near future and continue to develop and publish policies and regulations that provide the public with greater certainty regarding compliance with the MBTA.

Comment: In the January 7 rule, the Service stated it had grave constitutional due process concerns with the prior agency practice of using enforcement discretion to implement the Service's prior interpretation that the MBTA prohibits incidental take. The Service has not explained why those due process concerns have disappeared in considering revocation of the January 7 rule.

Service Response: In promulgating this revocation rule, we reevaluated the constitutional concerns we previously categorized as grave. Our previous enforcement policy implemented prior to the Jorjani Opinion was exercised judiciously, focusing on implementation of best practices by various industries to mitigate incidental take of migratory birds. The Service's practice was to notify industries that their actions caused incidental take and give them an opportunity to implement best practices to avoid or mitigate that take prior to bringing any enforcement action. This approach is entirely consistent with that set forth by the Tenth Circuit Court of Appeals in *United States* v. *Apollo Energies,* an approach the court considered would alleviate any due process concerns associated with using enforcement discretion to implement the statute in the context of incidental take. A close examination of the past history of the Service's exercise of enforcement discretion simply does not invoke significant constitutional due process concerns. Moreover, after revocation of the January 7 rule, we will develop further policy to implement our interpretation that the MBTA prohibits incidental take to provide the public with greater certainty regarding enforcement, including promulgating a regulation that codifies our current interpretation of the MBTA. We have also issued a Director's Order concurrently with the publication of this rule that explains in more detail our enforcement priorities regarding incidental take of migratory birds and published an advance notice of proposed rulemaking to seek public input on an authorization framework. Both actions will provide the public with more clarity regarding compliance with the MBTA and alleviate any

potential remaining constitutional due process concerns.

Comment: The Service should take public comment on alternatives to the proposed revocation rather than framing the proposed rule as a take-it-or-leave-it offer.

Service Response: At this stage, the Service simply proposed to revoke the January 7 rule and return to the longstanding prior agency practice of interpreting the MBTA to prohibit incidental take. The alternatives of keeping the rule in place or revoking it are entirely consistent with the alternatives proposed during development of the January 7 rule and analyzed in the accompanying EIS. Thus, the proposal to revoke that rule was entirely in keeping with the approach taken in the January 7 rule itself. As explained in the Record of Decision for this rulemaking, the Service will develop additional steps to clarify its implementation of Alternative B of the EIS developed in association with the January 7 rule. The Service will provide the public with opportunities to comment on reasonable implementation alternatives throughout that process.

Comment: Interpreting the MBTA to prohibit incidental take produces absurd results, such as prosecution of bird deaths caused by automobiles, airplanes, plate-glass modern office buildings, or picture windows in residential buildings.

Service Response: This concern is simply not borne out by the Service's past practice. The Service has not brought an enforcement action for any of the actions presented by the commenter as absurd targets of enforcement. Interpreting the MBTA to prohibit incidental take has not led to absurd results in the past, and this past practice demonstrates there is no reason to believe it will lead to absurd results in the future. The Service also notes, as reflected in the associated Record of Decision, that this revocation rule is simply the first step in a process to implement a fair and public process to clarify the scope of the MBTA as it relates to incidental take and explain how regulated entities may comply with the MBTA in that context.

Comment: Revoking the January 7 rule could potentially subject to criminal liability an effectively limitless number of lawful everyday activities. No one would have fair notice of which of their daily activities could cause them to commit a Federal crime, and no one can sufficiently conform their behavior to fully avoid that liability.

Service Response: We do not agree that simply revoking the January 7 rule will automatically subject a limitless number of everyday activities to potential criminal liability. That scenario has never been the case under the Service's past enforcement of the MBTA and will not be the case after revocation of the January 7 rule. Prior to issuance of the Jorjani Opinion, the Service followed the direction of the 10th Circuit Court of Appeals in the *United States* v. *Apollo Energies* case by providing potential violators with notice of any activities that are causing incidental take and an opportunity to correct or mitigate that take before considering moving forward with an enforcement action. The Service has published an enforcement policy in the form of a Director's Order concurrently with this rule and will provide further clarification regarding its approach to enforcing the MBTA after revocation of the January 7 rule. This approach will give the regulated community fair notice of what actions the Service will consider to be violations of the statute.

Comment: The Service should not use potential funding that could be generated by criminalizing incidental take as a basis for revoking the January 7 rule.

Service Response: The Service did not intend to suggest that funding of the North American Wetlands Conservation Act fund through criminal fines resulting from enforcement of incidental take provides a basis for revoking the January 7 rule. Our intent in including this information is to provide a complete accounting to the public on the effect of the January 7 rule's codification of an interpretation that the MBTA does not prohibit incidental take.

Comment: The Service should retain the January 7 rule and review all MOUs (memorandums of understanding) drafted pursuant to Executive Order 13186 to ensure they conform to the January 7 rule.

Service Response: Executive Order 13186 and any MOUs entered into to comply with the Executive order have remained in effect through both the January 7 rulemaking and this rulemaking to revoke the January 7 rule. The various interagency MOUs conform to the Executive Order and are not contingent on any rulemaking interpreting whether the MBTA prohibits or excludes incidental take.

Comment: The MBTA's reliance on criminal penalties may be an appropriate deterrence for illegal hunting or trade, but not for unintentional take. If the MBTA is read to apply to any and all take of migratory birds, the agency is left to decide, with minimal direction, what causes of bird mortality to pursue, and among those, what conduct warrants sanctions. However, the Service can easily provide greater certainty, and make better use of its own resources, through the issuance of a formal MBTA enforcement policy issued contemporaneously with adoption of the proposed revocation rule.

Service Response: The Service agrees that applying the MBTA to each and every case of incidental take of a migratory bird is not feasible or desirable and would not be an efficient use of agency resources. The Service also agrees that issuing a formal enforcement policy upon revocation of the January 7 rule would be beneficial and provide the public with greater certainty regarding what activities may be subject to enforcement. Therefore, the Service has issued an enforcement policy in the form of a Director's Order upon publication of this rule to revoke the January 7 rule as part of a broader strategy to provide the public with greater certainty regarding what the MBTA prohibits along with guidance to achieve compliance.

Comment: If the Service determines that revocation of the 2021 rule is necessary, the Service must take the appropriate steps to resolve the regulatory uncertainty and enforcement concerns that stem from that approach. In promulgating regulations and establishing a program to address incidental take, the Service must use the authority provided by section 2 of the MBTA to craft exceptions to the conduct prohibited under the MBTA.

Service Response: The Service will take this comment into account in considering whether to develop an authorization framework for incidental take after finalizing this revocation rule. The Service is considering various methods to standardize enforcement, provide public certainty, and authorize incidental take, but those issues are beyond the scope of this rulemaking. Developing regulations that authorize incidental take and provide specific exceptions are among the options the Service is considering.

Comment: If the January 7 rule is revoked, one State agency stated it will lose the benefit of being shielded from incidental take liability when conducting habitat-enhancement activities, such as prescribed burns. That State requested that the Service create an exemption for such activities and proposed specific language for the exemption.

Service Response: The Service will take this comment into account in considering whether to develop an authorization framework for incidental take after finalizing this revocation rule. We will also consider the request for

exceptions or exemptions, as well as the specific language provided by the commenter, in such a framework. We recognize that habitat-enhancement activities, including prescribed burns, can result in incidental take in the short term but can also provide positive benefits to migratory birds in the medium-to-long term that may outweigh any short-term incidental take. For these reasons, prescribed burns following best management practices to enhance wildlife habitat were not a priority for enforcement during the several decades the Service interpreted the MBTA to prohibit incidental take prior to the change in interpretation precipitated by the Solicitor's Opinion, M–37050.

Comment: Given that the Trump administration's interpretation of the MBTA was found invalid by a Federal court, the commenter was concerned the Service's slow approach to revoking the rule and enacting new rules to protect migratory birds will leave vulnerable bird populations unprotected for an unnecessarily long period of time. We encourage the Service to move quickly to restart enforcement of the MBTA against industrial actions that lead to harm or death of birds.

Service Response: With this rule, the Service has revoked the January 7 rule. We have issued a Director's Order concurrently with this rule that explains our enforcement policy when the revocation rule becomes effective.

Comment: Revoking the January 7 rule is a necessary first step to comply with congressional language and intent and protect migratory birds from additional population declines. But the Service must not stop there. A robust regulatory system is necessary to reduce the rate of incidental take associated with many types of commercial, agricultural, and industrial activities. The energy and telecommunications sectors in particular must be better regulated to reduce incidental take.

Service Response: The Service does not intend revocation of the January 7 rule to be the last step in implementing the MBTA. The Service is considering various methods to standardize enforcement, provide public certainty, and authorize incidental take. Developing regulations that authorize incidental take by providing a permit system, regulatory authorizations, or specific exceptions are among the options the Service is considering.

Comment: The bycatch of seabirds in fisheries is a conservation concern that the Service can effectively mitigate through the establishment of a regulatory process that incorporates conservation measures into incidental take permits.

Service Response: The Service agrees that incidental bycatch of seabirds is a serious conservation concern. We will evaluate this proposal as we consider and develop methods that include standardization of enforcement, providing greater public certainty, and potential authorization of incidental take.

Comment: The SBREFA (Small Business Regulatory Enforcement Fairness Act) analysis and other potentially important analyses of the impacts of the proposed revocation were missing from the rulemaking docket.

Service Response: The Service completed the SBREFA analysis and all other required analyses and included the summary in the proposed rule preamble. Unfortunately, the documents themselves were not included in the rulemaking docket at *www.regulations.gov* with the proposed rule. To resolve this issue, the Service made the initial regulatory flexibility analysis and the revised regulatory impact analysis available for public review and comment prior to finalizing this rule and the Record of Decision (86 FR 38354, July 20, 2021).

Comment: One commenter recommended reopening public comment for 60 days with separate comment periods for the Regulatory Flexibility Act analysis.

Service Response: The Service concluded that a 30-day comment period was sufficient for this rulemaking. The Service also provided an additional 30-day comment period for public review of the Regulatory Flexibility Act analysis and regulatory impact analysis. The issues central to this rulemaking have already been vetted through multiple public comment periods for the January 7 rule and associated NEPA analysis and the rule extending the effective date of the January 7 rule. Therefore, the Service concluded a 30-day comment period is sufficient for this rulemaking.

Comment: The Service should allow Federal courts to determine the scope of what the MBTA proscribes and adopt prosecutorial guidelines that outline the circumstances in which the Federal Government will file criminal prosecutions under the MBTA. The executive branch has relied on the prosecutorial discretion approach to refrain from prosecuting MBTA cases where there was no element of intentional misconduct or grossly culpable negligence for decades. However, some unwarranted prosecutions have occurred. The executive branch should write fresh guidelines based on a standard of due care, rather than strict liability, with the benefit of stakeholder input rather than the Service codify its interpretation of the statute.

Service Response: The Service does not agree that waiting for Federal courts to coalesce around a specific interpretation of the MBTA is the correct path forward. Instead, the Service is developing regulations and policy to provide the public and the regulated community with a degree of certainty regarding what constitutes a violation of the MBTA. We agree that an enforcement policy may be a productive way to police incidental take under the MBTA, particularly in the near term; accordingly, we have issued a Director's Order concurrently with this final rule that explains how we will prioritize our enforcement resources in the context of incidental take.

Comment: Malicious intent must be present in order to warrant criminal proceedings for the take of migratory birds.

Service Response: The misdemeanor provision of the MBTA has long been interpreted by Federal courts as a strict liability crime. Requiring malicious intent before the Service initiates an enforcement action would not be consistent with the statutory language or the relevant court cases. However, as mentioned previously, the Service issued a Director's Order concurrently with this final rule that explains how we will prioritize our enforcement resources in the context of incidental take.

Required Determinations

National Environmental Policy Act

Because we are revoking the January 7 MBTA rule, we rely on the final EIS developed to analyze that rule in determining the environmental impacts of revoking it: ''Final Environmental Impact Statement; Regulations Governing Take of Migratory Birds,'' available on *http://www.regulations.gov* in Docket No. FWS–HQ–MB–2018–0090. The alternatives analyzed in that EIS cover the effects of interpreting the MBTA to both include and exclude incidental take. In finalizing this rule, we have published an amended Record of Decision that explains our decision to instead select the environmentally preferable alternative, or Alternative B, in the final EIS. Any additional, relevant impacts on the human environment that have occurred subsequent to our initial Record of Decision are described in the amended Record of Decision.

Government-to-Government Relationship With Tribes

In accordance with Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' and the Department of the Interior's manual at 512 DM 2, we considered the possible effects of this rule on federally recognized Indian Tribes. The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty.

We evaluated the January 7 rule that this rule would revoke under the criteria in Executive Order 13175 and under the Department's Tribal consultation policy and determined that the January 7 rule may have a substantial direct effect on federally recognized Indian Tribes. We received requests from nine federally recognized Tribes and two Tribal councils for government-to-government consultation on that rule. Accordingly, the Service initiated government-to-government consultation via letters signed by Regional Directors and completed the consultations before issuing the January 7 final rule. During these consultations, there was unanimous opposition from Tribes to the reinterpretation of the MBTA to exclude coverage of incidental take under the January 7 rule. Thus, revoking the January 7 rule is consistent with the requests of federally recognized Tribes during those consultations.

Energy Supply Distribution

E.O. 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. As noted above, this rule is a significant regulatory action under E.O. 12866, but the rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The action has not been otherwise designated by the Administrator of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) as a significant energy action. Therefore, no Statement of Energy Effects is required.

Endangered Species Act

Section 7 of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531–44), requires that the Secretary of the Interior shall review other programs administered by her and utilize such programs in furtherance of the purposes of the Act (16 U.S.C. 1536(a)(1)). It further states that each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat (16 U.S.C. 1536(a)(2)). We have determined that this rule revoking the January 7 rule regarding the take of migratory birds will have no effect on ESA-listed species within the meaning of ESA section 7(a)(2).

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that OMB–OIRA will review all significant rules. OMB–OIRA has determined that this rule is economically significant. OIRA has also determined that this is a major rule under Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act or CRA). 5 U.S.C. 804(2). *See* OIRA Conclusion of E.O. 12866 Regulatory Review of the MBTA, *available at https://www.reginfo.gov/public/do/eoDetails?rrid=131383* (designating the MBTA rule as a major rule under the CRA). The CRA provides that major rules shall not take effect for at least 60 days after publication in the **Federal Register** (5 U.S.C. 801(a)(3)). This rule will therefore be submitted to each House of Congress and the Comptroller General in compliance with the CRA. 5 U.S.C. 801(a).

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

This final regulation revokes the January 7 MBTA rule. The legal effect of this rule removes from the Code of Federal Regulations (CFR) the interpretation that incidental take of migratory birds is not prohibited under the MBTA, based on the rationale explained in the preamble. As explained in the preamble, the Solicitor's Opinion (M–37050) that formed the basis for the January 7 rule was overturned in court and has since been withdrawn by the Solicitor's Office. By removing § 10.14 from subpart B of title 50 CFR, USFWS would revert to implementing the statute without an interpretative regulation governing incidental take, consistent with judicial precedent. This would mean that incidental take can violate the MBTA to the extent consistent with the statute and judicial precedent. Enforcement discretion will be applied, subject to certain legal constraints.

The Service conducted a regulatory impact analysis of the January 7 rule, which can be viewed online at *http://www.regulations.gov* in Docket No. FWS–HQ–MB–2018–0090. In that analysis, we analyzed the effects of an alternative (Alternative B) where the Service would promulgate a regulation that interprets the MBTA to prohibit incidental take consistent with the Department's longstanding prior interpretation. By reverting to this interpretation, the Service views the incidental take of migratory birds as a potential violation of the MBTA, consistent with judicial precedent.

The primary benefit of this rule results from decreased incidental take. While we are unable to quantify the benefits, we expect this rule to result in increased ecosystem services and benefits to businesses that rely on these services. Further, benefits will accrue from increased birdwatching opportunities. The primary cost of this rule is the compliance cost incurred by industry, which is also not quantifiable based on current available data. Firms are more likely to implement best practice measures to avoid potential fines. Additionally, potential fines generate transfers from industry to the government. Using a 10-year time horizon (2022–2031), the present value of these transfers is estimated to be $149.3 million at a 7-percent discount rate and $174.6 million at a 3-percent discount rate. This would equate to an annualized value of $14.9 million at a 7-percent discount rate and $17.5 million at a 3-percent discount rate.

Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final

rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small businesses, small organizations, and small government jurisdictions. However, in lieu of an initial or final regulatory flexibility analysis (IRFA or FRFA), the head of an agency may certify on a factual basis that the rule would not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities. Thus, for an IRFA/FRFA to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' *See* 5 U.S.C. 605(b). We prepared a FRFA, briefly summarized below, to accompany this rule that can be viewed online at *http://www.regulations.gov* in Docket No. FWS–HQ–MB–2018–0090.

This final rule may affect industries that typically incidentally take substantial numbers of birds and with which the Service has worked to reduce those effects (table 1). In some cases, these industries have been subject to enforcement actions and prosecutions under the MBTA prior to the issuance of M–37050. The vast majority of entities in these sectors are small entities, based on the U.S. Small Business Administration (SBA) small business size standards. It is important to note that many small businesses will not be affected under this rule. Only those businesses that reduced best management practices that avoid or minimize incidental take of migratory birds as a result of the issuance of M–37050 in January 2017 and the January 7, 2021, rule will incur costs. The following analysis determines whether a significant number of small businesses reduced best management practices and will be impacted by this rule.

TABLE 1—DISTRIBUTION OF BUSINESSES WITHIN AFFECTED INDUSTRIES

NAICS industry description	NAICS code	Number of businesses	Small business size standard (number of employees)	Number of small businesses
Finfish Fishing	114,111	1,210	[a] 20	1,185
Crude Petroleum and Natural Gas Extraction	211,111	6,878	1,250	6,868
Drilling Oil and Gas Wells	213,111	2,097	1,000	2,092
Solar Electric Power Generation	221,114	153	250	153
Wind Electric Power Generation	221,115	264	250	263
Electric Bulk Power Transmission	221,121	261	500	214
Electric Power Distribution	221,122	7,557	1,000	7,520
Wireless Telecommunications Carriers (except Satellite)	517,312	15,845	1,500	15,831

Source: U.S. Census Bureau, 2012 County Business Patterns.

[a] **Note:** The SBA size standard for finfish fishing is $22 million. Neither Economic Census, Agriculture Census, nor the National Marine Fisheries Service collect business data by revenue size for the finfish industry. Therefore, we employ other data to approximate the number of small businesses. Source: U.S. Census Bureau, 2017 Economic Annual Survey.

Since the Service does not currently have a permitting system dedicated to authorizing incidental take of migratory birds, the Service does not have specific information regarding how many businesses in each sector implement measures to reduce incidental take of birds. Not all businesses in each sector incidentally take birds. In addition, a variety of factors would influence whether, under the previous interpretation of the MBTA, businesses would implement such measures. It is also unknown how many businesses continued or reduced practices to reduce the incidental take of birds since publication of the Solicitor's Opinion M–37050 or issuance of the January 7 rule. The Service specifically requested public comment on any reliance interests on the January 7 rule. We did not receive sufficient information on that issue during the public comment periods associated with the January 7 rule and associated NEPA analysis, the February 9 rule extending the effective date of the January 7 rule, or the proposed rule and no comments were submitted by any entities identifying reduced implementation of measures that would have to be reinstated when this rule becomes effective. We did receive comments that stated that they did not reduce best management practices after the January 7 rule. These comments support our estimate that most entities did not reduce best management practices as a result of the January 7 rule excluding incidental take from the scope of the MBTA. In revoking the January 7 rule, any subsequent incidental take of migratory birds could violate the MBTA, consistent with the statute and judicial precedent. Some small entities will incur costs if they reduced best management practices after M-Opinion 37050 was issued in January 2017 or after promulgation of the January 7, 2021, rule and will need to subsequently reinstate those practices if the January 7 rule is revoked, assuming they did not already reinstate such practices after vacatur of M-Opinion 37050.

Summary

Table 2 identifies examples of bird mitigation measures, their associated costs, and why available data are not extrapolated to the entire industry sector or small businesses. We requested public comment so we can extrapolate data, if appropriate, to each industry sector and any affected small businesses. In response, we received information from the solar industry, which we utilized in this analysis where applicable. Table 3 summarizes likely economic effects of the rule on the business sectors identified in table 1. In many cases, the costs of actions businesses typically implement to reduce effects on birds are small compared to the economic output of business, including small businesses, in these sectors. The likely economic effects summarized in table 3 were collected during the public comment periods associated with the January 7 rule and associated NEPA analysis, the February 9 rule extending the effective date of the January 7 rule, and the proposed rule.

TABLE 2—BEST MANAGEMENT PRACTICES COSTS BY INDUSTRY [1]

NAICS industry	Example of bird mitigation measure	Estimated cost	Why data are not extrapolated to entire industry or small businesses
Finfish Fishing (NAICS 11411)	Changes in design of longline fishing hooks, changes in offal management practices, use of flagging or streamers on fishing lines.	• Costs are per vessel per year ..... • $1,400 for thawed blue-dyed bait. • $150 for strategic offal discards. • $4,600 for Tori line. • $4,000 one-time cost for underwater setting chute. • $4,000 initial and $50 annual for side setting.	• No data available on fleet size. • No data available on how many measures are employed on each vessel.
Crude Petroleum and Natural Gas Extraction NAICS (211111).	• Netting of oil pits and ponds. • Closed wastewater systems.	• $130,680 to $174,240 per acre to net ponds. • Most netted pits are ¼ to ½ acre. • Cost not available for wastewater systems.	• Infeasible to net pits larger than 1 acre due to sagging. • Size distribution of oil pits is unknown. • Average number of pits per business is unknown. • Closed wastewater systems typically used for reasons other than bird mitigation.
Drilling Oil and Gas Wells (NAICS 213111).	• Netting of oil pits and ponds ..... • Closed loop drilling fluid systems.	• $130,680 to $174,240 per acre to net ponds. • Cost not available for closed loop drilling fluid systems, but may be a net cost savings in arid areas with water conservation requirements.	• Infeasible to net pits larger than 1 acre due to sagging. • Size distribution of oil pits is unknown. • Average number of pits per business is unknown. • Closed loop drilling fluid systems typically used for reasons other than bird mitigation. • High variability in number of wells drilled per year (21,200 in 2019).
Solar Electric Power Generation (NAICS 221114).	• Pre- and post-construction bird surveys. • Compliance with Avian Power Line Interaction Committee standards. • Installation of anti-perch devices. • Light management measures. • Storage of water in covered tanks.	$3,000 for two rounds of bird surveys on 200-acre site for pre-and post-construction, and up to $10,000 if travel and site preparation included.	New projects can vary from 100 to 5,000 acres in size, and mortality surveys may not scale linearly.
Wind Electric Power Generation (NAICS 221115).	• Pre-construction adjustment of turbine locations to minimize bird mortality during operations. • Pre- and post-construction bird surveys. • Retrofit power poles to minimize eagle mortality.	• Cost not available for adjustment of turbine construction locations. • $100,000 to $500,000 per facility per year for pre-construction site use and post-construction bird mortality surveys. • $7,500 per power pole with high variability of cost. • Annual nationwide labor cost to implement wind energy guidelines: $17.6M. • Annual nationwide non-labor cost to implement wind energy guidelines: $36.9M.	• Data not available for adjustment of turbine construction locations. • High variability in survey costs and high variability in need to conduct surveys. • High variability in cost and need to retrofit power poles.
Electric Bulk Power Transmission (NAICS 221121).	Retrofit power poles to minimize eagle mortality.	$7,500 per power pole with high variability of cost.	High variability in cost and need to retrofit power poles.
Electric Power Distribution (NAICS 221122).	Retrofit power poles to minimize eagle mortality.	$7,500 per power pole with high variability of cost.	High variability in cost and need to retrofit power poles.
Wireless Tele-communications Carriers (except Satellite) (NAICS 517312).	• Extinguish non-flashing lights on towers taller than 350′. • Retrofit towers shorter than 350' with LED flashing lights.	• Industry saves hundreds of dollars per year in electricity costs by extinguishing lights. • Retrofitting with LED lights requires initial cost outlay, which is recouped over time due to lower energy costs and reduced maintenance.	Data not available for number of operators who have implemented these practices.

[1] Sources: FWS personnel, National Oceanic and Atmospheric Administration Revised Seabird Regulations Amendment, *eccnetting.com, statista.com, aerion.com,* FWS Wind Energy Guidelines, FWS Public Records Act data, FWS Eagle Conservation Plan Guidance.

TABLE 3—SUMMARY OF ECONOMIC EFFECTS ON SMALL BUSINESSES

NAICS industry description (NAICS Code)	Potential bird mitigation measures under this rule	Economic effects on small businesses	Rationale
Finfish Fishing (11411)	Changes in design of longline fishing hooks, changes in offal management practices, and flagging/streamers on fishing lines.	Likely minimal effects	Seabirds are specifically excluded from the definition of bycatch under the Magnuson-Stevens Fishery Conservation and Management Act and, therefore, seabirds not listed under the ESA may not be covered by any mitigation measures. The impact of this on small entities is unknown.
Crude Petroleum and Natural Gas Extraction (211111).	Using closed waste-water systems or netting of oil pits and ponds.	Likely minimal effects	Thirteen States have regulations governing the treatment of oil pits such as netting or screening of reserve pits, including measures beneficial to birds. In addition, much of the industry is increasingly using closed systems, which do not pose a risk to birds. For these reasons, this rule is unlikely to affect a significant number of small entities.

TABLE 3—SUMMARY OF ECONOMIC EFFECTS ON SMALL BUSINESSES—Continued

NAICS industry description (NAICS Code)	Potential bird mitigation measures under this rule	Economic effects on small businesses	Rationale
Drilling Oil and Gas Wells (213111).	Using closed waste-water systems or netting of oil pits and ponds.	Likely minimal effects	Thirteen States have regulations governing the treatment of oil pits, such as netting or screening of reserve pits, including measures beneficial to birds. In addition, much of the industry is increasingly using closed systems, which do not pose a risk to birds. For these reasons, this rule is unlikely to affect a significant number of small entities.
Solar Electric Power Generation (221114).	Monitoring bird use and mortality at facilities, limited use of deterrent systems such as streamers and reflectors.	Likely minimal effects	Bird monitoring in some States may continue to be required under State policies. The number of States and the policy details are unknown. The Solar Energy Industry Association is not aware of any companies that reduced best management practices as a result of the January 7 rule.
Wind Electric Power Generation (221115).	Following Wind Energy Guidelines, which involve conducting risk assessments for siting facilities.	Likely minimal effects	Following the Wind Energy Guidelines has become industry best practice and would likely continue. In addition, the industry uses these guidelines to aid in reducing effects on other regulated species like eagles and threatened and endangered bats.
Electric Bulk Power Transmission (221121).	Following Avian Power Line Interaction Committee (APLIC) guidelines.	Likely minimal effects	Industry would likely continue to use APLIC guidelines to reduce outages caused by birds and to reduce the take of eagles, regulated under the Bald and Golden Eagle Protection Act.
Electric Power Distribution (221122).	Following Avian Power Line Interaction Committee (APLIC) guidelines.	Likely minimal effects	Industry would likely continue to use APLIC guidelines to reduce outages caused by birds and to reduce the take of eagles, regulated under the Bald and Golden Eagle Protection Act.
Wireless Tele-communications Carriers (except Satellite) (517312).	Installation of flashing obstruction lighting.	Likely minimal effects	Industry will likely continue to install flashing obstruction lighting to save energy costs and to comply with recent Federal Aviation Administration Lighting Circular and Federal Communication Commission regulations.

We developed an IRFA out of an abundance of caution to ensure that economic impacts on small entities are fully accounted for in this rulemaking process and published it for public comment. We considered those comments and developed a FRFA that can be viewed online at *http://www.regulations.gov* in Docket No. FWS–HQ–MB–2018–0090. After further review, we have determined that this rule will not have an impact on a substantial number of small entities. The January 7 rule was in effect for less than 1 year, and many comments from industries stated that they did not make changes in the implementation of best practices in response to the January 7 rule because they continued to follow various regulations and guidance (as shown in table 3). The Service expects the impact of this rule will be minimal because entities did not reduce best management practices as a result of the January 7 rule excluding incidental take from the scope of the MBTA. Therefore, we certify that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This rule would not ''significantly or uniquely'' affect small government activities. A small government agency plan is not required.

b. This rule would not produce a Federal mandate on local or State government or private entities. Therefore, this action is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Takings

In accordance with E.O. 12630, this rule does not contain a provision for taking of private property and would not have significant takings implications. A takings implication assessment is not required.

Federalism

This rule will not create substantial direct effects or compliance costs on State and local governments or preempt State law. Some States may choose not to enact changes in their management efforts and regulatory processes and staffing to develop and or implement State laws governing birds, likely accruing benefits for States. Therefore, this rule would not have sufficient federalism effects to warrant preparation of a federalism summary impact statement under E.O. 13132.

Civil Justice Reform

In accordance with E.O. 12988, we determine that this rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 10

Exports, Fish, Imports, Law enforcement, Plants, Transportation, Wildlife.

Regulation Removal

For the reasons described in the preamble, we hereby amend subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 10—GENERAL PROVISIONS

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

Authority: 16 U.S.C. 668a–668d, 703–712, 742a–742j–l, 1361–1384, 1401–1407, 1531–1543, 3371–3378; 18 U.S.C. 42; 19 U.S.C. 1202.

§ 10.14 [Amended]

■ 2. Remove § 10.14.

Shannon A. Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2021–21473 Filed 9–30–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 100217097–1757–02; RTID 0648–XB450]

Reef Fish Fishery of the Gulf of Mexico; 2021 Commercial and Recreational Accountability Measure and Closures for Gulf of Mexico Lane Snapper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the lane snapper commercial and recreational sectors in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) for the 2021 fishing year through this temporary rule. NMFS has projected that the 2021 stock annual catch limit (ACL) for Gulf lane snapper will be reached by October 18, 2021. Therefore, NMFS closes the commercial and recreational sectors for Gulf lane snapper on October 18, 2021, and they will remain closed through the end of the current fishing year on December 31, 2021. These closures are necessary to protect the Gulf lane snapper resource.

DATES: This temporary rule is effective from 12:01 a.m., local time, on October 18, 2021, until 12:01 a.m., local time, on January 1, 2022.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *Kelli.ODonnell@noaa.gov*.

SUPPLEMENTARY INFORMATION: NMFS manages the Gulf reef fish fishery, which includes lane snapper, under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through regulations at 50 CFR part 622. All lane snapper weights discussed in this temporary rule are in round weight.

The stock ACL for Gulf lane snapper is 301,000 lb (136,531 kg). As specified in 50 CFR 622.41(k), if during a fishing year the sum of the commercial and recreational lane snapper landings exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, NMFS is required to close the commercial and recreational sectors for the remainder of that fishing year. In the 2020 fishing year, lane snapper landings exceeded the stock ACL by 57,638 lb (26,144 kg). For the 2021 fishing year, NMFS has determined that the 2021 stock ACL for Gulf lane snapper will be reached by October 18, 2021. Accordingly, this temporary rule closes the commercial and recreational sectors for Gulf lane snapper effective at 12:01 a.m., local time, on October 18, 2021, and both sectors will remain closed through the end of the current fishing year on December 31, 2021.

During the commercial and recreational closures, the commercial sale or purchase of lane snapper taken from the Gulf EEZ is prohibited and all harvest or possession in or from the Gulf EEZ of lane snapper is prohibited. The prohibition on possession of Gulf lane snapper also applies in Gulf state waters for a vessel issued a valid Federal charter vessel/headboat permit for Gulf reef fish. During the closures, the operator of a vessel with a valid commercial vessel permit for Gulf reef fish having lane snapper on board must have landed and bartered, traded, or sold such lane snapper prior to 12:01 a.m., local time, on October 18, 2021. The prohibition on the sale or purchase of lane snapper does not apply to fish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, on October 18, 2021, and were held in cold storage by a dealer or processor.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.41(k), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the closure of the lane snapper commercial and recreational sectors at 50 CFR 622.41(k) have already been subject to notice and public comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment are contrary to the public interest because there is a need to immediately implement this action to protect the lane snapper stock and provide vessel owners and operators with as much time as possible to adjust their planned fishing. Prior notice and opportunity for public comment would require time and would potentially allow the sectors to exceed the stock ACL.

For the aforementioned reasons, the Assistant Administrator also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 29, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–21527 Filed 9–29–21; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket Nos. 090206140–91081–03, 120405260–4258–02, and 200706–0181; RTID 0648–XB466]

Revised Reporting Requirements Due to Catastrophic Conditions for Federal Seafood Dealers, Individual Fishing Quota Dealers, and Charter Vessels and Headboats in Portions of Louisiana

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

ACTION: Temporary rule; determination of catastrophic conditions.

SUMMARY: In accordance with the regulations implementing the individual fishing quota (IFQ), Federal dealer reporting, and Federal charter vessel and headboat (for-hire vessel) reporting programs specific to the reef fish fishery in the Gulf of Mexico (Gulf) and the coastal migratory pelagic (CMP) fisheries in the Gulf, the Regional Administrator (RA), Southeast Region, NMFS, has determined that the catastrophic conditions caused by Hurricane Ida in the Gulf for certain Louisiana parishes still exist. This temporary rule authorizes any dealer in the affected area described in this temporary rule who does not have access to electronic reporting to delay reporting of trip tickets to NMFS and authorizes IFQ participants within the affected area to use paper-based forms, if necessary, for basic required administrative functions. This rule also authorizes any Federal for-hire owner or

operator in the affected area described in this temporary rule who does not have access to electronic reporting to delay reporting of logbook records to NMFS. This temporary rule is intended to facilitate continuation of IFQ, dealer, and Federal for-hire reporting operations during the period of catastrophic conditions.

DATES: The RA is authorizing Federal dealers, IFQ participants, and Federal for-hire operators in the affected area to use revised reporting methods from October 9, 2021, through October 31, 2021.

FOR FURTHER INFORMATION CONTACT: IFQ Customer Service, telephone: 866–425–7627, fax: 727–824–5308, email: *nmfs.ser.catchshare@noaa.gov*. For Federal dealer reporting, Fisheries Monitoring Branch, telephone: 305–361–4581. For Federal for-hire reporting, Southeast For-Hire Integrated Electronic Reporting program, telephone: 833–707–1632.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf is managed under the Fishery Management Plan (FMP) for Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP), prepared by the Gulf of Mexico Fishery Management Council (Gulf Council). The CMP fishery is managed under the FMP for CMP Resources in the Gulf of Mexico and Atlantic Region (CMP FMP), prepared by the Gulf Council and South Atlantic Fishery Management Council. Both FMPs are implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Amendment 26 to the Reef Fish FMP established an IFQ program for the commercial red snapper component of the Gulf reef fish fishery (71 FR 67447; November 22, 2006). Amendment 29 to the Reef Fish FMP established an IFQ program for the commercial grouper and tilefish components of the Gulf reef fish fishery (74 FR 44732; August 31, 2009). Regulations implementing these IFQ programs (50 CFR 622.21 and 622.22) require that IFQ participants have access to a computer and the internet and that they conduct administrative functions associated with the IFQ program, *e.g.,* landing transactions, online. However, these regulations also specify that during catastrophic conditions, as determined by the RA, the RA may authorize IFQ participants to use paper-based forms to complete administrative functions for the duration of the catastrophic conditions. The RA must determine that catastrophic conditions exist, specify the duration of the catastrophic conditions, and specify which participants or geographic areas are affected.

The Generic Dealer Amendment established Federal dealer reporting requirements for federally permitted dealers in the Gulf and South Atlantic (79 FR 19490; April 9, 2014). The Gulf For-Hire Reporting Amendment implemented reporting requirements for Gulf reef fish and CMP owners and operators of for-hire vessels (85 FR 44005; July 21, 2020). Regulations implementing these dealer reporting requirements (50 CFR 622.5) and for-hire vessel reporting requirements (50 CFR 622.26 and 622.374) state that dealers must submit electronic reports and that Gulf reef fish and CMP vessels with the applicable charter vessel/headboat permit must submit electronic fishing reports of all fish harvested and discarded. However, these regulations also specify that during catastrophic conditions, as determined by the RA, the RA may waive or modify the reporting time requirements for dealers and for-hire vessels for the duration of the catastrophic conditions.

Hurricane Ida made landfall in the United States near Port Fourchon, Louisiana, in the Gulf as a Category 4 hurricane on August 29, 2021. Strong winds and flooding from this hurricane impacted communities throughout coastal Louisiana. This resulted in power outages and damage to homes, businesses, and infrastructure. As a result, the RA has determined that catastrophic conditions exist in the Gulf for the Louisiana parishes of Saint Tammany, Orleans, Saint Bernard, Plaquemines, Jefferson, Saint Charles, Lafourche, Terrebonne, Saint Mary, Iberia, Vermilion, and Cameron.

The RA previously authorized Federal dealers and Federal for-hire operators in these affected areas to delay reporting of trip tickets and for-hire logbooks to NMFS, and IFQ participants in this affected area to use paper-based forms, from September 2, 2021, through October 8, 2021 (86 FR 50287; September 8, 2021). As stated in that temporary rule, NMFS continues to monitor the conditions in this area.

NMFS has received numerous reports of continued damage to the infrastructure in coastal Louisiana, such as power outages and interruption of water service. Therefore, to provide Federal dealers and Federal for-hire operators in the affected area the continued flexibility to delay reporting of trip tickets and for-hire logbooks to NMFS, and allow IFQ participants in the affected area to use paper-based forms, NMFS extends the current catastrophic conditions determination through October 31, 2021. This determination remains in effect for the Louisiana parishes of Saint Tammany, Orleans, Saint Bernard, Plaquemines, Jefferson, Saint Charles, Lafourche, Terrebonne, Saint Mary, Iberia, Vermilion, and Cameron.

Dealers may delay electronic reporting of trip tickets to NMFS during catastrophic conditions. Dealers are to report all landings to NMFS as soon as possible. Assistance for Federal dealers in affected area is available from the NMFS Fisheries Monitoring Branch at 1–305–361–4581. NMFS previously provided IFQ dealers with the necessary paper forms and instructions for submission in the event of catastrophic conditions. Paper forms are also available from the RA upon request. The electronic systems for submitting information to NMFS will continue to be available to all dealers, and dealers in the affected area are encouraged to continue using these systems, if accessible.

Federal for-hire operators may delay electronic reporting of logbooks to NMFS during catastrophic conditions. Federal for-hire operators are to report all landings to NMFS as soon as possible. Assistance for Federal for-hire operators in affected area is available from the NMFS Southeast For-Hire Integrated Electronic Reporting Program at 1–833–707–1632. The electronic systems for submitting information to NMFS will continue to be available to all Federal for-hire operators, and for-hire operators are encouraged to continue using the these systems, if accessible.

The administrative program functions available to IFQ participants in the area affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via the NMFS Catch Share Support line, 1–866–425–7627 Monday through Friday, between 8 a.m. and 4:30 p.m., Eastern Time.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is consistent with the regulations in 50 CFR 622.5(c)(1)(iii), 622.21(a)(3)(iii), and 622.22(a)(3)(iii), which were issued pursuant to section 304(b) of the Magnuson-Stevens Act, and are exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the final rules implementing the Gulf IFQ programs, the Gulf and South Atlantic Federal dealer reporting requirements, and Gulf for-hire vessel reporting requirements have already been subject to notice and public comment. These rules authorize the RA to determine when catastrophic conditions exist, and which participants or geographic areas are affected by catastrophic conditions. The final rules also authorize the RA to provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA Weather Radio, Fishery Bulletins, and other appropriate means. All that remains is to notify the public that catastrophic conditions continue to exist, that IFQ participants may use paper forms, and that Federal dealers and Gulf for-hire permit holders may submit delayed reports. Such procedures are also contrary to the public interest because of the need to immediately implement this action because affected dealers continue to receive these species in the affected area and need a means of completing their landing transactions. With the continued power outages and damages to infrastructure that have occurred in the affected area due to Hurricane Ida, numerous businesses are unable to complete landings transactions, fishing reports, and dealer reports electronically. In order to continue with their businesses, IFQ participants need to be aware they can report using the paper forms, and Federal dealers and Gulf for-permit holders need to be aware that they can delay reporting.

For the aforementioned reasons, there is good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 29, 2021.

Jennifer M. Wallace,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 210928–0199; RTID 0648–XT041]

Atlantic Highly Migratory Species; Adjustments to 2021 Northern Albacore Tuna, North and South Atlantic Swordfish, and Atlantic Bluefin Tuna Reserve Category Quotas

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

ACTION: Temporary final rule.

SUMMARY: NMFS adjusts the 2021 baseline quotas for U.S. North Atlantic albacore tuna (northern albacore), North and South Atlantic swordfish, and the Atlantic bluefin Reserve category based on available underharvest of the 2020 adjusted U.S. quotas. This action is necessary to implement binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), as required by the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This action to adjust the quotas is only temporary and will be effective through December 31, 2021. On January 1, 2022, full annual baseline allocations of northern albacore, North and South Atlantic swordfish, and the Atlantic bluefin tuna will renew and be available to U.S. harvest.

DATES: Effective October 4, 2021, through December 31, 2021.

ADDRESSES: Supporting documents, including environmental assessments and environmental impact statements, as well as the Fishery Management Plans and their amendments that are described below, may be downloaded from the Highly Migratory Species (HMS) website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species.* These documents also are available upon request from Steve Durkee or Karyl Brewster-Geisz at the email addresses and telephone numbers below.

FOR FURTHER INFORMATION CONTACT: Steve Durkee (202–670–6637, *steve.durkee@noaa.gov*) or Karyl Brewster-Geisz (301–427–8503, *karyl.brewster-geisz@noaa.gov*).

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries, including northern albacore, swordfish, and bluefin tuna fisheries, are managed under the authority of the ATCA (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27(e) implements the northern albacore annual quota recommended by ICCAT and describes the annual northern albacore quota adjustment process. Section 635.27(c) implements the ICCAT-recommended quotas and describes the quota adjustment process for both North and South Atlantic swordfish. Section 635.27(a) implements the ICCAT-recommended quota and describes the annual quota adjustment process for bluefin tuna. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Note that weight information for northern albacore and bluefin tuna below is shown in metric tons (mt) whole weight (ww), and both dressed weight (dw) and ww are shown for swordfish.

Northern Albacore Annual Quota and Adjustment Process

Since 1998, ICCAT has adopted recommendations regarding the northern albacore fishery. ICCAT Recommendation 17–04 on northern albacore (which supplemented Recommendation 16–06) includes a total allowable catch (TAC) of 33,600 mt for 2018 through 2020 and specific provisions regarding northern albacore conservation and management. The U.S. share of that TAC was a quota of 632.4 mt annually for 2019 and 2020, which is codified at § 635.27(e) and will remain in effect until changed.

At the 2020 Annual ICCAT meeting, the U.S. northern albacore quota was increased from 632.4 mt to 711.5 mt for 2021 (Recommendation 20–04). Given provisions in Recommendation 20–04, it is possible the U.S. northern albacore quota might change at the ICCAT annual meeting this November. In anticipation of such change and to decrease administrative burden, NMFS does not plan to alter the 50 CFR part 635 regulations to incorporate the 2021 quota increase at this time. Since domestic landings are typically less

than 50 percent of the baseline, changing the regulations is unlikely to result in increased fishing opportunities or harvest since the domestic fishery is limited by other management measures other than the quota. The full 711.5 mt remains available, however, and NMFS will monitor landings and initiate rulemaking to update the baseline quota if landings reach 75 percent of the adjusted quota. Northern albacore landings for January through June 2021 were 119.6 mt (15 percent of the quota as adjusted under this action). After ICCAT reconvenes in 2021, NMFS would initiate appropriate rulemaking to address any changes made to the domestic quota.

Relevant to the northern albacore quota adjustment in this action, and as codified at § 635.27(e)(2), the maximum underharvest that a Contracting Party may carry forward from one year to the next is 25 percent of its initial catch quota, which would be 158.1 mt for the United States.

Adjustment of the 2021 Northern Albacore Quota

Consistent with regulations at § 635.27(e), NMFS adjusts the U.S. annual northern albacore quota for allowable underharvest, if any, in the previous year. NMFS makes such adjustments consistent with ICCAT carryover limits when complete catch information for the prior year is available and finalized. Under ICCAT Recommendation 17–04, the maximum underharvest that a Contracting Party may carry forward from one year to the next is 25 percent of its initial catch quota, which, relevant to 2021, would be 158.1 mt for the United States (25 percent of 632.4 mt).

For 2020, the adjusted quota was 790.5 mt (632.4 mt plus 158.1 mt of 2019 underharvest carried forward to 2020, based on 25 percent of the 632.4-mt quota in place for 2019) (83 FR 51391, October 11, 2018). The total 2020 northern albacore catch, which includes landings and dead discards, was 332.49 mt, which is an underharvest of 458.01 mt of the 2020 adjusted quota. Of this underharvest, 158.1 mt may be carried forward to the 2021 fishing year. Thus, the adjusted 2021 northern albacore quota is 632.4 mt plus 158.1 mt, totaling 790.5 mt.

North and South Atlantic Swordfish Annual Quota and Adjustment Process

North Atlantic Swordfish

Consistent with the North Atlantic swordfish quota regulations at § 635.27(c), NMFS adjusts the U.S. annual North Atlantic swordfish quota for allowable underharvest, if any, in the previous year. NMFS makes such adjustments consistent with ICCAT limits and when complete catch information for the prior year is available and finalized. Under ICCAT Recommendation 17–02, the U.S. North Atlantic swordfish baseline annual quota for 2018 through 2021 is 2,937.6 mt dw (3,907 mt ww). The maximum underharvest that the United States may carry forward from one year to the next is 15 percent of the baseline quota, which equals 440.6 mt dw (586 mt ww) for the United States. In 2020, the adjusted North Atlantic swordfish quota was 3,378.2 mt dw (2,937.6 mt dw baseline quota + 440.6 mt dw carried over from 2019).

The total 2020 U.S. North Atlantic swordfish catch, which includes landings and dead discards, was 1,100.08 mt dw, which is an underharvest of 2,278.12 mt dw of the 2020 adjusted quota. This underharvest exceeds the 440.6-mt dw underharvest carryover limit allowed under Recommendation 17–02. Thus, NMFS is carrying forward 440.6 mt dw, the maximum carryover allowed. The 2,937.6-mt dw baseline quota is increased by the underharvest carryover of 440.6 mt dw, resulting in a final adjusted North Atlantic swordfish quota for the 2021 fishing year of 3,378.2 mt dw (2,937.6 + 440.6 = 3,378.2 mt dw). From that adjusted quota, 50 mt dw will be allocated to the reserve category for inseason adjustments and research, and 300 mt dw will be allocated to the incidental category, which covers recreational landings and landings by incidental swordfish permit holders, in accordance with regulations at § 635.27(c)(1)(i). This results in an allocation of 3,028.2 mt dw (3,378.2 − 50 − 300 = 3,028.2 mt dw) for the directed category, split equally between two seasons in 2021 (January through June, and July through December) (Table 1).

South Atlantic Swordfish

Consistent with the South Atlantic swordfish quota regulations at § 635.27(c), NMFS adjusts the U.S. annual South Atlantic swordfish quota for allowable underharvest, if any, in the previous year. NMFS makes such adjustments consistent with ICCAT limits when complete catch information for the prior year is available and finalized. Under ICCAT Recommendation 17–03, the U.S. South Atlantic swordfish baseline annual quota for 2021 is 75.2 mt dw (100 mt ww) and the amount of underharvest that the United States can carry forward from one year to the next is 100 percent of the baseline quota (75.2 mt dw). Recommendation 17–03 continues to require the United States to transfer a total of 75.2 mt dw (100 mt ww) to other countries. These transfers are 37.6 mt dw (50 mt ww) to Namibia, 18.8 mt dw (25 mt ww) to Côte d'Ivoire, and 18.8 mt dw (25 mt ww) to Belize.

U.S. fishermen landed no South Atlantic swordfish in 2020. The adjusted 2020 South Atlantic swordfish quota was 75.1 mt dw due to nominal landings in previous years. Therefore, 75.1 mt dw of underharvest is available to carry over to 2021. NMFS is carrying forward 75.1 mt dw to be added to the 75.2 mt dw baseline quota. The quota is then reduced by the 75.2 mt dw of annual international quota transfers outlined above, resulting in an adjusted South Atlantic swordfish quota of 75.1 mt dw for the 2021 fishing year (Table 1).

TABLE 1—2021 NORTH AND SOUTH ATLANTIC SWORDFISH QUOTAS

	2020	2021
North Atlantic Swordfish Quota (mt dw):		
Baseline Quota	2,937.6	2,937.6
International Quota Transfer	0	0
Total Underharvest from Previous Year	1,906.25	2,278.12
Underharvest Carryover from Previous Year †	(+)440.6	(+)440.6
Adjusted Quota	3,378.2	3,378.2
Quota Allocation:		
Directed Category	3,028.2	3,028.2
Incidental Category	300	300
Reserve Category	50	50
South Atlantic Swordfish Quota (mt dw):		

TABLE 1—2021 NORTH AND SOUTH ATLANTIC SWORDFISH QUOTAS—Continued

	2020	2021
Baseline Quota	75.2	75.2
International Quota Transfers *	(−)75.2	(−)75.2
Total Underharvest from Previous Year	75.1	75.1
Underharvest Carryover from Previous Year †	75.1	75.1
Adjusted quota	75.1	75.1

† Allowable underharvest carryover is capped at 15 percent of the baseline quota allocation for the North Atlantic and 75.2 dw (100 mt ww) for the South Atlantic.

* Under ICCAT Recommendation 17–03, the United States transfers 75.2 mt dw (100 mt ww) annually to Namibia (37.6 mt dw, 50 mt ww), Côte d'Ivoire (18.8 mt dw, 25 mt ww), and Belize (18.8 mt dw, 25 mt ww).

Bluefin Tuna Annual Quota and Adjustment Process

Consistent with the regulations regarding annual bluefin tuna quota adjustment at § 635.27(a), NMFS annually announces the addition of available underharvest, if any, to the bluefin tuna Reserve category once complete catch information is available and finalized.

Due to the unprecedented situation in 2020, ICCAT canceled its annual meeting and conducted discussions via correspondence. Recognizing the significant challenges of complex decision making by correspondence, rollovers of expiring measures was ICCAT's default approach. For western Atlantic bluefin tuna, ICCAT adopted Recommendation 20–06, which rolled over the current TAC for 2020; provided for a 2021 stock assessment that would incorporate the most recent available data, including any new abundance indices; and specified TAC levels for 2022 and 2023 that would address overfishing based on the 2020 stock assessment update and management scenario 3 analyzed therein, unless ICCAT decides otherwise based on new Standing Committee on Research and Statistics (SCRS) advice. The status of the stock after the 2020 stock assessment update remained ''no overfishing occurring/rebuilding status unknown.'' Although the SCRS and ICCAT expressed concerns about the current overall TAC level resulting in overfishing in 2021, the projected change in biomass at this current TAC level is on par with the other management scenarios analyzed. Specifically, the update indicates that the current TAC level results in about a one percent greater decline in biomass for 2021 than a TAC level that has a 50 percent of ending overfishing. Furthermore, in the course of managing U.S. fisheries to achieve, but not exceed, the overall ICCAT-recommended U.S. quota, the United States has underharvested its overall quota over the past several years. Given recent trends, it is highly likely that the 2021 fishery will also underharvest the overall quota. Thus, carrying over the underharvest from 2020 would have neutral ecological impacts on the bluefin tuna stock. Similarly, the ecological impacts on other HMS species (as well as protected species) would be neutral because fishing strategies for target species are likely to remain similar under the same quota allocation methods. A full consideration of impacts of the 2021 bluefin tuna TAC and quota are detailed in the 2021 Annual Atlantic Bluefin Tuna Quota Adjustment Supplemental Environmental Assessment. Copies of the 2021 Supplemental Environmental Assessment can be requested as specified in the **ADDRESSES** section.

NMFS implemented relevant provisions of ICCAT western Atlantic bluefin tuna Recommendation 17–06 in a final rule that published in October 2018 (83 FR 51391, October 11, 2018). That rulemaking implemented the recommended annual U.S. baseline quota of 1,247.86 mt, plus an additional 25 mt to account for bycatch related to pelagic longline fisheries in the Northeast Distant gear restricted area (NED), for a total of 1,272.86 mt. The total annual U.S. bluefin tuna quota of 1,272.86 mt is codified at § 635.27(a) and will remain in effect until changed (for instance, if a new ICCAT western Atlantic bluefin tuna TAC recommendation is adopted). The maximum underharvest that a Contracting Party may carry forward from one year to the next is 10 percent of its initial catch quota, which, for the United States, is 127.29 mt for 2021 (10 percent of 1,272.86 mt). The relevant provisions remained the same in the 2020 ICCAT recommendation, Recommendation 20–06.

Adjustment of the 2021 Bluefin Tuna Reserve Category Quota

The United States is carrying forward the full, allowable 127.29 mt for 2021. In 2020, the adjusted bluefin tuna quota was 1,400.15 mt (baseline quota of 1,272.86 mt + 127.29 mt of 2019 underharvest carried over to 2020). The total 2020 bluefin tuna catch, including landings and dead discards, was 1,183.49 mt, which is an underharvest of 216.66 mt from the 2020 adjusted quota and exceeds the allowable carryover of 127.29 mt. When carrying over underharvest from one year to the next, NMFS uses the underharvest to augment the bluefin tuna Reserve category quota. Thus, for 2021, NMFS augments the Reserve category quota with the allowable carryover of 127.29 mt.

The codified Reserve category quota is 29.5 mt. Effective February 8, 2021, NMFS adjusted the Reserve category quota for 2021 to 168 mt by reallocating 164.5 mt of Purse Seine quota to the Reserve category (based on 2020 catch by Purse Seine category participants) and also transferring 26 mt of Reserve category quota to the General category (86 FR 8717; February 9, 2021). Effective August 4, 2021, NMFS transferred 30 mt from the Reserve category quota to the Harpoon category (86 FR 43420, August 9, 2021), leaving a total of 138 mt in the Reserve category. Effective September 9, 2021, NMFS transferred 113.8 mt from the Reserve category quota to the General category (86 FR 51016, September 14, 2021), leaving a total of 24.2 mt in the Reserve category. Thus, as of the effective date of this action (October 4, 2021), the adjusted 2021 Reserve category quota is 151.49 mt (24.2 mt + 127.29 mt).

Classification

NMFS is issuing this rule pursuant to 305(d) of the Magnuson-Stevens Act. NMFS designed the FMP to authorize the agency to take this action pursuant to MSA section 305(d) in a previous action taken pursuant to section 304(c). See 50 CFR 635.27. The NMFS Assistant Administrator (AA) has determined that this final rule is consistent with the 2006 Consolidated Atlantic HMS FMP, Amendment 13 to the 2006 Consolidated Atlantic HMS FMP, ATCA, and other applicable law.

Pursuant to section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)), the AA finds that it is

unnecessary and would be contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the reasons described below.

The rulemaking processes for Amendment 7 to the 2006 Consolidated HMS FMP in 2015 (79 FR 71509, December 2, 2014) and for the 2016 North and South Atlantic Swordfish Quota Adjustment Rule (81 FR 48719, July 26, 2016) specifically provided prior notice of, and accepted public comment on, the formulaic quota adjustment processes for the northern albacore, Atlantic bluefin tuna, and swordfish fisheries and the manner in which they occur. These processes have not changed, and the application of these formulas in this action does not have discretionary aspects requiring additional agency consideration. Thus, it is unnecessary to provide an opportunity for public comment on this action. There are no new quotas for 2021, and the quota formulas are the same as in previous years. NMFS therefore is issuing this temporary final rule to adjust the northern albacore, North and South Atlantic swordfish, and western Atlantic bluefin tuna quotas for 2021 without prior notice and an additional opportunity for comment. Similar actions to adjust the quotas based on the previous year's underharvest occur annually and the affected community expects similar adjustments in 2021. This action to adjust the 2021 quotas could not occur earlier in the year because final 2020 landings data were not available until now.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and to make the rule effective upon publication in the **Federal Register**. The fisheries for northern albacore, North and South Atlantic swordfish, and bluefin tuna began on January 1, 2021. NMFS monitors northern albacore, North and South Atlantic swordfish, and bluefin tuna annual catch and measures the annual catch data against the applicable available quotas. Delaying the effective date of these quota adjustments would affect the regulated fisheries' reasonable opportunity to catch the available quotas. Adjusting the North and South Atlantic swordfish quota allows the United States to take advantage of the ICCAT allowance to carry over quota underharvest and to comply with the South Atlantic swordfish recommendation's obligation to transfer quota internationally. Adjusting the bluefin tuna Reserve category without the 30-day delay provides NMFS the flexibility to transfer quota from the Reserve to other fishing categories inseason after considering the regulatory determination criteria, including fishery conditions at the time of the transfer, while potentially avoiding premature fishery closures when quota is available.

This action is exempt from review under Executive Order 12866.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 28, 2021.

Samuel D. Rauch, III,

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

[FR Doc. 2021–21508 Filed 10–1–21; 8:45 am]

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Proposed Rules

Federal Register
Vol. 86, No. 189
Monday, October 4, 2021

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0841; Project Identifier MCAI–2021–00622–T]

RIN 2120–AA64

Airworthiness Directives; Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–07–17, which applies to all Saab AB, Support and Services Model SAAB 2000 airplanes. AD 2020–07–17 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2020–07–17, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 18, 2021.

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

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

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0841.

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–2021–0841; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; *Shahram.Daneshmandi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0841; Project Identifier MCAI–2021–00622–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; *Shahram.Daneshmandi@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020–07–17, Amendment 39–19896 (85 FR 21764, April 20, 2020) (AD 2020–07–17), for all Saab AB, Support and Services Model SAAB 2000 airplanes. AD 2020–07–17 corresponds to EASA AD 2019–0263, dated October 22, 2019 (EASA AD 2019–0263). AD 2020–07–17 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA

issued AD 2020–07–17 to address, among other things, fatigue cracking of principal structural elements (PSEs) and corrosion prevention and control. This unsafe condition, if not addressed, could result in reduced structural integrity of a PSE, and lead to loss of control of the airplane.

Actions Since AD 2020–07–17 Was Issued

Since the FAA issued AD 2020–07–17, the FAA has determined that new or more restrictive airworthiness limitations are necessary, and revised (fatigue) life limits for various parts are also necessary.

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0132, dated May 25, 2021 (EASA AD 2021–0132) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Saab AB, Support and Services Model SAAB 2000 airplanes. EASA AD 2021–0132 superseded EASA AD 2019–0263.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is proposing this AD to address, among other things, fatigue cracking of PSEs and corrosion prevention and control. This unsafe condition, if not addressed, could result in reduced structural integrity of a PSE, and lead to loss of control of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0132 describes new or more restrictive airworthiness limitations for safe life limits, structural limitation items, and fuel airworthiness items, as well as certification maintenance requirements.

This AD would also require EASA AD 2019–0263, which the Director of the Federal Register approved for incorporation by reference as of May 26, 2020 (85 FR 21764, April 20, 2020).

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

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would retain the requirements of AD 2020–07–17. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, which are specified in EASA AD 2021–0132 described previously, as incorporated by reference. Revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations required by this AD terminates the requirements of AD 2020–07–17. Any differences with EASA AD 2021–0132 are identified as exceptions in the regulatory text of this AD.

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

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0132 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0132 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 2021–0132 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 2021–0132. Service information required by EASA AD 2021–0132 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0841 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

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

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

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

Costs of Compliance

The FAA estimates that this proposed AD affects 9 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from

AD 2020–07–17 to be $7,650 (90 work-hours × $85 per work-hour).

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA 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) 2020–07–17, Amendment 39–19896 (85 FR 21764, April 20, 2020); and

■ b. Adding the following new AD:

Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics): Docket No. FAA–2021–0841; Project Identifier MCAI–2021–00622–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive by November 18, 2021.

(b) Affected ADs

This AD replaces AD 2020–07–17, Amendment 39–19896 (85 FR 21764, April 20, 2020) (AD 2020–07–17).

(c) Applicability

This AD applies to all Saab AB, Support and Services Model SAAB 2000 airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address, among other things, fatigue cracking of principal structural elements (PSEs) and corrosion prevention and control. This unsafe condition, if not addressed, could result in reduced structural integrity of a PSE, and lead to loss of control of the airplane.

(f) Compliance

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

(g) Retained Maintenance or Inspection Program Revision, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2020–07–17, with no changes. 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 2019–0263, dated October 22, 2019 (EASA AD 2019–0263). Accomplishing the maintenance or inspection program revision required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2019–0263, With Revised Exceptions

This paragraph restates the requirements of paragraph (h) of AD 2020–07–17, with revised exceptions.

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2019–0263 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2019–0263 specifies revising ''the approved AMP [aircraft maintenance program]'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the ''limitations, tasks and associated thresholds and intervals'' specified in paragraph (3) of EASA AD 2019–0263 within 90 days after May 26, 2020 (the effective date of AD 2020–07–17).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2019–0263 is at the applicable ''associated thresholds'' specified in paragraph (3) of EASA AD 2019–0263, or within 90 days after May 26, 2020 (the effective date of AD 2020–07–17), whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2019–0263 do not apply to this AD.

(5) The ''Remarks'' section of EASA AD 2019–0263 does not apply to this AD.

(i) Retained Restrictions on Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With a New Exception

This paragraph restates the requirements of paragraph (i) of AD 2020–07–17, with a new exception. Except as required by paragraph (j) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2019–0263.

(j) New Maintenance or Inspection Program Revision

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0132, dated May 25, 2021 (EASA AD 2021–0132). Accomplishing the maintenance or inspection program revision required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2021–0132

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2021–0132 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2021–0132 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing

maintenance or inspection program, as applicable, to incorporate the ''limitations, tasks and associated thresholds and intervals'' specified in paragraph (3) of EASA AD 2021–0132 within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2021–0132 is at the applicable ''associated thresholds'' specified in paragraph (3) of EASA AD 2021–0132, or within 90 days after the effective date of this AD, whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2021–0132 do not apply to this AD.

(5) The ''Remarks'' section of EASA AD 2021–0132 does not apply to this AD.

(l) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2021–0132.

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

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

(n) Related Information

(1) For information about EASA AD 2021–0132, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0841.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; *Shahram.Daneshmandi@faa.gov.*

Issued on September 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–21480 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2021–OPE–0077]

Negotiated Rulemaking Committee; Public Hearings

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Intent to establish negotiated rulemaking committee.

SUMMARY: We announce our intention to establish a negotiated rulemaking committee to prepare proposed regulations for programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA). The Department of Education is committed to advancing equitable outcomes for all students and invites comments from individuals, organizations, or groups with interests that are significantly affected by the subject matter of the proposed regulations being considered by the committee. We also announce public hearings at which interested parties may comment on the topics for regulation.

DATES: The dates, times, and locations of the public hearings are listed under the **SUPPLEMENTARY INFORMATION** section of this document. We must receive any written comments on or before November 3, 2021.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov,* including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''FAQ.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments, address them to Brian Schelling, U.S. Department of Education, 400 Maryland Ave. SW, Room 2C188, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public (including those comments submitted by postal mail, commercial delivery, or hand delivery) available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For information about negotiated rulemaking in general, see *The Negotiated Rulemaking Process for Title IV Regulations, Frequently Asked Questions* at *www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html.* For information about the public hearings or for additional information about negotiated rulemaking, contact: Brian Schelling, U.S. Department of Education, 400 Maryland Ave. SW, Room 2C188, Washington, DC 20202. Telephone: (202) 453–5966. Email: *brian.schelling@ed.gov.*

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

SUPPLEMENTARY INFORMATION: Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs authorized under title IV of the HEA, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations from the public, the Secretary conducts negotiated rulemaking to develop the proposed regulations. We announce our intent to develop proposed title IV regulations by following the negotiated rulemaking procedures in section 492 of the HEA.

We intend to select participants for the negotiated rulemaking committee from nominees that represent the interests significantly affected by the proposed regulations. To the extent possible, we will select individuals who reflect diversity among program participants.

We intend to convene a committee to develop proposed regulations affecting institutional and programmatic eligibility, including the 90/10 rule as described below. We will announce the topics and schedule of committee meetings in a subsequent **Federal Register** notice.

Regulatory Issue

The Department intends to regulate on what is commonly referred to as the 90/10 rule. Section 2013 of the American Rescue Plan Act of 2021 (ARP) amended HEA section 487(a)(24) to require that a proprietary institution derive at least 10 percent of its revenues from sources that are not Federal education assistance funds. Federal education assistance funds are ''Federal funds that are disbursed or delivered to or on behalf of a student to be used to attend such institution.'' Section 2013(c)(2) of the ARP provides that regulations developed and published on 90/10 by the Department will not be effective until on or after January 1, 2023.

For more information on how the current 90/10 rule is implemented, see 34 CFR 668.28 and pages 91–94 of the 2020–2021 FSA Handbook at: *https://fsapartners.ed.gov/sites/default/files/2021-03/2021FSAHbkVol2Master.pdf.*

After a complete review of the comments presented at the public hearings and in the written submissions, we will publish a document in the **Federal Register** announcing the specific topics for which we intend to establish a negotiated rulemaking committee and a request for nominations for individual negotiators for the committee who represent the communities of interest that would be significantly affected by the proposed regulations. We will also post this document on the Department's website at *https://www2.ed.gov/policy/highered/reg/hearulemaking/2021/index.html.*

Public Hearings

We will hold virtual public hearings for interested parties to comment on the 90/10 rule only, on October 26, 2021, from 2:00 p.m. to 4:00 p.m., Eastern time, and on October 27, 2021, from 10:00 a.m. to 12:00 p.m., Eastern time.

In a **Federal Register** notice published on May 26, 2021, we announced public hearings held on June 21, 23, and 24, 2021. In that notice, we invited the public to comment on other proposed topics and also allowed the public to suggest other topics on which we might regulate.

Further information on the public hearings is available at *https://www2.ed.gov/policy/highered/reg/hearulemaking/2021/index.html.*

Individuals who would like to comment at one of the public hearings must register by sending an email message to *negreghearing@ed.gov* no later than 12:00 p.m. Eastern time on the business day prior to the public hearing at which they want to speak. Please include the name of the speaker and one or more dates and times during which the individual would be available to speak. We will attempt to accommodate each speaker's preference for date and time; however, if we are unable to do so, we will make the determination based upon the time and date we received the message and allowing for a diversity of constituencies to present. We will limit each participant's comments to three minutes.

We will notify speakers of the time slot reserved for them and provide information on how to log in to the hearing as a speaker. An individual may make only one presentation at the public hearings. If we receive more registrations than we can accommodate, we reserve the right to reject the registration of an entity or individual affiliated with an entity or individual that is already scheduled to present comments to ensure that a broad range of entities and individuals are able to present.

Individuals who want to observe the public hearing, but who do not want to present comments, must also register. Attendees who are not presenting comments will be muted for the duration of each public hearing. We will post attendee registration information on our website at *www2.ed.gov/policy/highered/reg/hearulemaking/2021/index.html.* We will also post transcripts of the hearings on that site.

The Department will accept written comments via the Federal eRulemaking portal and by postal mail, commercial delivery, or hand delivery through November 3, 2021. (See the **ADDRESSES** section of this document for submission information.)

Schedule for Negotiations

We anticipate that any committee(s) established after the public hearings would begin virtual negotiations no earlier than January 2022. We expect negotiations to occur during three sessions of five days each with approximately four weeks between sessions. We may adjust the number of days of each session and time between sessions to adapt to the virtual environment. We will publish the dates and details about these meetings in a subsequent notice in the **Federal Register** and post information on our website at *https://www2.ed.gov/policy/highered/reg/hearulemaking/2021/index.html.*

Accessible Format: On request to the program 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 other 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.* 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 for free on 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.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1098a.

Annmarie Weisman,

Deputy Assistant Secretary for Policy, Planning, and Innovation.

[FR Doc. 2021–21505 Filed 10–1–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

[Docket No. FWS–HQ–MB–2021–0105; FF09M22000–212–FXMB1232090000]

RIN 1018–BF71

Migratory Bird Permits; Authorizing the Incidental Take of Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Advance notice of proposed rulemaking; notice of intent to prepare a National Environmental Policy Act document.

SUMMARY: To better protect migratory bird populations and provide more certainty for the regulated public, the Service seeks to address human-caused migratory bird mortality by codifying

our interpretation that the Migratory Bird Treaty Act (MBTA) prohibits incidental take of migratory birds and developing regulations that authorize incidental take under prescribed conditions. This document advises the public that the U.S. Fish and Wildlife Service (Service, we) intends to gather information necessary to develop a proposed rule to authorize the incidental taking or killing of migratory birds, including determining when, to what extent, and by what means it is consistent with the MBTA and compatible with the terms of the four migratory bird conventions. This information will be used to develop proposed regulations to authorize the incidental take of migratory birds under prescribed conditions and prepare a draft environmental review pursuant to the National Environmental Policy Act of 1969, as amended. We are furnishing this advance notice of proposed rulemaking and notice of intent to advise other agencies and the public of our intentions, obtain suggestions and information to include in the proposed rulemaking and environmental review, and announce public scoping webinars.

DATES: *Comment submission:* You may submit comments to help guide the development of the proposed rule and draft environmental review until December 3, 2021.

Scoping meetings: We will hold six scoping meetings in webinar format: Three for federally recognized Native American Tribes and three for the general public. See *Scoping Meetings* below under **SUPPLEMENTARY INFORMATION** for details.

ADDRESSES: You may submit written comments by one of the following methods:

- *Electronically at the Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments to Docket No. FWS–HQ–MB–2021–0105.
- *By hard copy via U.S. mail:* Public Comments Processing, Attn: FWS–HQ–MB–2021–0105; U.S. Fish and Wildlife Service; MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov,* including any personal information you provide. See *Public Availability of Comments* below under **SUPPLEMENTARY INFORMATION** for further information.

FOR FURTHER INFORMATION CONTACT: Jerome Ford, Assistant Director, Migratory Birds, U.S. Fish and Wildlife Service, at 202–208–1050.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service (Service) is the Federal agency delegated with the primary responsibility for managing migratory birds. Our authority derives from the Migratory Bird Treaty Act of 1918, as amended (MBTA; 16 U.S.C. 703 *et seq.*), which implements conventions with Canada, Mexico, Japan, and the Russian Federation. The MBTA protects certain migratory birds from take, except as permitted by the Service under the MBTA. We implement the provisions of the MBTA through regulations in parts 10, 13, 20, 21, and 22 of title 50 of the Code of Federal Regulations (CFR). Regulations pertaining to migratory bird permits are set forth at 50 CFR part 21.

The Service is charged with ensuring the conservation of migratory birds by the MBTA, consistent with its underlying conventions, and other relevant statutes. A primary example is the regulatory framework developed to manage hunting of waterfowl species in a manner that ensures their long-term conservation. Early in the 20th century, habitat loss and hunting pressure resulted in declining populations for many waterfowl species. Through working closely with many partners, the Service successfully conserves and manages waterfowl populations and hunting continues to contribute to the U.S. economy.

The Service is concerned about the current status of migratory birds and publishes this advance notice of proposed rulemaking as an initial step in a process to achieve and manage the long-term conservation of migratory birds and provide regulatory certainty to the regulated community. Over the last 50 years, the total population of North American birds has declined by an estimated 3 billion birds (Rosenberg et al. 2019). Many of the 1,093 species of birds protected under the MBTA (50 CFR 10.13) are experiencing population declines due to increased threats across the landscape. Both natural and human-caused sources of bird mortality cumulatively contribute to declining bird populations. Millions of birds are directly killed by human-caused sources. These mortality impacts are exacerbated by lost or degraded habitat, ecological alterations resulting from changing climate, and natural causes of mortality. Many activities and projects that incidentally take migratory birds have voluntarily implemented beneficial practices (also referred to as best management practices, conservation measures, best practices, and mitigation measures) intended to avoid and minimize the take of migratory birds; however, many bird populations remain in decline. The Service is concerned that voluntary implementation of beneficial practices and prioritization of limited enforcement resources may be insufficient to conserve the species the Service is charged with protecting. The Service seeks to better protect migratory bird populations through addressing human-caused mortality with common-sense regulations that are not unduly burdensome.

The MBTA prohibits take, defined by regulation (50 CFR 10.12) to mean ''pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.'' Through this rulemaking process, the Service will clarify that incidental take is prohibited by the MBTA and codify that interpretation. On January 7, 2021, the Service published a final rule (86 FR 1134; hereafter ''the January 7 rule'') defining the scope of the MBTA as it applies to conduct resulting in the injury or death of migratory birds protected by the MBTA. The January 7 rule defined the MBTA's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, to apply only to actions directed at migratory birds, their nests, or their eggs. Elsewhere in today's **Federal Register**, we publish a final rule that revokes the January 7 rule, thus returning the Service to interpreting the MBTA as prohibiting incidental take and applying enforcement discretion, consistent with judicial precedent and longstanding agency practice prior to 2017. However, our revocation of the January 7 rule does not also include codification of our current interpretation of the MBTA as it applies to incidental take, it simply revokes the prior rule codifying our former interpretation and nothing more. With this advance notice of proposed rulemaking, the Service initiates the process to codify the interpretation that the MBTA prohibits incidental take and develop an approach to authorizing incidental take of migratory birds.

Purpose of This Document

The Service is publishing this advance notice of proposed rulemaking to gather information necessary to codify our interpretation of the MBTA as prohibiting incidental take and propose a system of regulations to authorize the incidental take of migratory birds under prescribed conditions. As part of the development of these regulations, the Service is preparing a draft environmental review of this proposal pursuant to the National Environmental Policy Act.

The goal of this rulemaking is to provide regulatory clarification by codifying our interpretation of the MBTA as prohibiting incidental take, instead of relying on enforcement discretion, and to develop a common-sense approach for regulating incidental take to better protect migratory bird populations. Over the years and in recent rulemakings, the Service has received public comment and feedback from other Federal and State agencies and the public on regulating incidental take, the majority of which calls for the creation of a durable solution that effectively conserves migratory bird populations while providing regulatory clarification and certainty to the regulated community.

In an effort to provide both meaningful bird conservation and regulatory clarity and certainty through legal authorization to the regulated communities with whom we work, we are interested in comments regarding whether and how the Service could authorize incidental take and under what conditions or circumstances. For example, the Service is considering a system of regulations for authorizing incidental take. The Service is considering authorizing incidental take using three primary mechanisms: (1) Exceptions to the MBTA's prohibition on incidental take; (2) general permits for certain activity types; and (3) specific or individual permits. The Service is seeking public comment on the criteria the Service would use to apply these authorizations to various activities.

The Service is considering using regulatory authorizations to except certain activities from requiring a permit. For example, we are considering authorizing by exception and not requiring a permit for (a) noncommercial activities, including most activities by individuals (*e.g.,* homeowner activities that take birds), and (b) certain activities where activity-specific beneficial practices or technologies sufficiently avoid and minimize incidental take.

A general permit could be authorized through a registration system. An entity would register, pay a required fee, and agree to abide by general permit conditions. These permit conditions may be activity-specific (*i.e.,* certain industries would have their own specific general permit with conditions tailored to that industry) and require certain beneficial practices. The general permit would be effective upon submission of the request and would not require Service staff review prior to being effective. General permit conditions would not be customized to the applicant. The general permit would include reporting requirements. However, the Service would not need to specify a number of birds authorized, specify species of birds authorized, or require extensive monitoring requirements in the permit conditions for the registration system. For example, the Service could require permittees to report dead birds found during routine maintenance and operation activities rather than requiring an active monitoring program. The environmental review for general permits would be a collective review of the general permit system, not a separate review for each individual permit authorization. This means that we would review all of the data entered by general permittees as well as any monitoring data collected by the Service to assess the effects of the general permit program on migratory bird populations, instead of assessing those effects at the scale of an individual project.

For projects that do not meet the criteria for eligibility for a general permit, the Service is considering developing regulations describing eligibility criteria and procedures for applying for a specific permit to authorize incidental take of migratory birds similar to current specific permit regulations (50 CFR part 21, subpart C), where an application and required fee is submitted to Service staff. Subsequently, Service staff would review the application and develop customized permit conditions. If such an approach is developed, the Service would seek to minimize the need for specific permits to the degree possible to reduce the administrative burden on the public, permittee, and Service. The Service would intend to reserve the use of specific permits to limited situations where case-by-case evaluation and customization is necessary and appropriate.

To apply the three-tiered approach being considered by the Service, we must identify criteria for when a given project qualifies as excepted from a permit, meets general permit requirements, or should apply for a specific permit. The Service is seeking input as to what those criteria should be. The Service does not intend to use the number of birds found dead on a given project site as a criterion. Instead, the Service seeks information on appropriate criteria, such as infrastructure design, beneficial practices, geographic features, and others. For example, there may be certain geographic areas which are known to have high volumes of migratory birds that might be specified for specific permits and might not qualify for general permits due to the high numbers of birds in those specific areas. Similarly, there may be infrastructure designs or technologies that effectively reduce incidental take, like the installation of flashing lights on communications towers, that could be an appropriate criterion for a permit exception or general permit.

In addition, the Service is interested in input regarding whether there are unique authorization types for government entities that the Service should consider, or whether government activities would be adequately covered by the authorization types described above. For example, the Service could consider excepting Federal agencies with a current, signed Memorandum of Understanding (MOU) with the Service for the conservation of migratory birds from needing a permit for most activities. The Service does not intend to include military-readiness activities in this rulemaking, as those activities are already covered in 50 CFR 21.15.

The Service is also seeking input on what beneficial practices might be appropriate to require for different authorization types. Many activities and projects already voluntarily implement beneficial practices. (See table 2 in our final rule published elsewhere in today's **Federal Register**.) Our intent is to draw from these existing activity beneficial practices to establish regulatory requirements and permit conditions.

The Service seeks any information regarding the economic impacts (costs, savings, or neutral effects) associated with implementing activity-specific beneficial practices. This information will be used to help the Service to meet its requirements to evaluate the potential effects of the proposed and final rules on small businesses, small organizations, and small governmental jurisdictions.

The Service is considering developing individual, general-permit-authorization regulations for the following activities that have been identified as common sources of bird mortality and/or have well-developed, activity-specific beneficial practices:

(a) Communication towers,

(b) Electric transmission and distribution infrastructure,

(c) Onshore wind power generation facilities,

(d) Offshore wind power generation facilities,

(e) Solar power generation facilities,

(f) Methane and other gas burner pipes,

(g) Oil, gas, and wastewater disposal pits,

(h) Marine fishery bycatch,

(i) Transportation infrastructure construction and maintenance, and

(j) Government agency activities (excluding military-readiness activities already covered under 50 CFR 21.15).

For each of these activities, the Service is seeking information and data regarding the causes of migratory bird death and injury at projects, activity-specific beneficial practices, project-specific beneficial practices, economic costs and benefits of implementing beneficial practices for retrofitting existing infrastructure, and economic costs and benefits of implementing beneficial practices in new construction.

For activities not in the list above, the Service is seeking public input on how these activities should be treated (*e.g.,* exception, general, or specific permit) and what beneficial practices should be required for these activities. The Service intends to update regulations to incorporate additional activity types based on updated information regarding effects to migratory birds. The Service is considering authorizing these activities through permit exceptions until activity-specific regulations are warranted and can be promulgated.

To improve the conservation of migratory bird populations and support efforts to ensure authorizing incidental take is consistent with the MBTA and compatible with the underlying migratory bird conventions, the Service is also considering implementing a conservation fee structure to fund programs to benefit birds. The Service seeks public input on whether it should consider a compensatory mitigation approach, where mitigation is developed and implemented specific to a given project or activity. Alternatively, the Service is considering a general conservation fee structure, where fees go to a specific, dedicated fund. The fund could be used for two primary purposes. First, the Service could use conservation fee funds to research and monitor human-caused mortality of birds to inform the implementation of the program. Research and monitoring could be used to verify overall estimates of incidental take by project/activity type and the effectiveness of beneficial practices and conservation activities. Second, the Service could use conservation fee funds to address migratory bird population declines, including habitat loss and degradation and other sources of mortality. Because many migratory birds are in decline and in need of conservation action, a conservation fee requirement could help support efforts to ensure authorizing incidental take under these regulations is consistent with the MBTA and compatible with the four bilateral migratory bird conventions. The Service is seeking input on how a conservation fee could be structured and whether it is more appropriate than project/activity-specific compensatory mitigation.

Finally, the Service is expecting the need for regular review of permit conditions and regulations. New beneficial practices will be developed, and new technology may solve some situations as well as cause new problems. The Service is seeking input on the process for reviewing and updating requirements: How frequently should authorized activities be updated? How should additional activities be identified? How long should general permits and specific permits be authorized for? How should compliance with authorization conditions be documented and enforced?

Environmental Review

Public Scoping

A primary purpose of the NEPA scoping process is to receive suggestions and information on the scope of issues and alternatives to consider when drafting the necessary environmental documents and to identify significant issues and reasonable alternatives related to the Service's future proposed action. To ensure that we identify a range of issues and alternatives related to the future proposal, we invite comments and suggestions from all interested parties. We will conduct a review of the future proposed action according to the requirements of NEPA and its regulations, other relevant Federal laws, regulations, policies, and guidance, and our procedures for compliance with applicable regulations. Once the draft environmental documents are completed, we will offer further opportunities for public comment.

Proposed Action and Possible Alternatives

The Service is responsible for maintaining and restoring migratory bird populations for the American public, pursuant to the MBTA and four bilateral migratory bird conventions. Many projects implement voluntary, activity-based beneficial practices to avoid and minimize the incidental take of migratory birds. However, many migratory bird populations are significantly declining, and millions of birds are killed each year from human-caused sources of mortality contributing to these declines.

To better protect migratory bird populations and provide more certainty for the regulated public, the Service seeks to address human-caused mortality by developing incidental take regulations. The purpose of this action is to determine when, to what extent, and by what means it is compatible with the MBTA and the terms of the four migratory bird conventions to authorize the incidental taking or killing of protected migratory birds.

The Service is considering alternatives that apply a regulatory framework of authorizing incidental take through permit exceptions, general permits, and specific permits. The Service will evaluate how different criteria can be used to determine which authorization mechanism is appropriate for certain activities and what the requirements of that authorization should be (*e.g.,* avoidance and minimization measures, required beneficial practices, etc.), including whether compensatory mitigation or a conservation fee or both should be required for general permits or for specific permits. The proposed alternatives presented in the environmental analysis will be compared to the no-action alternative. The no-action alternative will compare estimated future conditions without implementation of the alternatives to the estimated future conditions with those alternative actions in place.

Requested Information

Issues Related to Development of Proposed Regulations

The Service is seeking data and information on the following:

(a) Human-caused migratory bird death and injury, in particular for the 10 activities listed above under the heading ''PURPOSE OF THIS DOCUMENT'';

(b) Beneficial practices to avoid and minimize migratory bird death and injury;

(c) Activity-specific beneficial practices that should be considered as conditions of the authorization;

(d) Criteria (such as infrastructure design, beneficial practices, geographic features, etc.) to qualify as excepted from a permit, for general permit registration, or to apply for a specific permit;

(e) Economic costs and benefits of implementing beneficial practices that require retrofitting existing infrastructure;

(f) Economic costs and benefits of implementing beneficial practices in new construction instead of current designs;

(g) Economic costs and benefits of implementing beneficial practices that do not affect infrastructure;

(h) Other economic information useful for setting required compensatory mitigation or a conservation fee;

(i) Economic information on the benefits of migratory birds, such as ecosystem services, recreation, and other benefits; and

(j) Any potential effects on small entities, such as small businesses, small non-profit organizations or small governmental entities with a population under 50,000.

Issues Related to the Scope of the NEPA Review

We seek comments or suggestions from the public, the regulated community, governmental agencies, Tribes, the scientific community, industry, or any other interested parties. Pursuant to NEPA, we will take into consideration all comments and any additional information received.

We are seeking comments on the identification of effects that might be caused by regulating incidental take of migratory birds. You may wish to consider the following issues when providing comments:

(a) Impacts on floodplains, wetlands, wild and scenic rivers, or ecologically sensitive areas;

(b) Impacts on park lands and cultural or historic resources;

(c) Impacts on human health and safety;

(d) Impacts on air, soil, and water;

(e) Impacts on prime agricultural lands;

(f) Impacts to other species of wildlife, including endangered or threatened species;

(g) Disproportionately high and adverse impacts on historically marginalized and or disadvantaged communities;

(h) Any other socioeconomic or other potential effects; and

(i) Any potential conflicts with other Federal, State, local, or Tribal environmental laws or requirements.

Scoping Meetings

The issuance of this document provides an opportunity for public involvement in the scoping process to guide the development of the proposed rule and environmental review. The public comment period begins with the publication of this document in the **Federal Register** and will continue through the date set forth above in **DATES**. We will consider all comments on the scope of the proposed rulemaking and draft environmental review that are received or postmarked by that date. Comments received or postmarked after that date will be considered to the extent practicable.

The Service will present information explaining this action in virtual scoping meetings during the public comment period. The purpose of scoping meetings is to provide the public with a general understanding of the background for this proposed rulemaking action, alternatives and activities it would cover, alternative proposals under consideration, and the Service's role and steps to be taken to develop the draft environmental documents for the proposed action. Additionally, the public comment period is to solicit suggestions and information on the scope of issues and alternatives for the Service to consider when preparing the draft environmental documents.

To help protect the public and limit the spread of the COVID–19 virus, the Service will hold virtual public scoping meetings to accommodate best practices and guidelines in place at the time this document was prepared. The virtual public scoping meetings will provide the Service an opportunity to present information on the scope of issues and alternatives for which we are requesting comment. No opportunity for oral comments will be provided. Written comments may be submitted by the methods listed in **ADDRESSES**. We will hold the following scoping meetings in webinar format.

Meetings for federally recognized Native American Tribes:

- On October 26, 2021, from 12 p.m. to 1 p.m., Eastern Time.
- On October 28, 2021, from 3 p.m. to 5 p.m., Eastern Time.
- On November 2, 2021, from 1 p.m. to 3 p.m., Eastern Time.

Meetings for the general public:

- On November 4, 2021, from 12 p.m. to 1 p.m., Eastern Time.
- On November 8, 2021, from 3 p.m. to 5 p.m., Eastern Time.
- On November 10, 2021, from 1 p.m. to 3 p.m., Eastern Time.

Registration instructions and updated session information can be accessed on the Service Migratory Bird Treaty Act web page at *https://www.fws.gov/regulations/mbta/,* or may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Scoping Webinar Accommodations

Please note that the Service will ensure that the public scoping webinars will be accessible to members of the public with disabilities.

Public Comments

To promulgate a proposed rule and prepare a draft environmental review pursuant to NEPA, we will take into consideration all comments and any additional information received. Please note that submissions merely stating support for or opposition to the proposed action and alternatives under consideration, without providing supporting information, will be noted but not considered by the Service in the environmental analysis. Please consider the following when preparing your comments:

(a) Be as succinct as possible.

(b) Be specific. Comments supported by logic, rationale, and citations are more useful than opinions.

(c) State suggestions and recommendations clearly with an expectation of what you would like the Service to do.

(d) If you propose an additional alternative for consideration, please provide supporting rationale and why you believe it to be a reasonable alternative that would meet the purpose and need for our proposed action.

(e) If you provide alternate interpretations of science, please support your analysis with appropriate citations.

The alternatives we develop will be analyzed in our draft environmental review pursuant to NEPA. We will give separate notice of the availability of the draft environmental review for public comment when it is completed. We may hold public hearings and informational sessions so that interested and affected people may comment and provide input into the final decision.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that the entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as supporting documentation we use in preparing the environmental analysis, will be available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service Headquarters (see **ADDRESSES**, above).

Federally recognized Native American Tribes can request government-to-government consultation via letter submitted at any time during this rulemaking process.

Literature Cited

Rosenberg, K.V., A.M. Dokter, P.J. Blancher, J.R. Sauer, A.C. Smith, P.A. Smith, J.C. Stanton, A. Panjabi, L. Helft, M. Parr, P.P. Marra. Decline of the North American avifauna. *Science.* 04 OCT 2019: 120–124.

Authority

The authority for this action is the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 *et seq.*) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Shannon Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2021–21474 Filed 9–30–21; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 86, No. 189
Monday, October 4, 2021

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Document Number AMS–SC–21–0079]

Meeting of the Fruit and Vegetable Industry Advisory Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), is announcing a meeting of the Fruit and Vegetable Industry Advisory Committee (FVIAC). The meeting is being convened to examine the full spectrum of fruit and vegetable industry issues and provide recommendations and ideas to the Secretary of Agriculture on how the U.S. Department of Agriculture (USDA) can tailor programs and services to better meet the needs of the U.S. produce industry.

DATES: The FVIAC will meet via webinar (virtually) on November 03, 2021, from 10:00 a.m. to 3:00 p.m. Eastern Time (ET) and November 04, 2021, from 10:00 a.m. to 3:00 p.m. Eastern Time (ET). The FVIAC will hear public comments during the webinar on November 03, 2021. The deadline to submit written comments and/or sign up for oral comments is 11:59 p.m. ET, on October 22, 2021.

ADDRESSES: The webinar for the meeting and public comment period can be accessed via the internet and/or phone. Access information will be available on the AMS website prior to each event. Detailed information can be found at *https://www.ams.usda.gov/about-ams/facas-advisory-councils/fviac.*

FOR FURTHER INFORMATION CONTACT: Darrell Hughes, Designated Federal Officer, Fruit and Vegetable Industry Advisory Committee, USDA–AMS-Specialty Crops Program, 1400 Independence Avenue SW, Suite 1575, STOP 0235, Washington, DC 20250–0235; Telephone: (202) 378–2576; Email: *SCPFVIAC@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), the Secretary of Agriculture (Secretary) established the Committee in 2001 to examine the full spectrum of issues faced by the fruit and vegetable industry and to provide suggestions and ideas to the Secretary on how USDA can tailor its programs to meet the fruit and vegetable industry's needs.

The AMS Deputy Administrator for the Specialty Crops Program serves as the Committee's Executive Secretary, leading the effort to administer the Committee's activities. Representatives from USDA mission areas and other government agencies affecting the fruit and vegetable industry are periodically called upon to participate in Committee's meetings as determined by the Committee. AMS is giving notice of the Committee meeting to the public so that they may participate and present their views. The meeting is open to the public.

Agenda items may include, but are not limited to, welcome and introductions; administrative matters; consideration of recommendations pertaining to labor and production, food safety, climate and infrastructure, and conservation; and presentations by subject matter experts as requested by the Committee. Please check the FVIAC website for an agenda 24-to-48 hours prior to November 03, 2021 via *https://www.ams.usda.gov/about-ams/facas-advisory-councils/fviac.*

Public Comments: Comments should address specific topics pertaining to fruit and vegetable industry issues and USDA programs and services.

Written Comments: Written public comments will be accepted on or before 11:59 p.m. ET on October 22, 2021 via *http://www.regulations.gov:* Document # AMS–SC–21–0079. Comments submitted after this date will be provided to AMS, but the Committee may not have adequate time to consider those comments prior to the meeting. AMS, Specialty Crops Program, strongly prefers that comments be submitted electronically. However, written comments may also be submitted (*i.e.,* postmarked) via mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section by or before the deadline.

Oral Comments: The Committee is providing the public an opportunity to provide oral comments and will accommodate as many individuals and organizations as time permits. Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. ET, October 22, 2021 and may register for only one speaking slot. Instructions for registering and participating in the meeting can be obtained by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section by or before the deadline.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation, to the person listed under the **FOR FURTHER INFORMATION CONTACT** section. Determinations for reasonable accommodation will be made on a case-by-case basis.

Dated: September 29, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–21526 Filed 10–1–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 28, 2021.

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

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by November 3, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

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

Food Safety and Inspection Service

Title: Overtime and Holiday Inspection Fees for Small and Very Small Establishments.

OMB Control Number: 0583–0185.

Summary of Collection: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*) and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

Need and Use of the Information: FSIS will collect information on FSIS Form 5200–16, *Overtime/Holiday Rate Reduction Form,* to determine whether an establishment inspected by FSIS qualifies for an overtime and holiday inspection fee reduction, and, if so, the amount of the reduction. If an establishment experiences any change in qualifying circumstances, it must immediately notify FSIS by resubmitting the attestation form. To conduct the information collections less frequently would reduce the effectiveness of the meat and poultry inspection program that ensures that meat and poultry products are properly marked, labeled and packaged.

Description of Respondents: Business or other for-profits.

Number of Respondents: 3,944.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 724.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–21479 Filed 10–1–21; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket # RUS–21–Electric–0018]

Next Era Energy LLC, Notice of Availability of a Draft Environmental Impact Statement and Notice of Public Meeting

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of availability of a draft environmental impact statement and notice of public meeting.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS), an agency within the Department of Agriculture, has prepared and is announcing that a Draft Environmental Impact Statement (EIS) for a project proposed by Next Era Energy Inc (NEER), is available for public review and comment. RUS is publishing the Draft EIS to inform interested parties and the general public about the project proposal and to invite the public to comment on the proposed action addressed in the Draft EIS. The Draft EIS was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA and the Rural Utilities Service, Environmental Policies and Procedures and evaluates the potential environmental effects related to providing financial assistance for the NEER, Skeleton Creek Solar and Battery Storage Project, a proposed 250-megawatt (MW) solar array, plus 200–MW/800-megawatt-hour (MWh) storage facility using photovoltaic (PV) modules on private lands in Garfield County. The purpose and need of the proposed Project is to meet the needs of the Western Farmers Electric Cooperative (WFEC). The Project will allow NextEra to provide the additional generation capacity needed by WFEC to serve electrical needs at a reasonable cost to their member cooperatives. RUS has determined that its action regarding the proposed Project is an undertaking subject to review under Section 106 of the National Historic Preservation Act and its implementing regulation, ''Protection of Historic Properties'' and as part of its broad environmental review process, RUS must take into account the effect of the proposed project on historic properties. RUS is using its procedures for public involvement under NEPA to meet its responsibilities to solicit and consider the views of the public during Section 106 review. Accordingly, comments submitted in response to this Notice will inform RUS decision-making during Section 106 review. As noted in the **Federal Register** notice announcing the intent to prepare an EIS on March 15, 2021, RUS invited any interested party wishing to participate directly with the agency as a ''consulting party'' in Section 106 review may submit a written request to the RUS contact provided below. RUS will consider, and provide a timely response to, any and all requests for consulting party status.

DATES: Written comments on this Draft EIS must be received November 18, 2021. Two public meetings to solicit comments on the Draft EIS will be held. The first meeting on November 9, 2021 will be a webinar held on Zoom from 1:00–2:30 p.m. CT.

Meeting 1 Link: https://swca.zoom.us/j/92375284700

Meeting 1 Webinar ID: 923 7528 4700

Toll-Free call-in number: 888 475 4499

The second meeting will be held on November 10, 2021 on Zoom from 6:00–8:00 p.m. CT.

Meeting 2 Link: https://swca.zoom.us/j/98165619926

Meeting 2 Webinar ID: 981 6561 9926

Toll-Free call-in number: 888 475 4499

Both meetings will provide a presentation by Rural Utilities Service, third-party EIS contractor, followed by a session to take public comment. Oral comments from the public will be recorded by a certified court reporter or by Zoom webinar.

Attendees will be able to submit oral and written comments during the public meeting which will become part of the public record. Written comments may also be submitted to *SkeletonCreekSolarPublicComments@usda.gov.* Comments mailed directly to the Agency are discouraged during the COVID 19 period due to the potential for delayed receipt.

All comments submitted during the public review period, oral or written, will become part of the public record. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any

time. All comments will be reviewed and responded to in the Final EIS. For consideration in the Final EIS, comments must be postmarked or received online by November 18, 2021.

ADDRESSES: The Draft EIS and other Project-related information is available at Rural Utilities Service website located at *https://www.rd.usda.gov/environmentalstudy/skeleton-creek-solar-and-battery-storage-project-garfield-county-oklahoma.*

All information related to the Project is available at this website. In addition, hardcopies of the documents are available at the Enid Public Library, located at 120 W Maine St, Enid, OK 73701. Parties wishing to be placed on the mailing list for future information or to receive hard or electronic copies of the EIS should send an email to *SkeletonCreekSolarPublicComments@usda.gov*.

FOR FURTHER INFORMATION CONTACT: Information related to the Project is available at *https://www.rd.usda.gov/environmentalstudy/skeleton-creek-solar-and-battery-storage-project-garfield-county-oklahoma.*

To request official consulting party status, submit comments, or for further information, please contact: Kristen Bastis, Environmental Protection Specialist, *SkeletonCreekSolarPublicComments@usda.gov*, Rural Utilities Service, Environment and Engineering Department, Water and Environmental Programs, Rural Utilities Service, Rural Development, United States Department of Agriculture, Mail Stop 1571, 1400 Independence Ave. SW, Washington, DC 20250.

SUPPLEMENTARY INFORMATION:

1. Agencies Involved and Status

a. The Rural Utilities Service, Lead Agency
b. The United States Army Corps of Engineers, Cooperating Agency
c. The Bureau of Land Management, Cooperating Agency
d. The Bureau of Indian Affairs, Cooperating Agency
e. The United States Fish and Wildlife Service, Participating Agency

2. Project Description and Location

The Draft EIS addresses the construction and operation of the Project, which consists of a 250–MW solar array, plus 200–MW/800–MWh storage facility in Garfield County, Oklahoma. The Project consists of four major components: Photovoltaic solar arrays, energy storage facilities, linear facilities, and transmission interconnection facilities. The energy storage facilities consist of batteries, solar trackers, and solar power inverters. Linear facilities include a network of internal access roads, communication cables or lines, and a distribution power network for construction and operations control systems. The transmission interconnection facilities include a substation/switchyard that interconnects to the existing OG&E 345–kV Woodring Substation via an estimated 1-to-2-mile gen-tie. These components are explained in detail in the Draft EIS.

3. Purpose and Need for the Action

Since the Applicant entered into a power purchase agreement with Western Farmers Electric Cooperative (WFEC) for the Project, the Project's purpose and need is focused on meeting the energy buyer's (WFEC) needs. WFEC's objective is to provide safe, adequate, and reliable power to its members at the lowest reasonable cost. The Project would allow the Applicant to provide the additional generation capacity needed by WFEC to achieve these goals within the service territories of their member cooperatives. Specifically, the Project would provide a source of non-dispatchable power via solar panels that increase capacity, whereas battery storage would provide a source of dispatchable power that increases the reliability of generated power to the grid. The pairing of battery storage with solar panels would further allow WFEC to meet peak demand needs without adding additional fossil fuel consumption to the system. In addition, the Project would help WFEC and the Southwest Power Pool to continue to comply with Oklahoma legislative declarations to facilitate the delivery of renewable energy.

The following three federal agencies will use this EIS to inform decisions about funding, authorizing, or permitting various components of the Project:

- Rural Utilities Service (RUS), the lead federal agency, will evaluate whether or not to provide Project financial assistance.
- The U.S. Army Corps of Engineers will review the Applicant's permit application, as required by Section 404 under the Clean Water Act.
- The U.S. Fish and Wildlife Service will determine the likelihood of Project effects on listed species, as required under Section 7 of the Endangered Species Act.

4. Issues of Concern

Based on RUS's assessment of potential Project impacts, as well as input provided during the scoping period, RUS identified key issues to be addressed in the EIS. These issues are evaluated in Chapter 3 of the Draft EIS and are as follows:

- Air quality
- Geology and soils
- Water resources
- Vegetation (including invasive species/noxious weeds and special-status species)
- Wetlands
- Wildlife (including special-status species)
- Cultural and historic resources
- Land use
- Noise
- Public health and safety
- Socioeconomics and environmental justice
- Transportation
- Visual quality and aesthetics

5. Alternatives To Be Considered

Alternatives to the Project considered by RUS consist of the No Action alternative, under which the proposed Project would not be undertaken, and a Proposed Action site location. To allow for flexibility in design, the Applicant identified an additional 1,744 acres of buildable land located east of the Proposed Action that could be developed to support the Project. Land acquisition has not yet occurred for this Alternative. The Project would connect to the point of interconnect via a 1-mile transmission line. All construction and operations and maintenance activities, as well as Applicant-committed minimization or avoidance measures, would be the same as described for the Proposed Action.

The Draft EIS describes these alternatives in detail and discusses their anticipated impacts to physical, biological, and social resources.

6. Overview of Scoping Process

The first Notice of Intent (NOI) to prepare an EIS and hold a public scoping meeting was published in the **Federal Register** at 86 FR 14302, on March 15, 2021 and initiated a 30-day public scoping period. One public scoping meeting was held on March 30, 2021 using Zoom Webinar. The public scoping period occurred from March 15 through April 19, 2021 and RUS issued a Scoping Report in April 2021. The scoping report is available on RUS's website here: *https://www.rd.usda.gov/environmentalstudy/skeleton-creek-solar-and-battery-storage-project-garfield-county-oklahoma.*

RUS also sent letters to federal and state agencies inviting them to participate in the public scoping meeting and provide input on Project-related concerns. Thirty-nine tribes

were invited to participate in the National Historic Preservation Act Section 106 review process, attend the public scoping meeting, and provide relevant information for inclusion in the EIS.

7. Decision Process

The Draft EIS will be available for review and comment for 45 days. Following the 45-day review period, Rural Utilities Service will prepare a Final EIS. All comments received on the DEIS will be duly considered in preparing the Final EIS, which is expected to be available in the spring of 2022. The availability of the Final EIS will be announced for public review and comment in the **Federal Register** and the local newspapers used in previous public notices. After a 30-day public comment period, Rural Utilities Service will consider all public comments and prepare responses and a Record of Decision (ROD) documenting the Agency's decision under NEPA regarding NEER's request for financial assistance. Notices announcing the availability of the ROD will be published in the **Federal Register** and in local newspapers.

Any final action by RUS related to the proposal will be subject to, and contingent upon, compliance with all relevant executive orders and federal, state, and local environmental laws and regulations in addition to the completion of the environmental review requirements as prescribed in Rural Utilities Service Environmental Policies and Procedures, 7 CFR part 1970.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service, U.S. Department of Agriculture.

[FR Doc. 2021–21506 Filed 10–1–21; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Tennessee Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Tennessee Advisory Committee to the Commission will convene by Webex call on Wednesday, October 13, 2021, Wednesday, November 10, 2021, and Wednesday, December 8, 2021 at 2:00 p.m. (CT). The purpose is to discuss the proposal for their next project.

DATES: The meetings will be held on:

Wednesday, October 13, 2021, 2:00 p.m. CT

Wednesday, November 10, 2021, 2:00 p.m. CT

Wednesday, December 8, 2021, 2:00 p.m. CT

Join via Webex: *https://civilrights.webex.com/civilrights/j.php?MTID=m6958e644869f1a35674244048116d5e1*

Join via phone: 800–360–9505 USA Toll Free; Access Code: 276 037 495 41#

FOR FURTHER INFORMATION CONTACT: Victoria Moreno at *vmoreno@usccr.gov* or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Victoria Moreno at *vmoreno@usccr.gov*. All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the *www.facadatabase.gov*. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda: Wednesday, October 13, 2021; Wednesday, November 10, 2021; Wednesday, December 8, 2021 at 2:00 p.m. (CT)

1. Welcome & Roll Call
2. Chair's Comments
3. Committee Discussion
4. Next Steps
5. Public Comment
6. Other Business
7. Adjourn

Dated: September 28, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–21456 Filed 10–1–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the North Carolina Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the North Carolina Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold meetings on Tuesday, October 19, 2021, Tuesday, November 16, 2021, Tuesday, December 21, 2021, and Tuesday, January 22, 2022 at 12:00 p.m. Eastern Time. The Committee will discuss civil rights concerns in the state.

DATES: The meetings will take place on Tuesday, October 19, 2021, Tuesday, November 16, 2021, Tuesday, December 21, 2021, and Tuesday, January 22, 2022 from 12:00 p.m.–1:30 p.m. Eastern Time.

Online Regisration (Audio/Visual): https://civilrights.webex.com/civilrights/j.php?MTID=mf8ab25b5d5856a1e0e8e228cc4e942a1.

Telephone (Audio Only): Dial 800–360–9505 USA Toll Free; Access code: 2762 063 7373#.

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, Designated Federal Officer, at *vmoreno@usccr.gov* or (434) 515–0204.

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. Committee meetings are available to the public through the above call-in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–

800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Liliana Schiller at *lschiller@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, North Carolina Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

1. Roll Call
2. Discussion
3. Next Steps
4. Public Comment
5. Adjourn

Dated: Tuesday, September 28, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–21453 Filed 10–1–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the South Dakota State Advisory Committee to the Commission will convene a meeting on Monday, November 8, 2021, at 3:30 p.m. (CT). The purpose of the meeting is to review project topics for study and potentially vote on a new project topic.

DATES: Monday, November 8, 2021, at 3:30 p.m. (CT).

Public Web Conference Registration Link (video and audio): https://bit.ly/3AnTnxv; password, if needed: USCCR.

If Joining by Phone Only, Dial: 1–800–360–9505; access code: 2762 840 3606#.

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg at *mtrachtenberg@usccr.gov* or by phone at (202) 809–9618.

SUPPLEMENTARY INFORMATION: The meeting is available to the public through the web link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with conference details found through registering at the web link above. To request other accommodations, please email *mtrachtenberg@usccr.gov* at least 7 days prior to the meeting for which accommodations are requested.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Mallory Trachtenberg at *mtrachtenberg@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at *www.facadatabase.gov*. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda: Monday, November 8, 2021, from 3:30 p.m. (CT)

I. Welcome and Roll Call

II. Announcements and Updates

III. Approval of Minutes

IV. Planning Meeting: Project Topics Discussion and Potential Vote

V. Public Comment

VI. Next Steps

VII. Adjournment

Dated: September 29, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–21532 Filed 10–1–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–030; C–580–882]

Certain Cold-Rolled Steel Flat Products From the People's Republic of China and the Republic of Korea: Final Results of the Expedited First Sunset Reviews of the Countervailing Duty Orders

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

SUMMARY: As a result of these expedited sunset reviews, the Department of Commerce (Commerce) finds that revocation of the countervailing duty orders on certain cold-rolled steel flat products (cold-rolled steel) from the People's Republic of China (China) and the Republic of Korea (Korea) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels as indicated in the ''Final Results of Sunset Reviews'' section of this notice.

DATES: Applicable October 4, 2021.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold or Harrison Tanchuck, 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) 482–3362 and (202) 482–7421 respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2021, Commerce published the notice of initiation of the first sunset reviews of the *Orders,*[1] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] Commerce received a notice of intent to participate from Cleveland-Cliffs Inc., California Steel Industries and Steel Dynamics Inc., Nucor Corporation, and United States Steel Corporation (collectively, domestic interested parties) within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] Each claimed

[1] *See Certain Cold-Rolled Steel Flat Products from the People's Republic of China: Countervailing Duty Order,* 81 FR 45960 (July 14, 2016); and *Certain Cold-Rolled Steel Flat Products from Brazil, India, and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (the Republic of Korea) and Countervailing Duty Orders* (*Brazil and India*), 81 FR 64436 (September 20, 2016) (collectively, the *Orders*).

[2] *See Initiation of Five-Year (Sunset) Review,* 86 FR 29239 (June 1, 2021).

[3] *See* Cleveland-Cliffs Inc.'s Letter, ''Five-Year ('Sunset') Review Of Countervailing Duty Order on ColdRolled Steel Flat Products from China: Notice

Continued

interested party status under section 771(9)(C) of the Act as domestic producers engaged in the production in the United States of cold-rolled steel.

Commerce received a substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[4] We did not receive a substantive response from any other interested party in these proceedings, and no party requested a hearing.

On July 22, 2021, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[5] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited (120-day) sunset reviews of these *Orders.*

Scope of the Orders

The products covered by these *Orders* are certain cold-rolled (cold-reduced), flat-rolled steel products. For a complete description of the scope of this order, *see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in these sunset reviews are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of countervailable subsidies and the net countervailable subsidy likely to prevail if the *Orders* were revoked.[7] 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 Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://enforcement.trade.gov/frn/index.html.*

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to the continuation or recurrence of countervailable subsidies at the following rates:

Manufacturer/producer/exporter	Subsidy rate (percent)
Cold-Rolled Steel From China	
Angang Group Hong Kong Co., Ltd	256.44
Benxi Iron and Steel (Group) Special Steel Co., Ltd	256.44
Qian'an Golden Point Trading Co., Ltd	256.44
All Others	256.44
Cold-Rolled Steel From Korea	
Hyundai Steel Co., Ltd	4.04
POSCO	51.80
All Others	13.19

Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: September 28, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Orders
IV. History of the Orders
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Rates Likely To Prevail
3. Nature of the Subsidies
VII. Final Results of Review
VIII. Recommendation

[FR Doc. 2021–21563 Filed 10–1–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

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

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for November 2021

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in November 2021 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

of Intent to Participate in Sunset Review,'' dated June 14, 2021; *see also* California Steel Industries and Steel Dynamics Inc.'s Letter, ''Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Notice of Intent to Participate in Sunset Notice of Intent to Participate in the First Five-Year Review of the Countervailing Duty Order on Cold-Rolled Steel Flat Products from the People's Republic of China,'' dated June 16, 2021; Cleveland-Cliffs Inc.'s Letter, ''Five-Year ('Sunset') Review of Countervailing Duty Order on Cold Rolled Steel Flat Products from the Republic of Korea: Notice of Intent to Participate in Sunset Review,'' dated June 14, 2021; U.S. Steel's Letter, ''Five-Year ('Sunset') Review of Antidumping and Countervailing Duty Orders on Cold-Rolled Steel Flat Products from South Korea: Notice of Intent to Participate,'' dated June 16, 2021; California Steel Industries and Steel Dynamics Inc.'s Letter, ''Notice of Intent to Participate in the First Five-Year Review of the Countervailing Duty Order on Cold-Rolled Steel Flat Products from the Republic of Korea,'' dated June 16, 2021; and Nucor Corporation's Letter ''Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Notice of Intent to Participate in Sunset Review,'' dated June 16, 2021.

[4] *See* Domestic Interested Parties' Letters, ''Cold-Rolled Steel Flat Products from the People's Republic of China: Substantive Response of the Domestic Interested Parties to Commerce's Notice of Initiation of Five-Year ('Sunset') Reviews,'' dated July 1, 2021; and ''Cold-Rolled Steel Flat Products from the Republic of Korea: Substantive Response to Notice of Initiation of Sunset Review,'' dated July 1, 2021.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on June 1, 2021,'' dated June 1, 2021.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited First Sunset Review of the Countervailing Duty Orders of Certain Cold-Rolled Steel Flat Products from the People's Republic of China and the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *Id.*

	Department contact
Antidumping Duty Proceedings	
Seamless Refined Copper Pipe and Tube from Mexico A–201–838 (2nd Review)	Thomas Martin (202) 482–3936.
Seamless Refined Copper Pipe and Tube from China A–570–964 (2nd Review)	Thomas Martin (202) 482–3936.
Circular Welded Carbon-Quality Steel Pipe from Oman A–523–812 (1st Review)	Mary Kolberg (202) 482–1785.
Circular Welded Carbon-Quality Steel Pipe from Pakistan A–535–903 (1st Review)	Mary Kolberg (202) 482–1785.
Circular Welded Carbon-Quality Steel Pipe from United Arab Emirates A–520–807 (1st Review).	Mary Kolberg (202) 482–1785.
Countervailing Duty Proceedings	
No Sunset Review of countervailing duty orders is scheduled for initiation in November 2021.	
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in November 2021.	

Commerce's procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year (Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation. Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.[1]

This notice is not required by statute but is published as a service to the international trading community.

Dated: September 16, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–21537 Filed 10–1–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB478]

Fall Meeting of the Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas

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

ACTION: Notice of public meeting.

SUMMARY: The Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT) is announcing the convening of its fall meeting.

DATES: A webinar session that is open to the public will be held on October 18, 2021, from 9:30 a.m. to 12:30 p.m. EDT. Following the open session, the Committee will convene in a closed executive session at 1:30 p.m. that will end by 5 p.m. EDT. The Committee will also convene in a closed session the following day, October 19, 2021, from 9:30 a.m. to 4 p.m. EDT.

ADDRESSES: Written comments should be sent via email to *rachel.o'malley@noaa.gov.* Participants are strongly encouraged to log on to WebEx (WebEx link: *https://noaanmfs-meets.webex.com/noaanmfs-meets/j.php?MTID=m2135d3217cfa2b434cd7988b4aa7494a;* WebEx password: ''ICCAT'') 15 minutes prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Rachel O'Malley, Office of International Affairs and Seafood Inspection, 301–427–8373 or at *rachel.o'malley@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in open session to the public on Monday, October 18, 2021 from 9:30 a.m. to 12:30 p.m. EDT to consider management- and research-related information on the status of Atlantic highly migratory species stocks. The open session will include an opportunity for public comment beginning at approximately 12 p.m. Comments may also be submitted in writing for the Advisory Committee's consideration. Interested members of the public can submit comments by email (see **ADDRESSES**).

NMFS expects members of the public to conduct themselves appropriately at the open session of the Advisory Committee meeting. At the beginning of the public comment session, an explanation of the ground rules will be provided (*e.g.,* speakers will be called on to give their comments in the order in which they registered to speak, each speaker will have an equal amount of time to speak and speakers should not interrupt one another). The session will be structured so that all attending members of the public have the opportunity to comment, if they so choose, regardless of the degree of controversy of the subject(s). Those not respecting the ground rules will be asked to leave the meeting.

After the open session, the Advisory Committee will meet in a closed executive session on Monday, October 18, 2021 (from 1:30 p.m. to 5 p.m. EDT) and Tuesday October 19, 2021 (from 9:30 a.m. to 4 p.m. EDT) to discuss sensitive information relating to upcoming ICCAT negotiations regarding Atlantic highly migratory species conservation and management.

Special Accommodations

The virtual meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to Rachel O'Malley at (301) 427–8373 or *Rachel.o'malley@noaa.gov* at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Dated: September 28, 2021.

Alexa Cole,

Director, Office of International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2021–21463 Filed 10–1–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Seafood Inspection and Certification Requirements

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 25, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: Seafood Inspection and Certification Requirements.

OMB Control Number: 0648–0266.

Form Number(s): 89–800, 89–814, 89–819.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 1,012.

Average Hours per Response: Contract Completion, 5 minutes; Request for Service, 5 minutes; Label Approval, 1 hour; Appeals, 30 minutes; HACCP application new respondents, 60 hours; HACCP application current respondents, 40 hours.

Total Annual Burden Hours: 23,089.

Needs and Uses: This request is for the revision and extension of a current information collection.

The National Marine Fisheries Service (NMFS) operates the fee-for-service Seafood Inspection Program (SIP) under the authorities of the Agricultural Marketing Act of 1946, as amended, the Fish and Wildlife Act of 1956, and the Reorganization Plan No. 4 of 1970. The regulations for the SIP are contained in 50 CFR part 260. The SIP offers inspection, grading and certification services, including the use of official grade marks and statements which indicate that specific products have been federally inspected. The SIP is the only Federal entity which establishes quality grade standards for seafood marketed in the United States, and is the competent authority for the United States for issuing export health and catch certificates for seafood and certain other marine ingredients. Qualified participants are permitted to use SIP's official grade marks and statements on their products to facilitate the domestic and global trade of fishery products and other marine ingredients. Participation in the SIP is open to all segments of the seafood industry, from harvesters and growers to retailers. When inspection service is desired, participants are required to submit specific information pertaining to the type of service needed (§ 260.15). This includes the type of products to be inspected, the quantity, the location of the product, and the date when the inspection is needed. Customers complete the NOAA Form 89–814 Request for Inspection Services and submit it to their local inspection office via email or over the phone. There are also application requirements (*i.e.,* a letter from the participant) if there is an appeal on previous service results (§ 260.36). Participants requesting regular inspection services on a contractual basis submit a contract using the NOAA Form 89–800 (§ 260.96). Any changes to the contract require a contract amendment, using the same form. When export or certain other forms of certification is desired, applicants are required to submit specific information regarding the consignment and the type of documents required, including details about the product, the shipper and the destination of the consignment, through an online portal system.

In July 1992, NMFS announced new inspection services, which were fully based on guidelines recommended by the National Academy of Sciences, known as Hazard Analysis Critical Control Point (HACCP). The information collection requirements fall under § 260.15 of the regulations. These guidelines require that a facility's quality control system have a written plan of the operation, identification of control points with acceptance criteria and a corrective action plan, as well as personnel identified with responsibility for oversight of the system.

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

Frequency: On occasion.

Respondent's Obligation: Required to obtain or maintain benefits.

Legal Authority: 7 U.S.C. 1621 *et seq.*

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0266.

Sheleen Dumas,

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

[FR Doc. 2021–21503 Filed 10–1–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2021–0052]

Grant of Interim Extension of the Term of U.S. Patent No. 7,199,162; GRAFAPEX™ (dihydroxybusulfan)

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 7,199,162 ('162 patent).

FOR FURTHER INFORMATION CONTACT: Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7728 or by email to *raul.tamayo@uspto.gov.*

SUPPLEMENTARY INFORMATION: 35 U.S.C. 156 generally provides that the term of a patent may be extended for a period of up to five years, if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. 35 U.S.C. 156(d)(5) generally provides that the term of such a patent may be extended for no more than five interim periods of up to one year each, if the

approval phase of the regulatory review period is reasonably expected to extend beyond the expiration date of the patent.

On September 23, 2021, Medac Gesellschaft fur Klinische Spezialpraparate mbH, the owner of record of the '162 patent, timely filed an application under 35 U.S.C. 156(d)(5) for a first interim extension of the term of the '162 patent. The '162 patent claims a method of using the human drug product known by the tradename GRAFAPEX™ (dihydroxybusulfan). The application for interim patent term extension indicates that a regulatory review period (RRP) as described in 35 U.S.C. 156(g)(1)(B)(ii) began for GRAFAPEX™ (dihydroxybusulfan) and is ongoing before the Food and Drug Administration for permission to market and use the product commercially.

Review of the interim patent term extension application indicates that, except for permission to market or use the product commercially, the '162 patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Because it is apparent that the RRP will continue beyond the original expiration date of the '162 patent, *i.e.,* October 12, 2021, interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

A first interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 7,199,162 is granted for a period of one year from the original expiration date of the '162 patent.

Robert Bahr,

Deputy Commissioner for Patents, United States Patent and Trademark Office.

[FR Doc. 2021–21472 Filed 10–1–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2021–0053]

Grant of Interim Extension of the Term of U.S. Patent No. 6,406,699; ECI® (ELIAS Cancer Immunotherapy)

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 6,406,699 ('699 patent).

FOR FURTHER INFORMATION CONTACT: Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7728 or by email to *raul.tamayo@uspto.gov.*

SUPPLEMENTARY INFORMATION: 35 U.S.C. 156 generally provides that the term of a patent may be extended for a period of up to five years, if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. 35 U.S.C. 156(d)(5) generally provides that the term of such a patent may be extended for no more than five interim periods of up to one year each, if the approval phase of the regulatory review period is reasonably expected to extend beyond the expiration date of the patent.

On August 25, 2021, TVAX Biomedical I, LLC, the owner of record of the '699 patent, timely filed an application under 35 U.S.C. 156(d)(5) for a third interim extension of the term of the '699 patent. The '699 patent claims a method of using a veterinary biological product in the cancer immunotherapy treatment known by the tradename ECI® (ELIAS Cancer Immunotherapy). The application for interim patent term extension indicates that an application for a license for the veterinary biological product was submitted under the Virus-Serum-Toxin Act and is currently undergoing regulatory review by the United States Department of Agriculture, Center for Veterinary Biologics.

Review of the interim patent term extension application indicates that, except for permission to market or use the product commercially, the '699 patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Because it appears the approval phase of the regulatory review period will continue beyond the extended expiration date of the '699 patent, *i.e.,* October 5, 2021, further interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

A third interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 6,406,699 is granted for a period of one year from the extended expiration date of the '699 patent.

Robert Bahr,

Deputy Commissioner for Patents, United States Patent and Trademark Office.

[FR Doc. 2021–21471 Filed 10–1–21; 8:45 am]

BILLING CODE 3510–16–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Consumer Credit Card Market Report of the Bureau of Consumer Financial Protection, 2021

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Consumer Credit Card Market Report of the Bureau of Consumer Financial Protection Bureau.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing its fifth biennial Consumer Credit Card Market Report to Congress. The report reviews developments in this consumer market since the Bureau's most recent biennial report on the same subject in 2019.

DATES: The Bureau released the 2021 Consumer Credit Card Market Report on its website on September 29, 2021.

FOR FURTHER INFORMATION CONTACT: Wei Zhang, Credit Card Program Manager, Division of Research, Markets & Regulations (*wei.zhang@cfpb.gov*), or Margaret Seikel, Financial Analyst, Division of Research, Markets & Regulations (*margaret.seikel@cfpb.gov*). If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

Message From David Uejio, Acting Director

Credit cards are one of the most commonly-held and widely-used financial products in America—over 175 million Americans hold at least one credit card. During the COVID–19 pandemic, credit cards played a vital role as both a source of credit in emergencies and a payment method as more transactions occurred online.

As the fifth biennial report to Congress on the credit card market, this report details how swift actions by both the public and private sectors likely impacted how many consumers used their credit cards and managed their debts during the pandemic. To address hardships caused by COVID–19, the Federal government provided consumers direct relief by issuing a series of economic impact payments, providing enhanced unemployment benefits, suspending student loan payments and interest accrual for federally held loans, offering mortgage forbearance, and enacting a moratorium on evictions. At the same time, credit card issuers provided voluntary relief to consumers by offering payment deferral and fee waivers.

Supported by these efforts, this report finds that the decline in credit card debt

during the pandemic was unprecedented in speed and magnitude. Measures of consumer stress, such as late payment incidence and the share of accounts delinquent, hit record lows.

This report also highlights areas in the credit card market that may entail risks for consumers such as system deficiencies related to implementing relief programs and automatic payment processes. The Bureau continues to monitor indicators of credit card use, cost, and availability to identify potential for consumer harm, as well as study the impact of new, innovative products.

Our credit card market report is intended to present the latest research on this vital market to consumers, issuers, and policymakers. As many consumers, particularly those with non-prime credit scores, still face numerous hardships due to COVID–19, this report remains critical. The Bureau will carry out its mission in ensuring this market continues to benefit all participants during these times of heightened uncertainty.

1. Consumer Credit Card Market Report of the Bureau of Consumer Financial Protection, 2021

Credit cards are central to the financial lives of over 175 million American consumers. Over the last few years and through 2019, the credit card market, the largest U.S. consumer lending market measured by number of users, continued to grow in almost all measures until suddenly reversing course in March 2020. Despite macroeconomic shocks to the financial system, credit card market conditions remain relatively stable at the time of this report writing, with that stability likely supported by robust fiscal measures, lower consumer discretionary spending, and voluntary industry relief programs.

The COVID–19 pandemic significantly impacted how many consumers used and interacted with credit cards. Far fewer consumers applied for new credit cards in 2020 than the year prior. During the pandemic, existing cardholders paid off the highest share of their credit card debt in recent years. Additionally, late payment and default rates fell to historic lows, most notably for consumers with below-prime scores.

At the same time, credit cards continued to play a vital role as both a payment method and source of credit. Consumers still used their cards to facilitate transactions, smooth consumption, and earn rewards. As physical stores closed and a greater share of commerce was transacted digitally, cardholders benefited from the consumer protections afforded to credit cards such as limitations on liability and enhanced security.

In response to pandemic-related hardship, issuers provided a considerable number of payment deferrals and fee waivers to their cardholders in 2020. However, consumers calling their credit card issuers often faced long wait times to access these relief programs. Additionally, complaints submitted to the Bureau regarding credit cards spiked in the second quarter of 2020 and remained elevated throughout the year.[1] Overall reported satisfaction with credit cards issuers fell significantly during the pandemic but remained higher than post-Great Recession levels.[2] Despite these indicators of lower consumer satisfaction, credit card issuers continue to generate profitable annual returns consistent with historic levels relative to other market lending activities even with an initial decline during the first half of 2020.[3]

In 2019 and 2020, innovation continued to reshape the credit card market for both users and providers. New providers, including large and small financial institutions as well as startup and mainstream technology companies have entered—or are in the process of entering—the market with competing products, features, and methods for issuing credit cards.[4]

1.1 Background

In 2009, Congress passed the Credit Card Accountability Responsibility and Disclosure Act (CARD Act or Act).[5] The Act made substantial changes to the credit card market. The CARD Act mandated new disclosures and underwriting standards, curbed certain fees, and restricted interest rate increases on existing balances. Among the CARD Act's many provisions was a requirement that the Board of Governors of the Federal Reserve System (Board) report every two years on the state of the consumer credit card market. With the passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) in 2010, that requirement transferred to the Bureau of Consumer Financial Protection (Bureau) alongside broader responsibility for administering most of the CARD Act's provisions. This is the fifth report published pursuant to that obligation, building on prior reports published by the Bureau in 2013, 2015, 2017, and 2019.[6]

The CARD Act was enacted over ten years ago.[7] Since its passage, researchers, including the Bureau, have studied the effects of the CARD Act on the cost and availability of credit to consumers. This year the Bureau conducted a review of rules implementing the Act per section 610 of the Regulatory Flexibility Act,[8] and the Bureau expects to release its determination this fall.

1.2 Publication

In addition to being delivered to Congress, the full report is available to the public on the Bureau's website at *https://files.consumerfinance.gov/f/documents/cfpb_consumer-credit-card-market-report_2021.pdf.*

[1] Bureau of Consumer Fin. Prot., *Consumer Response Annual Report,* at 39 (Mar. 2021), *https://files.consumerfinance.gov/f/documents/cfpb_2020-consumer-response-annual-report_03-2021.pdf Billing disputes remain the largest complaint category.*

[2] *See* Press Release, J.D. Power, *Customers Losing Faith in Credit Card Issuers as COVID–19 Pandemic Lingers, J.D. Power Finds* (Aug. 20, 2020), *https://www.jdpower.com/business/press-releases/2020-us-credit-card-satisfaction-study.*

[3] Bd. of Governors for the Fed. Rsrv. Sys., *Report to the Congress on the Profitability of Credit Card Operations of Depository Institutions* (July 2021), *https://www.federalreserve.gov/publications/files/ccprofit2021.pdf.*

[4] Reference in this report to any specific commercial product, service, firm, or corporation name is for the information and convenience of the public and does not constitute endorsement or recommendation by the Bureau.

[5] The Act superseded a number of earlier regulations that had been finalized, but had not yet become effective, by the Office of Thrift Supervision (OTS), the National Credit Union Administration (NCUA), and the Board of Governors of the Federal Reserve System. Those earlier rules were announced in December of 2008 and published in the **Federal Register** the following month. *See* 74 FR 5244 (Jan. 29, 2009); 74 FR 5498 (Jan. 29, 2009). The rules were withdrawn in light of the CARD Act. *See* 75 FR 7657, 75 FR 7925 (Feb. 22, 2010).

[6] *See* Bureau of Consumer Fin. Prot., *Card Act Report* (Oct. 1, 2013) (2013 Report), *http://files.consumerfinance.gov/f/201309_cfpb_card-act-report.pdf;* Bureau of Consumer Fin. Prot., *The Consumer Credit Card Market* (Dec. 2015) (2015 Report), *http://files.consumerfinance.gov/f/201512_cfpb_report-the-consumer-credit-card-market.pdf;* Bureau of Consumer Fin. Prot., *The Consumer Credit Card Market* (Dec. 2017) (2017 Report), *https://files.consumerfinance.gov/f/documents/cfpb_consumer-credit-card-market-report_2017.pdf;* Consumer Fin. Prot., *The Consumer Credit Card Market* (Aug. 2010) (2019 Report), *https://files.consumerfinance.gov/f/documents/cfpb_consumer-credit-card-market-report_2019.pdf.* The Bureau also held a conference in 2011 in which numerous market stakeholders contributed information and perspective on developments in the credit card market. *See* Press Release, Bureau of Consumer Fin. Prot., *CFPB Launches Public Inquiry on the Impact of the Card Act* (Dec. 19, 2012), *https://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-launches-public-inquiry-on-the-impact-of-the-card-act.*

[7] Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111–24, 123 Stat. 1734 (2009).

[8] Public Law 96–354, 94 Stat. 1164 (1980) (5 U.S.C. 601 *et seq.*).

1.3 Summary of Report

The full 2021 report reviews the state of the consumer credit card market as of the end of 2020. In addition to mandating the Bureau's biennial review and report on the market, the Act also requires the Bureau to ''solicit comment from consumers, credit card issuers, and other interested parties'' in connection with its review.[9] As in past years, the Bureau has done so through a Request for Information (RFI) published in the **Federal Register**, and the Bureau discusses specific evidence or arguments provided by commenters throughout the report.[10]

This report continues the approach of the Bureau's previous reports. The Bureau revisits similar baseline indicators to track key market developments and trends. It also revisits some in-depth topics to assess how the market has changed. For example, the current report updates the deferred interest analysis last conducted in the 2017 Report. The Bureau also discusses the effects of COVID–19 throughout the report and specifically adds a section about its impact on credit card issuers and their responses to consumers' needs.

Below is a summary of the core findings from each section of the report:

- Total outstanding credit card balances continued to grow and peaked in 2019 at $926 billion, but, by the second quarter of 2020, consumers reduced card balances to $811 billion, the largest six-month reduction in U.S. history. At the end of 2020, debt crept back up to $825 billion. The share of accounts with a revolving balance declined in 2020, and more consumers paid down their card debt in 2020. Utilization rates declined across credit score tiers, and the share of consumers with below-prime scores who used 90 percent or more of their general purpose credit line fell to record lows. A declining share of consumers were late in making their payments as of the second quarter of 2020.
- The total cost of credit (TCC) on revolving accounts continued to increase through 2019 but declined modestly in 2020. The 2020 declines in TCC for general purpose and private label cards were 0.8 and 1.5 percentage points, respectively. Recent TCC decreases are largely a result of decreases in the indices underlying variable rates, such as the prime rate, and lower overall fees assessed. The Bureau estimates that the five rate decreases by the Federal Reserve from early-2019 through 2020 led to a cumulative roughly $18 billion that credit card borrowers did not pay over that period. Accounts held by consumers with deep subprime credit scores saw the greatest drop in fee-to-balance ratios in 2020.
- Most measures of credit card availability decreased in 2020 after continued growth since the Great Recession. Application volume for credit cards decreased sharply in 2020 from its peak level in 2019, likely due to the interaction between reduced acquisition efforts by issuers and a decline in consumer demand. Approval rates also declined modestly in 2020. Driven by these contractions in both supply and demand, annual growth in the number of credit card accounts opened and the amount of credit line on new accounts reached its lowest level since 2013. Total credit line across all consumer credit cards fell slightly in 2020 from a post-Great Recession high of over $4.5 trillion in 2019 but remained above 2018 levels. Existing accounts held by consumers with subprime and deep subprime scores saw the greatest constriction in available line.[11] While credit line decrease (CLD) incidence increased for consumers with below-prime credit scores, issuers did not substantially deviate from previous line management trends during the pandemic.
- Digital engagement is growing consistently across all age groups and nearly every platform type. The share of consumers electing to receive statements digitally (e-statements) rather than by mail is continuing to increase, though the pace of adoption tapered in 2020. E-statement adoption has been surpassed by mobile app adoption as a method to engage with issuers.
- Many consumers received some form of relief on their credit card debts from their credit card providers during the pandemic. The Bureau estimates that over 25 million consumer credit card accounts representing approximately $68 billion in outstanding credit card debt entered relief programs in 2020, figures vastly higher than in prior years. The Bureau also estimates that surveyed issuers' cardholders were able to forgo principal payments of anywhere from $0.5 billion to $1.5 billion against their credit card debts in 2020 due to these relief programs. Entries into payment deferral relief were spread fairly evenly across credit score tiers, but accounts held by consumers with lower scores received payment deferrals at the highest rate.
- Since the 2019 Report, issuers have lowered the range of their daily limits on debt collection phone calls for delinquent credit card accounts while increasing the use of emails in collection. However, survey respondents reported that, on average, only 31.9 percent of accounts that received email clicked open their emails.
- Innovations aimed at expanding credit access, particularly for less creditworthy borrowers, continued to grow in both the number of offerings and users. Buy Now, Pay Later (BNPL) products are offering a new form of purchasing with payments spread out over time, typically in four installments. Credit card issuers are offering similar plans, providing consumers more ways to manage their cash flow.

1.4 Current and Future Bureau Work in This Market

Over the past two years, the Bureau has been actively engaged in the credit card market and is taking measures to address regulatory uncertainty, identify compliance deficiencies as well as research new emerging technologies and products to ensure the adequacy of consumer protection and a transparent and competitive marketplace for all consumers. The Bureau is continuing to study and consider actions to address the areas of concerns noted in the full report, but for reasons described in the full report, the Bureau is not proposing additional new or revised regulations at this moment, beyond the current and future Bureau work described here and in the full report.

- In June of 2020, the Bureau released a Notice of Proposed Rulemaking (NPRM) concerning the anticipated discontinuation of LIBOR,[12] including proposing examples of replacement indices that satisfy Regulation Z requirements.[13] As proposed, the rule would allow credit card issuers to replace the LIBOR index used in setting variable rates on many existing accounts with a replacement index before LIBOR becomes unavailable, if certain conditions were met. To the Bureau's knowledge, there are millions of

[9] 15 U.S.C. 1616(b) (2012).

[10] Request for Information Regarding Consumer Credit Card Market, 85 FR 53299 (Aug. 28, 2020).

[11] These trends of constricting credit availability do not appear to continue in 2021. *See* Corinne Candilis & Ryan Sandler, *Credit card limits are rising for most groups after stagnating during the pandemic,* Bureau of Consumer Fin. Prot. (Aug. 11, 2021), *https://www.consumerfinance.gov/about-us/blog/credit-card-limits-rising-for-most-groups-after-stagnating-during-pandemic/.*

[12] Press Release, Bureau of Consumer Fin. Prot., *CFPB Takes Steps to Facilitate LIBOR Transition* (Jun. 4, 2020), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-facilitates-libor-transition/.*

[13] 85 FR 36938 (Jun. 18, 2020), *https://www.govinfo.gov/content/pkg/FR-2020-06-18/pdf/2020-12239.pdf.*

consumer credit card accounts indexed on LIBOR. The proposed rulemaking should help credit card providers transition those affected accounts to a replacement index in an orderly manner. The Bureau expects to issue a final rule in January 2022.[14]

• Through the Prioritized Assessments conducted in May of 2020, the Bureau found that credit card issuers generally provided some form of relief to consumers experiencing hardships as a result of COVID–19, such as ''skip-a-pay'' or payment deferrals for one to six months, with or without interest accrual.[15] Other relief options included lowered interest rates, waivers of annual and other fees, and extended deferred interest periods for credit card accounts that had already received deferred interest. However, the Bureau also identified certain issues that may raise the risk of consumer harm such as system deficiencies related to implementing relief programs and automatic payment processes, as well as delays in timely delivery of certain disclosures and responding to billing disputes.

• The Bureau continues to monitor the expansion of credit access, especially when new and innovative technologies are used. Credit access expansion can be positive but should be done responsibly and in a way that is understandable to consumers. Consumers will be better served if the use of such technologies are clearly explained in case of adverse actions.[16] Forms of point-of-sale financing, such as BNPL products, offer not only convenience but a new way of financing for many consumers. The Bureau encourages all providers in this space to take steps to make sure users of these products are adequately informed of the risks of such products.

• The Bureau encourages study into the effects of certain lending practices and their impact on credit scores, particularly for those consumers with non-prime credit scores. Practices such as credit line decreases (CLD) and account closure not only reduce consumers' access to credit but also potentially inflate their credit utilization rate. This could adversely affect consumers' credit scores without any other changes in their behavior. Additionally, over the past decade, a declining share of credit card issuers reported information on a borrower's actual payment amount to nationwide consumer reporting agencies, which may have implications for consumer access to credit.

• As indicated in its January 28, 2021 announcement,[17] the Bureau intends to take bold and swift action on racial equity in financial services, including in the areas of credit card marketing and lending. Existing data available to the Bureau do not allow the Bureau to fully examine the disparity in use, cost, and availability of credit cards by racial groups. The Bureau intends to explore options to incorporate racial data in its data sources to inform its future work.

• As described in the new technical specifications issued on August 20, 2021, the Bureau's ''Collect'' website will be the mandatory vehicle issuers must use to submit credit card agreements and their associated data in 2022 and beyond. Not only does Collect provide a simplified submission process and robust audit trail for issuers, it will allow the Bureau and other organizations to expand their current research on credit card agreements.[18]

David Uejio,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2021–21567 Filed 10–1–21; 8:45 am]

BILLING CODE 4810–AM–P

[14] Office of Info. & Regulatory Affairs, *Amendments to Regulation Z to Facilitate Transition From LIBOR* (2021), *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202104&RIN=3170-AB01.*

[15] Bureau of Consumer Fin. Prot., *Supervisory Highlights COVID–19 Prioritized Assessments Special Edition, Issue 23* (Jan. 2021), *https://files.consumerfinance.gov/f/documents/cfpb_supervisory-highlights_issue-23_2021-01.pdf.*

[16] Bureau of Consumer Fin. Prot., *Tech Sprint on Electronic Disclosures of Adverse Action Notices* (Oct. 2020), *https://www.consumerfinance.gov/rules-policy/innovation/cfpb-tech-sprints/electronic-disclosures-tech-sprint/.*

[17] Bureau of Consumer Fin. Prot., *The Bureau is taking much-needed action to protect consumers, particularly the most economically vulnerable* (Jan. 28, 2021), *https://www.consumerfinance.gov/about-us/blog/the-bureau-is-taking-much-needed-action-to-protect-consumers-particularly-the-most-economically-vulnerable/.*

[18] Bureau of Consumer Fin. Prot., *Technical Specifications for Credit Card Agreement and Data Submission Required under TILA and the CARD Act (Regulation Z)* (Aug. 20, 2021), *https://files.consumerfinance.gov/f/documents/cfpb_tech-specs-credit-card-agreement-data-submissions_final-rule_2021-08.pdf.*

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0089]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Evaluation of Promise Neighborhoods

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new collection.

DATES: Interested persons are invited to submit comments on or before November 3, 2021.

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

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Erica Johnson, (202) 245–7676.

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: Evaluation of Promise Neighborhoods.

OMB Control Number: 1850–NEW.

Type of Review: New collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 23.

Total Estimated Number of Annual Burden Hours: 165.

Abstract: The Promise Neighborhoods program aims to build on existing community services and strengths to provide a comprehensive and coordinated pipeline of educational and developmental services from ''cradle to career'' to benefit children and families in the country's most distressed neighborhoods. Congress has invested $506 million in Promise Neighborhoods grants and mandated an evaluation of the program.

This package requests approval to conduct a survey of Promise Neighborhoods grantees and to collect multiple years of administrative school records from districts. These data will be used to study the implementation and outcomes of the Promise Neighborhoods program.

Dated: September 28, 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. 2021–21499 Filed 10–1–21; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meetings

AGENCY: U.S. Election Assistance Commission.

ACTION: Sunshine Act notice; notice of public meeting agenda

SUMMARY: Public Meeting: U.S. Election Assistance Commission Technical Guidelines Development Committee.

DATES: October 13, 2021 1:00 p.m.–4:00 p.m. Eastern.

ADDRESSES:

Virtual via Zoom:

The meeting is open to the public and will be livestreamed on the U.S. Election Assistance Commission YouTube Channel: *https://www.youtube.com/channel/UCpN6i0g2rlF4ITWhwvBwwZw*.

FOR FURTHER INFORMATION CONTACT: Jonathon Panek, Telephone: (202) 805–4613, Email: *jpanek@eac.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: In accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b), the U.S. Election Assistance Commission (EAC) will conduct a virtual meeting of the EAC Technical Guidelines Development Committee (TGDC) to assist the Executive Director of the Commission in the development of the Voluntary Voting System Guidelines (VVSG), with technical support provided from the National Institute of Standards and Technology (NIST), including intramural research and development in areas to support the development of the voluntary voting system guidelines, pursuant to Title 1, Part 3, Section 221 of the Help America Vote Act (HAVA).

Agenda: The EAC and TGDC members will hold a virtual meeting to discuss a few specific topics related to implementation of the VVSG 2.0 standard; the VVSG Lifecycle policy and a process to evaluate and approve protocols for End-to-End (E2E) verifiable voting systems. The agenda also includes an overview of items beyond VVSG such as the e-pollbook pilot program, election support technology, and voter registration infrastructure. There will also be an update on promoting access to voting and the status and timeline on executive order 14019 from NIST.

Background: On February 10th, 2021 the EAC Commissioners unanimously voted to adopt VVSG 2.0. This vote represents the official approval of years of work by EAC staff in conjunction with the NIST, the EAC's advisory boards, VVSG working groups, and input from the public on the content in the latest iteration of the VVSG.

To help facilitate migration to the new VVSG 2.0 standard, the EAC is currently drafting a VVSG Lifecycle policy. This policy will provide guidance on deprecation of obsolete VVSG standards, establishing a periodic review and update timeline for new standards going forward, and versioning of future standards. The EAC will be requesting feedback from the TGDC on the parameters of the policy.

The EAC and NIST are working in collaboration to establish a process to evaluate and approve protocols for End-to-End (E2E) verifiable voting systems. This is a key element in conformance to VVSG 2.0 requirements for software independence. Currently, few examples of this type of protocol exist. Guidance on establishing this process will be discussed.

The EAC will discuss recent work on developing standards for an e-pollbook evaluation pilot program and will request feedback on the feasibility of similar efforts for other types of election support technology.

NIST will present on election infrastructure work for voter registration cyber security framework profiles.

Finally, NIST will give a presentation on the status of their response to the Executive Order on *Promoting Access to Voting, Section 7: Ensuring Equal Access for Voters with Disabilities.*

The full agenda will be posted in advance on the EAC website: *https://www.eac.gov.*

Status: This meeting will be open to the public.

Nichelle Williams,

Director of Research, U.S. Election Assistance Commission.

[FR Doc. 2021–21691 Filed 9–30–21; 4:15 pm]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR21–11–000]

Fundare Resources Operating Company, LLC; Notice of Request for Temporary Waiver

Take notice that on September 23, 2021, Fundare Resources Operating Company, LLC filed a petition seeking a temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act and parts 341 and 357 of the Federal Energy Regulatory Commission's regulations (Commission), all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at

FERCOnlineSupport@ferc.gov or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern time on October 7, 2021.

Dated: September 28, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–21525 Filed 10–1–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–2942–000]

EnerSmart El Cajon BESS LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EnerSmart El Cajon BESS LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 18, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: September 28, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–21528 Filed 10–1–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP21–1147–000.

Applicants: Tuscarora Gas Transmission Company.

Description: § 4(d) Rate Filing: TXP—SWG Agreement Filing to be effective 11/1/2021.

Filed Date: 9/27/21.

Accession Number: 20210927–5033.

Comment Date: 5 p.m. ET 10/12/21.

Docket Numbers: RP21–1148–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Non-Conforming—Atlantic Sunrise—Leidy Southeast—Six One Commodities to be effective 10/1/2021.

Filed Date: 9/27/21.

Accession Number: 20210927–5143.

Comment Date: 5 p.m. ET 10/12/21.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP21–1149–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: § 4(d) Rate Filing: Removal of Expiring Tenaska Gas, Castleton, and Tenaska Marketing Agreements to be effective 11/1/2021.

Filed Date: 9/28/21.

Accession Number: 20210928–5034.

Comment Date: 5 p.m. ET 10/12/21.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at:*http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 28, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–21520 Filed 10–1–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–125–000.
Applicants: PSEG New Haven LLC, PSEG Power Connecticut LLC, PSEG Power New York LLC, Generation Bridge II, LLC.
Description: Errata to September 2, 2021 Joint Application for Authorization Under Section 203 of the Federal Power Act of PSEG New Haven LLC, et al.
Filed Date: 9/28/21.
Accession Number: 20210928–5088.
Comment Date: 5 p.m. ET 11/2/21.
Docket Numbers: EC21–128–000.
Applicants: PSEG Fossil LLC, PSEG Fossil Sewaren Urban Renewal LLC, PSEG Keys Energy Center LLC, PSEG Energy Resources & Trade LLC, Parkway Generation, LLC, Parkway Generation Essex, LLC.
Description: Errata to September 2, 2021 Joint Application for Authorization Under Section 203 of the Federal Power Act of PSEG Fossil LLC, et al.
Filed Date: 9/28/21.
Accession Number: 20210928–5102.
Comment Date: 5 p.m. ET 11/1/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–258–000.
Applicants: Dunns Bridge Solar LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Dunns Bridge Solar LLC.
Filed Date: 9/28/21.
Accession Number: 20210928–5140.
Comment Date: 5 p.m. ET 10/19/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–2337–001.
Applicants: ISO New England Inc., Participating Transmission Owners Administrative Committee.
Description: ISO New England Inc., submits Response to Commissions August 20, 2021 Deficiency Letter.
Filed Date: 9/20/21.
Accession Number: 20210920–5181.
Comment Date: 5 p.m. ET 10/12/21.
Docket Numbers: ER21–2722–001.
Applicants: E. BarreCo Corp LLC.
Description: Tariff Amendment: Amendment to 1 to be effective 10/20/2021.
Filed Date: 9/28/21.
Accession Number: 20210928–5137.
Comment Date: 5 p.m. ET 10/19/21.
Docket Numbers: ER21–2946–000.
Applicants: The Connecticut Light and Power Company.
Description: § 205(d) Rate Filing: Study Work Agreement with New York Independent System Operator, Inc. to be effective 9/29/2021.
Filed Date: 9/28/21.
Accession Number: 20210928–5014.
Comment Date: 5 p.m. ET 10/19/21.
Docket Numbers: ER21–2947–000.
Applicants: NRG Power Marketing LLC.
Description: NRG Power Marketing LLC submits Request for Limited, One-Time Waiver of the New York Independent System Operator Inc. Market Administration and Control Area Services Tariff.
Filed Date: 9/27/21.
Accession Number: 20210927–5190.
Comment Date: 5 p.m. ET 10/18/21.
Docket Numbers: ER21–2948–000.
Applicants: Southern California Edison Company.*Description:* § 205(d) Rate Filing: 2021 Revised Added Facilities Rate for Rate Schedules to be effective 10/1/2021.
Filed Date: 9/28/21.
Accession Number: 20210928–5070.
Comment Date: 5 p.m. ET 10/19/21.
Docket Numbers: ER21–2949–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: SEPA Amended and Restated Network Agreement Filing (Revision No. 11) to be effective 9/1/2021.
Filed Date: 9/28/21
Accession Number: 20210928–5101.
Comment Date: 5 p.m. ET 10/19/21.
Docket Numbers: ER21–2950–000.
Applicants: California Independent System Operator Corporation.*Description:* § 205(d) Rate Filing: 2021–09–28 EIM Implementation Agreement—WAPA to be effective 11/28/2021.
Filed Date: 9/28/21.
Accession Number: 20210928–5116.
Comment Date: 5 p.m. ET 10/19/21.
Docket Numbers: ER21–2951–000.
Applicants: Ameren Illinois Company.
Description: § 205(d) Rate Filing: Reimbursement Agreement—PPI-Murrayville, Rate Schedule 156 to be effective 11/29/2021.
Filed Date: 9/28/21.
Accession Number: 20210928–5123.
Comment Date: 5 p.m. ET 10/19/21.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF21–1278–000.
Applicants: 575 Fifth Avenue CHP LLC.
Description: Form 556 of 575 Fifth Avenue CHP LLC.
Filed Date: 9/28/21.
Accession Number: 20210928–5085.
Comment Date: 10/19/21.

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 28, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–21522 Filed 10–1–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2645–165]

Erie Boulevard Hydropower, L.P.; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.
b. *Project No.:* 2645–165.
c. *Dated Filed:* July 30, 2021.
d. *Submitted By:* Erie Boulevard Hydropower, L.P. (Erie).
e. *Name of Project:* Beaver River Hydroelectric Project (Beaver River Project).
f. *Locations:* The Beaver River Project consists of eight developments located along the Beaver River in New York (from upstream to downstream): Moshier, Eagle, Soft Maple, Effley, Elmer, Taylorville, Belfort, and High Falls. The Moshier Development is located within Herkimer County; all other developments are within Lewis County. The project does not occupy federal land.
g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Mr. Steven P. Murphy, Director, U.S. Licensing Brookfield Renewable 33 West 1st Street South, Fulton, New York 13069; (315) 598–6130; *Steven.Murphy@brookfieldrenewable.com.*

i. *FERC Contact:* Samantha Pollak at (202) 502–6419 or email at *samantha.pollak@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Office, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Erie as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Erie filed with the Commission a Pre-Application Document (PAD, including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCONlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2645–165.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by November 29, 2021.

p. The Commission's scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA) scoping requirements, irrespective of whether the Commission prepares an environmental assessment or environmental impact statement.

Scoping Meetings

Due to on-going concerns with large gatherings related to COVID–19, we do not intend to hold in-person public scoping meetings or an in-person environmental site review. Rather, we will hold virtual public scoping meetings and a virtual environmental site review. The daytime scoping meeting will focus on resource agency, Indian tribes, and non-governmental organization (NGO) concerns, while the evening scoping meeting will focus on receiving input from the public. We invite all interested agencies, Native American tribes, NGOs, and individuals to attend one of these meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. These meetings will also cover the Black River Hydroelectric Project (P–2538–093) and the Beebee Island Hydroelectric Project (P–2569–150), as those projects have the same applicant who filed a PAD and NOI simultaneously with these projects.

The dates and times of these meetings are as follows:

Date and Time

Virtual site tour for all stakeholders—Wednesday, October 27, 2021, 9:00 a.m.–11:00 a.m. EDT, WebEx meeting details provided by HDR staff

Meeting for resource agencies, Tribes, and NGOs—Thursday, October 28, 2021, 9:00 a.m.–12:00 p.m. EDT, Call in number: 888–604–9359, Participant passcode: 8998724

Meeting for the general public—Thursday, October 28, 2021, 6:30 p.m.–8:30 p.m. EDT, Call in number: 888–604–9359, Participant passcode: 8998724

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list and Erie's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

Erie and Commission staff will hold a virtual Environmental Site Review of the Beaver River Project on October 27, 2021, starting at 9 a.m. Please contact Kelsey Scott of HDR, Inc. at (315) 414–2206 or *kelsey.scott@hdrinc.com,* by

October 26, 2021, if you plan to attend. WebEx meeting details will be provided by HDR staff once attendance is confirmed.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document. Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: September 28, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–21541 Filed 10–1–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2569–150; Project No. 2538–093]

Erie Boulevard Hydropower, L.P.; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 2569–150 and 2538–093.

c. *Dated Filed:* July 30, 2021.

d. *Submitted By:* Erie Boulevard Hydropower, L.P. (Erie).

e. *Name of Projects:* Black River Hydroelectric Project (Black River Project; P–2569) and Beebee Island Hydroelectric Project (Beebee Island Project; P–2538).

f. *Locations:* The Black River Project consists of five developments located along the Black River in Jefferson County, New York (from upstream to downstream): Herrings, Deferiet, Kamargo, Black River, and Sewalls. The Beebee Island Project consists of a single development also located along the Black River in Jefferson County, New York. The projects do not occupy federal land.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Mr. Steven P. Murphy, Director, U.S. Licensing Brookfield Renewable 33 West 1st Street South, Fulton, New York 13069; (315) 598–6130; *Steven.Murphy@brookfieldrenewable.com.*

i. *FERC Contact:* Samantha Pollak at (202) 502–6419 or email at *samantha.pollak@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Office, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Erie as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Erie filed with the Commission a Pre-Application Document (PAD, including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2569–150 for the Black River Project and P–2538–093 for the Beebee Island Project.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application

Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by November 29, 2021.

p. The Commission's scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA) scoping requirements, irrespective of whether the Commission prepares an environmental assessment or environmental impact statement.

Scoping Meetings

Due to on-going concerns with large gatherings related to COVID–19, we do not intend to hold in-person public scoping meetings or an in-person environmental site review. Rather, we will hold virtual public scoping meetings and a virtual environmental site review. The daytime scoping meeting will focus on resource agency, Indian tribes, and non-governmental organization (NGO) concerns, while the evening scoping meeting will focus on receiving input from the public. We invite all interested agencies, Native American tribes, NGOs, and individuals to attend one of these meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. These meetings will also cover the Beaver River Hydroelectric Project (P–2645), as this project has the same applicant who filed a PAD and NOI simultaneously with these projects.

The dates and times of these meetings are as follows:

Date and Time

Virtual site tour for all stakeholders:
Wednesday, October 27, 2021
9:00 a.m.–11:00 a.m. EDT
WebEx meeting details provided by HDR staff

Meeting for resource agencies, Tribes, and NGOs:
Thursday, October 28, 2021
9:00 a.m.–12:00 p.m. EDT
Call in number: 888–604–9359,
Participant passcode: 8998724

Meeting for the general public:
Thursday, October 28, 2021
6:30 p.m.–8:30 p.m. EDT
Call in number: 888–604–9359,
Participant passcode: 8998724

The individuals and entities on the Commission's mailing list were notified, via electronic notification, of the availability of SD1 on the web. SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list and Erie's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

Erie and Commission staff will hold a virtual environmental site review of the Black River and Beebee Island projects on October 27, 2021, starting at 9 a.m. Please contact Kelsey Scott of HDR, Inc. at (315) 414–2206 or *kelsey.scott@hdrinc.com,* by October 26, 2021, if you plan to attend. WebEx meeting details will be provided by HDR staff once attendance is confirmed.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document. Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be filed in the public records of the projects.

Dated: September 28, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–21545 Filed 10–1–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0654; FRL–9095–01–OAR]

Clean Air Act Advisory Committee (CAAAC): Notice of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the Environmental Protection Agency (EPA) is announcing a public meeting of the Clean Air Act Advisory Committee (CAAAC) to be conducted via remote/virtual participation only. The EPA renewed the CAAAC charter on November 19, 2020 to provide independent advice and counsel to EPA on economic, environmental, technical, scientific and enforcement policy issues associated with implementation of the Clean Air Act of 1990.

DATES: The CAAAC will hold its next public meeting remotely/virtually on Monday, October 18, 2021 from 1:00 p.m. to 4:00 p.m. (EST) and Tuesday, October 19, 2021 from 1:00 p.m. to 4:00 p.m. (EST). Members of the public may register to listen to the meeting or provide comments, by emailing *caaac@epa.gov* by 5:00 p.m. (EST) October 16, 2021.

FOR FURTHER INFORMATION CONTACT: Lorraine Reddick, Designated Federal Official, Clean Air Act Advisory Committee (6103A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–1293; email address: *reddick.lorraine@epa.gov.* Additional information about this meeting, the CAAAC, and its subcommittees and workgroups can be found on the CAAAC website: *http://www.epa.gov/oar/caaac/.*

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. App. 2 section 10(a)(2), notice is hereby given that the Clean Air Act Advisory Committee will hold its next public meeting remotely/virtually on Monday, October 18, 2021 from 1:00 p.m. to 4:00 p.m. and Tuesday, October 19, 2021 from 1:00 p.m. to 4:00 p.m. (EST).

The committee agenda and any documents prepared for the meeting will be publicly available on the CAAAC website at *http://www.epa.gov/caaac/* prior to the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will be available on the CAAAC website or by contacting the Office of Air and Radiation Docket and requesting information under docket

EPA–HQ–OAR–2021–0654. The docket office can be reached by email at: *a-and-r-Docket@epa.gov* or FAX: 202–566–9744.

For information on access or services for individuals with disabilities, please contact Lorraine Reddick at *reddick.lorraine@epa.gov,* preferably at least 7 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: September 28, 2021.

Jonathan Lubetsky,

Group Leader, Office of Air Policy and Program Support, Environmental Protection Agency.

[FR Doc. 2021–21478 Filed 10–1–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0085; FRL–8946–01–OAR]

Proposed Information Collection Request; Comment Request; NESHAP for Radionuclides (40 CFR Part 61, Subparts B, K, R and W) and NESHAP for Radon Emissions From Operating Mill Tailings (40 CFR Part 61, Subpart W) (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''NESHAP for Radionuclides (40 CFR part 61, subparts B, K, R and W) (Renewal)'' (EPA ICR No. 1100.16, OMB Control No. 2060–0191) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. In addition to being a proposed extension of the ICR, which is currently approved through May 31, 2022, the Agency seeks to consolidate this ICR with EPA ICR Number 2464.03, OMB Control Number 2060–0706, which was established to address the information collection requirements created by the revision to NESHAP subpart W in 2017. All information collection required under 40 CFR part 61, subpart W would then be included in a single ICR, together with the information collection requirements of subparts B, K, and R. 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 December 3, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2003–0085, online using *www.regulations.gov* (our preferred method), by email to [*a-and-r-Docket@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: Jonathan P. Walsh, Radiation Protection Division, Office of Radiation and Indoor Air, Mail Code 6608T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–343–9238; fax number: 202–343–2304; email address: *walsh.jonathan@epa.gov*.

SUPPLEMENTARY INFORMATION: 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* 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. Please visit *http://www.epa.gov/dockets* for more information.

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act, 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: On December 15, 1989, pursuant to Section 112 of the Clean Air Act as amended in 1977 (42 U.S.C. 1857), the Environmental Protection Agency (EPA) promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations to control radionuclide emissions from several source categories. The regulations are codified at 40 CFR part 61. Of the eight subparts (B, H, I, K, Q, R, T and W) included in the 1989 rule, as currently amended, four apply to privately-operated facilities. In addition to requiring operational practices that limit emissions, subparts B, K, R, and W impose radionuclide dose and/or emission limits, respectively, to underground uranium mines, elemental phosphorous plants, phosphogypsum stacks, and uranium mill tailings impoundments. Facilities must inspect impoundments, measure radionuclide emissions, perform analyses or calculations per EPA procedures, and report the results to the EPA.

Information collected is used by the EPA to ensure that public health and the environment continue to be protected from the hazards of airborne radionuclides by compliance with these standards. Compliance is demonstrated through emissions testing and dose calculation when appropriate.

Form Numbers: None.

Respondents/affected entities: The North American Industry Classification System (NAICS) codes of facilities associated with the activity of the respondents are: (1) Elemental Phosphorous—325180, (2) Phosphogypsum Stacks—212392, (3) Underground Uranium Mines—212291, and (4) Uranium Mill Tailings—212291.

Respondent's obligation to respond: mandatory (CAA, Sec, 112; 40 CFR part 61).

Estimated number of respondents: 25 (total).

Frequency of response: Monthly, annual, or one-time depending on the source category and respondent activity.

Total estimated burden: 4,146 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $632,392 (per year), which includes $338,600 annualized capital or operation and maintenance costs.

Changes in Estimates: Total estimated respondent hours increased from 1,898 hours in the previous approved version

of this ICR to 4146, primarily as a result of consolidating this ICR with ICR 2060–0706. No Subpart B facilities were reporting at the time of the last renewal in 2018, however, the Agency identified two respondents that are likely to submit annual reports in 2021, and two responses were added to the ICR, adding 460 hours of labor and $10,600 of non-labor cost to the burden that was approved in 2019. For Subparts K, R, and W, there were no changes to the number of respondents, the annual time burden, or the annual non-labor cost compared to the most recent renewals of these ICRs.[1] The requested burden reflects the sum of the two ICRs that are being consolidated.

Lee Ann Veal,

Director, Radiation Protection Division.

[FR Doc. 2021–21533 Filed 10–1–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–OAR–2021–0135; FRL–8835–01–R9]

Adequacy Status of Motor Vehicle Emissions Budgets in Submitted 8-Hour Ozone Attainment Plan for San Diego; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: The Environmental Protection Agency (EPA or ''Agency'') is notifying the public that the Agency has found motor vehicle emissions budgets (''budgets'') adequate in a California state implementation plan (SIP) submittal for San Diego County. Specifically, our finding relates to budgets in the area's ''2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County (October 2020)'' (''2020 San Diego Ozone Plan'' or ''plan''). We find that these budgets are adequate for transportation conformity purposes for the 2008 and 2015 ozone national ambient air quality standards (NAAQS). Upon the effective date of this notice of adequacy, prior budgets for the 2008 ozone NAAQS previously found adequate by the EPA will no longer be applicable for transportation conformity purposes, and the San Diego Association of Governments (SANDAG) and the U.S. Department of Transportation must use these adequate budgets in future transportation conformity determinations.

DATES: This finding is effective October 19, 2021.

FOR FURTHER INFORMATION CONTACT: John Kelly, EPA, Region IX, Air Division AIR–2, 75 Hawthorne Street, San Francisco, CA 94105–3901; (415) 947–4151 or *kelly.johnj@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Today's notice is simply an announcement of a finding that we have already made. The California Air Resources Board (CARB) submitted the plan to the EPA on January 12, 2021, as a revision to the California SIP. The plan contains budgets for both the 2008 and the 2015 ozone NAAQS. These budgets are used for the 2008 ozone NAAQS reasonable further progress (RFP) milestone years 2020 and 2023 and for the attainment year 2026. For the 2015 ozone NAAQS, these budgets are used for RFP milestone years 2023, 2026, and 2029, and for the attainment year 2032.

The EPA sent a letter to CARB dated September 21, 2021 stating that the motor vehicle emissions budgets in the submitted 2020 San Diego Ozone Plan are adequate for transportation conformity purposes.[1] The finding is available at the EPA's conformity website.[2] We announced availability of the plan and related budgets on the EPA's transportation conformity website on June 4, 2021, requesting comments by July 6, 2021. We received no comments in response to the adequacy review posting. The adequate budgets are provided in the following tables:

SAN DIEGO COUNTY MOTOR VEHICLE EMISSIONS BUDGETS FOR 2008 OZONE NAAQS

Budget year	Volatile organic compounds (tons per average summer day)	Nitrogen oxides (tons per average summer day)
2020	16.3	28.1
2023	13.6	19.3
2026	12.1	17.3

SAN DIEGO COUNTY MOTOR VEHICLE EMISSIONS BUDGETS FOR 2015 OZONE NAAQS

Budget year	Volatile organic compounds (tons per average summer day)	Nitrogen oxides (tons per average summer day)
2023	13.6	19.3
2026	12.1	17.3
2029	11.0	15.9
2032	10.0	15.1

Transportation conformity is required by Clean Air Act section 176(c). The EPA's conformity rule requires that transportation plans, transportation improvement programs, and transportation projects conform to a state's air quality SIP and establishes the criteria and procedures for determining whether or not they conform. 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.

The criteria we use to determine whether a SIP's motor vehicle emissions budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4), promulgated on August 15, 1997.[3] We have further described our process for determining the adequacy of submitted SIP budgets in our final rule dated July 1, 2004, and we used the information in these resources in making our adequacy determination.[4] Please note that an adequacy review is separate from the EPA's completeness review and should not be used to prejudge the EPA's ultimate action on the SIP submittal. Even if we find a budget adequate, the SIP submittal could later be disapproved.

Pursuant to 40 CFR 93.104(e), within two years of the effective date of this notice, SANDAG and the U.S. Department of Transportation will need to demonstrate conformity to the new budgets if the demonstration has not already been made.[5] For demonstrating conformity to the budgets in this plan, the on-road motor vehicle emissions from implementation of the transportation plan or program should be projected consistently with the budgets in this plan, *i.e.,* by taking the county's emissions results derived from CARB's EMFAC model (short for EMission FACtor) and then rounding

[1] For the most recent renewal of ICR 2060–0706, see 86 FR 1965, January 11, 2021.

[1] See letter dated September 21, 2021 from Elizabeth J. Adams, Director, Air and Radiation Division, EPA Region IX, to Richard Corey, Executive Officer, CARB.

[2] *https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-epa-has-found-adequate-or.*

[3] See 62 FR 43780, 43781–43783 (August 15, 1997).

[4] See 69 FR 40004, 40038–40047 (July 1, 2004).

[5] See 73 FR 4420 (January 24, 2008).

the emissions up to the nearest tenth of a ton per day.

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

Dated: September 28, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–21557 Filed 10–1–21; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meetings

AGENCY: Farm Credit Administration Board, Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the forthcoming regular meeting of the Farm Credit Administration Board.

DATES: The regular meeting of the Board will be held October 14, 2021, from 9:00 a.m. until such time as the Board may conclude its business. **Note:** Because of the COVID–19 pandemic, we will conduct the board meeting virtually. If you would like to observe the open portion of the virtual meeting, see instructions below for board meeting visitors.

ADDRESSES: To observe the open portion of the virtual meeting, go to FCA.gov, select ''Newsroom,'' then ''Events.'' There you will find a description of the meeting and a link to ''Instructions for board meeting visitors.'' See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale Aultman, Secretary to the Farm Credit Administration Board (703) 883–4009. TTY is (703) 883–4056.

SUPPLEMENTARY INFORMATION: Instructions for attending the virtual meeting: This meeting of the Board will be open to the public, and parts will be closed. If you wish to observe, at least 24 hours before the meeting, go to FCA.gov, select ''Newsroom,'' then ''Events.'' There you will find a description of the meeting and a link to ''Instructions for board meeting visitors.'' If you need assistance for accessibility reasons or if you have any questions, contact Dale Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are as follows:

Open Session

Approval of Minutes

- September 9, 2021

Report

- Small Association Outreach Report, Fulfilling the FCS Mission, Perspectives and Challenges

New Business

- Risk-Weighting of High Volatility Commercial Real Estate—Proposed Rule—Comment Period

Closed Session

- Office of Secondary Market Oversight Periodic Report [1]

Dated: September 30, 2021.

Dale Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2021–21671 Filed 9–30–21; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm*. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than October 19, 2021.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Mary Beth Woods, Plains, Kansas;* to retain voting shares of Plains Bancshares, Inc., and thereby indirectly retain voting shares of The Plains State Bank, both of Plains, Kansas.

Additionally, Walker Clawson, Gatlin Clawson, Korben Clawson, and the LAC Clawson Irrevocable Trust, David Clawson and Daniel Clawson, as co-trustees, all of Plains, Kansas; and Abigail Giles, Betsy Giles, Matthew Giles, and Josiah Giles, all of Byers, Kansas; to join the Clawson Family Group, a group acting in concert, to retain voting shares of Plains Bancshares, Inc., and thereby indirectly retain voting shares of The Plains State Bank.

Board of Governors of the Federal Reserve System, September 29, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–21547 Filed 10–1–21; 8:45 am]

BILLING CODE P

[1] Closed session is exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

GOVERNMENT PUBLISHING OFFICE

Depository Library Council; Meeting

The Depository Library Council (DLC) will meet in conjunction with the Federal Depository Library Conference from Monday, October 18, 2021 through Wednesday, October 20, 2021, virtually. The sessions will take place from 12 p.m. to 5:30 p.m., Monday through Wednesday. The meetings will take place online, and anyone can register to attend at *https://www.fdlp.gov/about/conferences/2021-fdl-conference*. Closed captioning will also be provided. The purpose is to discuss the Federal Depository Library Program. All sessions are open to the public.

Hugh Nathanial Halpern,

Director, U.S. Government Publishing Office.

[FR Doc. 2021–21554 Filed 10–1–21; 8:45 am]

BILLING CODE 1520–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21IK; Docket No. CDC–2021–0107]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the

general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Study to Explore Early Development (SEED) Follow-up Studies. This follow-up study will allow CDC to better understand the developmental trajectory of children with autism spectrum disorder, their health outcomes and co-occurring conditions at older ages, and the associated early predictors of these outcomes, including intellectual abilities.

DATES: CDC must receive written comments on or before December 3, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0107 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to Regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** (*https://www.federalregister.gov/*) concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Study to Explore Early Development (SEED) Follow-up Studies—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2016, an estimated one in 54 children, eight years of age living in 11 communities across the United States, had autism spectrum disorder (ASD), a developmental disability that can cause significant social, communication, and behavior challenges. Total annual costs associated with ASD have been estimated between $11.5–$60.9 billion, yet major gaps in knowledge remain about risk factors for ASD, and associated challenges and needs for persons with ASD and their families. Additionally, while most research on ASD has focused on children, ASD is considered a lifelong condition, and although an estimated 70,000 to 111,000 youth with ASD turn 18 years of age annually, little is known about the transition to adolescence and adulthood for persons with ASD. Despite the call to address transition and lifespan issues in the Autism CARES Acts of 2014 and 2019, only 2% of ASD funding from 2008 to 2018 was spent on lifespan issues.

The 2016–2017 Interagency Autism Coordinating Committee (IACC) Strategic Plan highlighted the need for more information about the services and support needed to maximize the quality of life for people on the autism spectrum, especially as individuals with ASD progress into adulthood.

The current information collection request is to conduct longitudinal follow-up studies of SEED 1–3 participants at older ages, thereby addressing the priorities established in the Autism CARES Acts of 2014 and 2019, and the need for research highlighted in the IACC Strategic Plan. Given the size of the original SEED birth cohorts and the wealth of baseline information collected, a follow-up study of participants can help us address the research gaps described above. The information collected from this study will allow us to better understand the developmental trajectory of children with ASD, their health outcomes and co-occurring conditions at older ages, and the associated early predictors of these outcomes, including intellectual abilities.

The data collected in this study also provides the opportunity to obtain important self-reported measures of well-being among young adults with ASD. Recent evidence suggests that individuals with ASD with average to above average levels of intellectual functioning may still struggle with activities of daily living. Yet, adults with special needs are often required to have an intellectual disability in order to qualify for services. This data will allow investigators to describe the gap between intellectual ability and daily living skills in adolescents with ASD to inform public policies on eligibility for services. Additionally, because most SEED 1 participants will reach young adulthood (*i.e.,* age 18 years) in years 2021–2026, data collected through this study will provide an opportunity to assess changes in service access and utilization that may occur following high school exit. This period is particularly challenging for young adults with ASD who can experience poor outcomes across multiple domains (*e.g.,* employment, education, social engagement, independent living, and access to health and mental health care services in association with the loss of well-integrated school-based services). Hence, through surveying SEED 1 participants before and after their anticipated exit from high school, data collected through this study could provide important information on the loss of services and emerging issues that can inform service delivery and programs on the support needed to achieve greater independence.

Initial follow-up surveys of SEED participants will be conducted with the parents of the children who previously

participated in SEED because it is the parents who provided consent for follow-up studies. However, many emerging issues surrounding the transition to adulthood among adolescents with ASD require self, rather than parental report (*e.g.,* self-reported symptoms of anxiety, depression, quality of life, social camouflaging, gender identity, sexuality, and relationships). Children who originally participated at age 2–5 years, who are now adolescents and young adults, will be contacted through their parents and asked if they wish to provide informed consent for participation in surveys.

CDC requests OMB approval for an estimated 6,193 annual burden hours. There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Parent	Review of invitation letter and call script for first follow-up survey.	5,850	1	10/60	975
Parent	First follow-up core survey of SEED 1–3 parents.	3,900	1	40/60	2,600
Parent	First follow-up survey supplement for parents of children.	1,300	1	20/60	433
Parent	First follow-up survey supplement for parents of adolescents.	1,300	1	20/60	433
Parent	First follow-up survey supplement for parents of adults.	1,300	1	20/60	433
Parent	Second follow-up survey of SEED 1 parents.	1,105	1	10/60	184
Adult Child	Invitation and informed consent script.	520	1	10/60	87
Adult Child	Second follow-up survey of SEED 1 adult children.	520	1	30/60	260
Children age 8–22 years or their parents.	Parents or adult children receiving informed consent or assent script.	472	1	10/60	79
Children age 8–22 years	In-person assessment of intellectual abilities.	472	1	90/60	708
Total					6,193

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–21524 Filed 10–1–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0014]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before December 3, 2021.

ADDRESSES: Submit your comments to *sagal.musa@hhs.gov* or by calling (202) 205–2634.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0014–NEW–60D and project title for reference, to Sagal Musa, email: *sagal.musa@hhs.gov,* or call (202) 205–2634 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A).

Type of Collection: Renewal.

OMB No. 4040–0014.

Abstract

Abstract: Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A) are used by applicants to apply for Federal financial assistance. The Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A) forms allow the applicants to provide certain financial information as part of their grant proposals. These forms are evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of Respondent: The Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A) forms are used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A).	Grant-seeking organizations	100,000	1	1	100,000
	Grant-seeking organizations	100,000	1	1	100,000
Total	.....	.....	1	.....	200,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–21560 Filed 10–1–21; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID–19; Correction

ACTION: Notice, correction.

SUMMARY: This document clarifies a term that appeared in the ''Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID–19,'' including in the final notice published in the **Federal Register** on September 14, 2021, entitled ''Ninth Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID–19.'' Specifically, this document supplements the references to the Advisory Committee on Immunization Practices (ACIP) with references to the Centers for Disease Control and Prevention (CDC). This change is being made to clarify that what are commonly referred to as ''ACIP recommendations'' and ''ACIP standard immunization schedules'' are in fact recommendations and schedules made by the CDC after consultation with ACIP. The addition of ''CDC'' is also intended to recognize coverage of recommendations issued directly by the CDC. This clarification also applies to related guidance and opinions.

DATES: This correction is applicable September 30, 2021.

FOR FURTHER INFORMATION CONTACT: L. Paige Ezernack, Office of the Assistant Secretary for Preparedness and Response, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; 202–260–0365, *paige.ezernack@hhs.gov.*

Corrections

Corrections to technical errors that appeared in sections V(d) and (h) and XII of the final notice published in the **Federal Register** on September 14, 2021 at 86 FR 51160 entitled ''Ninth Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID–19. These corrections are made to clarify that when the term Advisory Committee on Immunization Practices (ACIP) schedule or recommendation is used in the declaration, that refers to recommendations made to the Centers for Disease Control and Prevention (CDC) by the ACIP in its advisory role under the Federal Advisory Committee Act. Such recommendations are taken into consideration when the CDC issues its recommendations, as adopted by the CDC Director. These have historically been published in CDC's *Morbidity and Mortality Weekly Report* under the title ''ACIP recommendations.'' The term ''CDC'' is added throughout the declaration whenever referring to ACIP recommendations or schedules to also recognizes coverage of recommendations issued directly by the CDC. Subsection V(d) is clarified to read:

(d) A State-licensed pharmacist who orders and administers, and pharmacy interns and qualified pharmacy technicians who administer (if the pharmacy intern or technician acts under the supervision of such pharmacist and the pharmacy intern or technician is licensed or registered by his or her State board of pharmacy),[1] (1) Vaccines that the CDC/ACIP recommend [2] to persons ages three through 18 according to CDC's/ACIP's standard immunization schedule or (2) seasonal influenza vaccine administered by qualified pharmacy technicians and interns that the CDC/ACIP recommend to persons aged 19 and older according to CDC's/ACIP's standard immunization schedule; or (3) FDA authorized or FDA licensed COVID–19 vaccines to persons ages three or older. Such State-licensed pharmacists and the State-licensed or registered interns or technicians under their supervision are qualified persons only if the following requirements are met:

i. The vaccine must be authorized, approved, or licensed by the FDA;

ii. In the case of a COVID–19 vaccine, the vaccination must be ordered and administered according to CDC's/ACIP's COVID–19 vaccine recommendation(s);

iii. In the case of a childhood vaccine, the vaccination must be ordered and administered according to CDC's/ACIP's standard immunization schedule;

iv. In the case of seasonal influenza vaccine administered by qualified pharmacy technicians and interns, the vaccination must be ordered and

[1] Some states do not require pharmacy interns to be licensed or registered by the state board of pharmacy. As used herein, ''State-licensed or registered intern'' (or equivalent phrases) refers to pharmacy interns authorized by the state or board of pharmacy in the state in which the practical pharmacy internship occurs. The authorization can, but need not, take the form of a license from, or registration with, the State board of pharmacy. Similarly, states vary on licensure and registration requirements for pharmacy technicians. Some states require certain education, training, and/or certification for licensure or registration; others either have no prerequisites for licensure or registration or do not require licensure or registration at all. As used herein, to be a ''qualified pharmacy technician,'' pharmacy technicians working in states with licensure and/or registration requirements must be licensed and/or registered in accordance with state requirements; pharmacy technicians working in states without licensure and/or registration requirements must have a CPhT certification from either the Pharmacy Technician Certification Board or National Healthcareer Association. *See* Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID–19 Vaccines, and COVID–19 Testing, OASH, Oct. 20, 2020 at 2, available at *https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents//prep-act-guidance.pdf* (last visited Jan. 24, 2021).

[2] Where the term CDC/ACIP recommendations, standard immunization schedules, or similar language is used, this includes both direct CDC recommendations as well as recommendations adopted by the CDC Director after recommendation by ACIP, which are commonly referred to as ACIP recommendations or schedules.

administered according to CDC's/ACIP's standard immunization schedule;

v. In the case of pharmacy technicians, the supervising pharmacist must be readily and immediately available to the immunizing qualified pharmacy technician;

vi. The licensed pharmacist must have completed the immunization training that the licensing State requires for pharmacists to order and administer vaccines. If the State does not specify training requirements for the licensed pharmacist to order and administer vaccines, the licensed pharmacist must complete a vaccination training program of at least 20 hours that is approved by the Accreditation Council for Pharmacy Education (ACPE) to order and administer vaccines. Such a training program must include hands on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines;

vii. The licensed or registered pharmacy intern and qualified pharmacy technician must complete a practical training program that is approved by the ACPE. This training program must include hands-on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines;

viii. The licensed pharmacist, licensed or registered pharmacy intern and qualified pharmacy technician must have a current certificate in basic cardiopulmonary resuscitation; [3]

ix. The licensed pharmacist must complete a minimum of two hours of ACPE-approved, immunization-related continuing pharmacy education during each State licensing period;

x. The licensed pharmacist must comply with recordkeeping and reporting requirements of the jurisdiction in which he or she administers vaccines, including informing the patient's primary-care provider when available, submitting the required immunization information to the State or local immunization information system (vaccine registry), complying with requirements with respect to reporting adverse events, and complying with requirements whereby the person administering a vaccine must review the vaccine registry or other vaccination records prior to administering a vaccine;

xi. The licensed pharmacist must inform his or her childhood vaccination patients and the adult caregiver accompanying the child of the importance of a well-child visit with a pediatrician or other licensed primary care provider and refer patients as appropriate; and

xii. The licensed pharmacist, the licensed or registered pharmacy intern and the qualified pharmacy technician must comply with any applicable requirements (or conditions of use) as set forth in the CDC COVID–19 vaccination provider agreement and any other federal requirements that apply to the administration of COVID–19 vaccine(s).

Section V(h) is clarified to read:

(h) The following healthcare professionals and students in a healthcare profession training program subject to the requirements of this paragraph:

1. Any midwife, paramedic, advanced or intermediate emergency medical technician (EMT), physician assistant, respiratory therapist, dentist, podiatrist, optometrist or veterinarian licensed or certified to practice under the law of any state who prescribes, dispenses, or administers COVID–19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID–19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID–19 vaccine covered countermeasure is administered;

2. Any physician, advanced practice registered nurse, registered nurse, practical nurse, pharmacist, pharmacy intern, midwife, paramedic, advanced or intermediate EMT, respiratory therapist, dentist, physician assistant, podiatrist, optometrist, or veterinarian who has held an active license or certification under the law of any State within the last five years, which is inactive, expired or lapsed, who prescribes, dispenses, or administers COVID–19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID–19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID–19 vaccine covered countermeasure is administered, so long as the license or certification was active and in good standing prior to the date it went inactive, expired or lapsed and was not revoked by the licensing authority, surrendered while under suspension, discipline or investigation by a licensing authority or surrendered following an arrest, and the individual is not on the List of Excluded Individuals/Entities maintained by the Office of Inspector General;

3. Any medical, nursing, pharmacy, pharmacy intern, midwife, paramedic, advanced or intermediate EMT, physician assistant, respiratory therapy, dental, podiatry, optometry or veterinary student with appropriate training in administering vaccines as determined by his or her school or training program and supervision by a currently practicing healthcare professional experienced in administering intramuscular injections who administers COVID–19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID–19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID–19 vaccine covered countermeasure is administered;

Subject to the following requirements:

i. The vaccine must be authorized, approved, or licensed by the FDA;

ii. Vaccination must be ordered and administered according to CDC's/ACIP's COVID–19 vaccine recommendation(s);

iii. The healthcare professionals and students must have documentation of completion of the CDC COVID–19 Vaccine Training Modules and, if applicable, such additional training as may be required by the State, territory, locality, or Tribal area in which they are prescribing, dispensing, or administering COVID–19 vaccines;

iv. The healthcare professionals and students must have documentation of an observation period by a currently practicing healthcare professional experienced in administering intramuscular injections, and for whom administering vaccinations is in their ordinary scope of practice, who confirms competency of the healthcare provider or student in preparation and

[3] This requirement is satisfied by, among other things, a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education. The phrase ''current certificate in basic cardiopulmonary resuscitation,'' when used in the September 3, 2020 or October 20, 2020 OASH authorizations, shall be interpreted the same way. *See* Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID–19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at *https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents//licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf* (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID–19 Vaccines, and COVID–19 Testing, OASH, Oct. 20, 2020, available at *https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents//prep-act-guidance.pdf* (last visited Jan. 24, 2021).

administration of the COVID–19 vaccine(s) to be administered and, if applicable, such additional training as may be required by the State, territory, locality, or Tribal area in which they are prescribing, dispensing, or administering COVID–19 vaccines;

v. The healthcare professionals and students must have a current certificate in basic cardiopulmonary resuscitation; [4]

vi. The healthcare professionals and students must comply with recordkeeping and reporting requirements of the jurisdiction in which he or she administers vaccines, including informing the patient's primary-care provider when available, submitting the required immunization information to the State or local immunization information system (vaccine registry), complying with requirements with respect to reporting adverse events, and complying with requirements whereby the person administering a vaccine must review the vaccine registry or other vaccination records prior to administering a vaccine; and

vii. The healthcare professionals and students comply with any applicable requirements (or conditions of use) as set forth in the CDC COVID–19 vaccination provider agreement and any other federal requirements that apply to the administration of COVID–19 vaccine(s).

Section XII is clarified to read:

''Liability protections for all Covered Countermeasures administered and used in accordance with the public health and medical response of the Authority Having Jurisdiction, as identified in Section VII(b) of this Declaration, begin with a Declaration of Emergency as that term is defined in Section VII (except that, with respect to qualified persons who order or administer a routine childhood vaccination that CDC/ACIP recommends to persons ages three through 18 according to CDC's/ACIP's standard immunization schedule, liability protections began on August 24, 2020), and last through (a) the final day the Declaration of Emergency is in effect, or (b) October l, 2024, whichever occurs first.'' This amendment does not change effective dates under Section XII.

Karuna Seshasai,

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

[FR Doc. 2021–21652 Filed 9–30–21; 4:15 pm]

BILLING CODE 4150–37–P

[4] This requirement is satisfied by, among other things, a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education. The phrase ''current certificate in basic cardiopulmonary resuscitation,'' when used in the September 3, 2020 or October 20, 2020 OASH authorizations, shall be interpreted the same way. *See* Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID–19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at *https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents//licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf* (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID–19 Vaccines, and COVID–19 Testing, OASH, Oct. 20, 2020, available at *https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents//prep-act-guidance.pdf* (last visited Jan. 24, 2021).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. During the October 25, 2021 meeting the Advisory Council will hear presentations about ways to support and strengthen the long-term services and supports direct care workforce, both paid and unpaid, to support access to care, improve the quality of caregiving, and meet the growing demand for long-term care dementia services. The Advisory Council will also hear about a recent workshop on the behavioral and social research and clinical practice implications of preclinical diagnosis of AD/ADRD, as well as the AD/ADRD decadal study conducted by the National Academies of Sciences, Engineering, and Medicine. Federal representatives will provide updates on work towards the goals of the National Plan to Address Alzheimer's Disease in the last quarter.

DATES: The meeting will be held on October 25, 2021 from 1:00 p.m. to 4:30 p.m. EST.

ADDRESSES: The meeting will be virtual, streaming live at *www.hhs.gov/live*.

Comments: Time is allocated on the agenda to hear public comments from 4:00 p.m. to 4:30 p.m. The time for oral comments will be limited to two (2) minutes per individual. In order to provide a public comment, please register by emailing your name to *napa@hhs.gov* by Thursday, October 21. On Friday, October 22, registered commenters will receive both a dial-in number and a link to join the meeting virtually; individuals will have the choice to either join virtually via the link, or to call in only by using the dial-in number. **Note:** There may be a 30–45 second delay in the livestream video presentation of the conference. For this reason, if you have pre-registered to submit a public comment, it is important to connect to the meeting by 3:45 p.m. to ensure that you do not miss your name and allotted time when called. If you miss your name and allotted time to speak, you may not be able to make your public comment. All participant audio lines will be muted for the duration of the meeting and only unmuted by the Host at the time of the participant's public comment. Should you have questions during the session email *napa@hhs.gov* and someone will respond to your message as quickly as possible.

In order to ensure accuracy, please submit a written copy of oral comments for the record by emailing *napa@hhs.gov* by Tuesday, October 26. These comments will be shared on the website and reflected in the meeting minutes.

In lieu of oral comments, formal written comments may be submitted for the record by Tuesday, October 26 to Helen Lamont, Ph.D., OASPE, 200 Independence Avenue SW, Room 424E, Washington, DC 20201. Comments may also be sent to *napa@hhs.gov*. Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Helen Lamont, 202–260–6075, *helen.lamont@hhs.gov*. **Note:** The meeting will be available to the public live at *www.hhs.gov/live*.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. app. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: Long-term services and supports workforce and caregiving.

Procedure and Agenda: The meeting will be webcast at *www.hhs.gov/live* and video recordings will be added to the National Alzheimer's Project Act website when available, after the meeting.

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. appendix 2), which

sets forth standards for the formation and use of advisory committees.

Dated: September 24, 2021.

Rebecca Haffajee,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 2021–21461 Filed 10–1–21; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0013]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before December 3, 2021.

ADDRESSES: Submit your comments to *sagal.musa@hhs.gov* or by calling (202) 205–2634.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0013–NEW–60D and project title for reference, to Sagal Musa, email: *sagal.musa@hhs.gov,* or call (202) 205–2634 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: Disclosure of Lobbying Activities (SF–LLL) and Certification Regarding Lobbying

Type of Collection: Renewal?

OMB No. 4040–0013

Abstract: Disclosure of Lobbying Activities (SF–LLL) and Certification Regarding Lobbying are OMB-approved collections (4040–0013). These information collections are used by grant applicants. This IC expires on February 28, 2022. We are requesting a three-year clearance of these collections.

Type of respondent: The Disclosure of Lobbying Activities (SF–LLL) and Certification Regarding Lobbying forms are used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Disclosure of Lobbying Activities (SF–LLL).	Grant Applicants	12,675	1	1	12,675
Certification Regarding Lobbying.	Grant Applicants	3,952	1	0.5	1,976
Total		12,675	1		14,651

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–21561 Filed 10–1–21; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0016]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before December 3, 2021.

ADDRESSES: Submit your comments to *sagal.musa@hhs.gov* or by calling (202) 205–2634.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0016–New–60D and project title for reference, to Sagal Musa, email: *sagal.musa@hhs.gov,* or call (202) 205–2634 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request).

Type of Collection: Renewal.

OMB No.: 4040–0016.

Abstract:

Abstract: INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request) are used by applicants to apply for Federal financial assistance. The

INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request) forms allow the applicants to provide real property details as part of their grant proposals. These forms are evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of Respondent: The INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request) forms are used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
INSTRUCTIONS FOR THE SF–429 Real Property Status Report.	Grant-seeking organizations	100,000	1	0.5	50,000
SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report.	Grant-seeking organizations	100,000	1	1	100,000
ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report.	Grant-seeking organizations	100,000	1	1	100,000
ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property.	Grant-seeking organizations	100,000	1	100,000	.....
Status Report ATTACHMENT C (Disposition or Encumbrance Request).	Grant-seeking organizations	100,000	1	1	.....
Total	.....	.....	1	.....	450,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–21558 Filed 10–1–21; 8:45 am]

BILLING CODE 4151–AE–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; Immune Development in Early Life (IDEaL) (U01, U19 Clinical Trial Not Allowed).

Date: October 26–27, 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 3F52, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Margaret A. Morris Fears, 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 3F52, Rockville, MD 20852, (301) 761–5444, *maggie.morrisfears@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 28, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21530 Filed 10–1–21; 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 Initial Review Group; Medication Development Research Study Section.

Date: November 3, 2021.

Time: 10:00 a.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: Preethy Nayar, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, 3WFN, MSC 6021, Bethesda, MD 20892, 301–443–4577, *nayarp2@csr.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Developing Digital Therapeutics for Substance Use Disorders (UG3/UH3 Clinical Trial optional).

Date: November 5, 2021.

Time: 5:00 p.m. to 6:00 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: Jenny Raye Browning, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, 301 North Stonestreet Avenue, 3WFN, MSC 6021, Bethesda, MD 20892, (301) 443–4577, *jenny.browning@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Mobile Health Solutions to Rectify Digital Inequality in Communities Affected by Drug Addiction (R43/R44 Clinical Trial Optional).

Date: November 12, 2021.

Time: 10:00 a.m. to 5:30 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.*

(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 28, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21531 Filed 10–1–21; 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; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: October 27, 2021.

Time: 10:00 a.m. to 2:30 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 3G45, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Vanitha S. Raman, 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 3G45, Rockville, MD 20852, 301–761–7949, *vanitha.raman@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 28, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21534 Filed 10–1–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of 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: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Study Section.

Date: October 14–15, 2021.

Time: 9:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yin Liu, Ph.D., M.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, and Musculoskeletal and Skin Diseases. National Institute of Health, Bethesda, MD 20892, 301–496–0505, *liuy@mail.nih.gov*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS Member Conflict Meeting.

Date: October 19, 2021.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 820, Bethesda, MD 20892, 301–827–7835, *yasuko.furumoto@nih.gov.*

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Special Grants Study Section.

Date: October 21–22, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Helen Lin, Ph.D., Scientific Review Officer, NIH/NIAMS/RB, 6701 Democracy Blvd., Suite 800, Plaza One, Bethesda, MD 20817, 301–594–4952, *linh1@mail.nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin

Diseases Special Emphasis Panel; NIAMS Institutional Research Training Grant (T32) Review.

Date: October 29, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 820, Bethesda, MD 20892, 301–827–7835, *yasuko.furumoto@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: September 28, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21468 Filed 10–1–21; 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; Innovation for Tuberculosis Vaccine Discovery (ITVD) (R61/R33 Clinical Trial Not Allowed).

Date: October 27–28, 2021.

Time: 11:00 a.m. to 6:00 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 3F36, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Noton K. Dutta, 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 3F36, Rockville, MD 20852, 240–669–2857, *noton.dutta@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 28, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21529 Filed 10–1–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetic Variation and Evolution Study Section.

Date: October 28–29, 2021.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Guoqin Yu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (301) 435–1276, *guoqin.yu@nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Maximizing Investigators' Research Award C Study Section.

Date: November 1–2, 2021.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jonathan Arias, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, 301–435–2406, *ariasj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Tobacco Regulatory Science B.

Date: November 3, 2021.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Pamela Jeter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 10J08, Bethesda, MD 20892, (301) 435–2591, *pamela.jeter@nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Fellowships: Synthetic and Biological Chemistry.

Date: November 9, 2021.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–4390, *shan.wang@nih.gov.*

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Fellowships: Musculoskeletal, Rehabilitation and Skin Sciences.

Date: November 9–10, 2021.

Time: 9:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Chi-Wing Chow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110 Bethesda, MD 20892, (301) 402–3912, *chowc2@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomedical Sensing, Measurement and Instrumentation.

Date: November 9–10, 2021.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Rockledge II 6701 Rockledge Drive Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yordan V. Kostov, Ph.D. Scientific Review Officer Center for Scientific Review National Institutes of Health 6701 Rockledge Drive Bethesda, MD 20817 301–867–5309 *kostovyv@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Oncology.

Date: November 9–10, 2021.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nywana Sizemore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6189, MSC 7804 Bethesda, MD 20892, 301–408–9916, *sizemoren@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Fellowship: Infectious Diseases and Immunology Panel A.

Date: November 9–10, 2021.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shahrooz Vahedi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 810G, Bethesda, MD 20892, 301–496–9322, *vahedis@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 28, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21521 Filed 10–1–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiology of Eye Disease—2 Study Section.

Date: October 28–29, 2021.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Julius Cinque, MSC, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, 301–435–1252, *cinquej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RTB Member Conflict.

Date: November 2, 2021.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nicholas J. Donato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, Bethesda, MD 20892, 301–827–4810, *nick.donato@nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Integrative Myocardial Physiology/Pathophysiology B Study Section.

Date: November 3–5, 2021.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kirk E. Dineley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 806E, Bethesda, MD 20892, (301) 867–5309, *dineleyke@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Psychopathology, Substance Abuse and Community-Based Interventions Across the Lifespan.

Date: November 3–4, 2021.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David Erik Pollio, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1006F, Bethesda, MD 20892, (301) 594–4002, *polliode@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Prokaryotic Cell and Molecular Biology Study Section.

Date: November 3–4, 2021.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rebecca C Burgess, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–8034, *rebecca.burgess@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Biology.

Date: November 3, 2021.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Charles Morrow, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, 301–451–4467, *morrowcs@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Hypersensitivity, Allergies and Mucosal Immunology.

Date: November 4–5, 2021.

Time: 10:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michelle Marie Arnold, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1199, *michelle.arnold@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: The Molecular and Cellular Causal Aspects of Alzheimer's Disease.

Date: November 4, 2021.

Time: 10:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Adem Can, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, (301) 435–1042, *cana2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Interventions and Mechanisms for Addiction.

Date: November 5, 2021.

Time: 2:30 p.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–806–6596, *rubertm@csr.nih.gov.*

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; HIV Molecular Virology, Cell Biology, and Drug Development Study Section.

Date: November 8–9, 2021.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Infectious Diseases and Immunology Research Enhancement Review.

Date: November 8–9, 2021.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–996–5819, *zhengli@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 28, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21459 Filed 10–1–21; 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; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: November 10, 2021.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F30A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Ellen S. Buczko, 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 3F30A, Rockville, MD 20852, (240) 669–5028, *ebuczko1@niaid.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 28, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21536 Filed 10–1–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; NHP dGTEx—SEP.

Date: October 29, 2021.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, National Human Genome Research, Institute National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Bethesda, MD 20892, 301–594–4280, *mckenneyk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: September 28, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21523 Filed 10–1–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Diabetes, Endocrinology and Metabolic Diseases, B Study Section.

Date: October 27–29, 2021.

Time: 10:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6707 Democracy Blvd. Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Charlene J. Repique, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7347, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *charlene.repique@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 28, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21466 Filed 10–1–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

The meeting will be open to the public, 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 Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: November 18, 2021.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: Report from the AMP–AIM Working Group of Council.

Place: National Institutes of Health, 6701 Democracy Blvd., Democracy I, Suite 800, Bethesda, MD 20892–4872, *https://videocast.nih.gov/watch=41919* (Virtual Meeting).

Virtual Access: The meeting will be videocast and can be accessed from the NIH Videocast *https://videocast.nih.gov/watch=41919*. Please note, the link to the videocast meeting will be posted within a week of the meeting date. Any member of the public may submit written comments no later than 15 days after the meeting.

Contact Person: Melinda Nelson, Ph.D., Director, Office of Extramural Operations, 6701 Democracy Blvd., Democracy I, Suite 800, Bethesda, MD 20892–4872, 301–435–5278, *nelsonm@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: September 29, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21513 Filed 10–1–21; 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 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Clinical Trials SEP (UG3, U24, R61).

Date: November 16, 2021.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Zhihong Shan, Ph.D., MD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 205–J, Bethesda, MD 20892, (301) 827–7085, *zhihong.shan@nih.gov*.

(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 28, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21519 Filed 10–1–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Connectome, Aging, and AD.

Date: October 8, 2021.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anita H. Undale, Ph.D., M.D., Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 827–7428, *anita.undale@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 28, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21467 Filed 10–1–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel: Innate Immunity and Inflammation, October 13, 2021, 09:00 a.m. to October 13, 2021, 08:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on September 10, 2021, FR Doc 2021–19560, 86 FR 50718.

This notice is being amended to change the panel name of the Center for Scientific Review Special Emphasis Panel: Innate Immunity and Inflammation to Innate Immunity and Inflammatory Responses. The meeting is closed to the public.

Dated: September 28, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21454 Filed 10–1–21; 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; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: November 16, 2021.

Time: 1:00 p.m. to 3:00 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 3F30A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Ellen S. Buczko, 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 3F30A, Rockville, MD 20852, (240) 669–5028, *ebuczko1@niaid.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 28, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21538 Filed 10–1–21; 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; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: October 26, 2021.

Time: 11:00 a.m. to 3:00 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 3G45, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Vanitha S. Raman, 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 3G45, Rockville, MD 20852, 301–761–7949, *vanitha.raman@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 28, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–21535 Filed 10–1–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Committee Management; Notice of Federal Advisory Committee meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will hold a virtual meeting on Tuesday, October 19, 2021, and Wednesday, October 20, 2021. The meeting will be open to the public via a Zoom Video Communications link.

DATES: The TMAC will meet on Tuesday, October 19, 2021, and Wednesday, October 20, 2021 from 10 a.m. to 2 p.m. Eastern Time (ET) both days. Please note that the meeting will close early if the TMAC has completed its business.

ADDRESSES: The meeting will be held virtually using the following Zoom Video Communications link (*https://fema.zoomgov.com/j/1607295999*) and password (101460) to share meeting visuals and audio. Audio is also accessible using a Zoom call in number (+1–669–254–5252) along with the Meeting Identification (1607295999) and password (101460). Members of the public who wish to attend the virtual meeting must register in advance by sending an email to *FEMA-TMAC@fema.dhs.gov* (Attention: Brian Koper) by 5 p.m. ET on Thursday, October 14, 2021. For information on services for individuals with disabilities or to request special assistance at the meeting, please contact the person listed below by Thursday, October 14, 2021.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the **SUPPLEMENTARY INFORMATION** caption below. Associated meeting materials will be available at the TMAC website (*https://www.fema.gov/flood-maps/guidance-partners/technical-mapping-advisory-council*) for review by Thursday October 14, 2021. Written comments to be considered by the committee at the time of the meeting must be submitted and received by Thursday October 14, 2021, identified by Docket ID FEMA–2014–0022, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Address the email to *FEMA-TMAC@fema.dhs.gov.* Include the docket number in the subject line of the message. Include name and contact information in the body of the email.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For docket access to read background documents or comments received by the TMAC, go to *http://www.regulations.gov* and search for the Docket ID FEMA–2014–0022.

A public comment period will be held on Tuesday, October 19, 2021 from 11:30 a.m. to 12 p.m. ET and Wednesday, October 20, 2021 from 11:30 a.m. to 12 p.m. ET. The public comment period will not exceed 30 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Thursday October 14, 2021.

FOR FURTHER INFORMATION CONTACT: Brian Koper, Designated Federal Officer for the TMAC, FEMA, 400 C Street SW, Washington, DC 20024, telephone 202–733–7859, and email *brian.koper@fema.dhs.gov.* The TMAC website is: *https://www.fema.gov/flood-maps/guidance-partners/technical-mapping-advisory-council.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. App. (Pub. L. 92–463).

In accordance with the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping activities to State and local mapping partners; and (5) (a) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an annual report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

Agenda: The purpose of this meeting is for the TMAC members to discuss the draft content for the 2021 TMAC report. Any related materials will be posted to the FEMA TMAC site prior to the meeting to provide the public an opportunity to review the materials. The full agenda and related meeting materials will be posted for review by Thursday, October 14, 2021 at *https://www.fema.gov/flood-maps/guidance-partners/technical-mapping-advisory-council.*

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency.

[FR Doc. 2021–21515 Filed 10–1–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6288–N–01]

Notice of Certain Operating Cost Adjustment Factors for 2022

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice establishes operating cost adjustment factors (OCAFs) for project-based assistance contracts issued under Section 8 of the United States Housing Act of 1937 and renewed under the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA) for eligible multifamily housing projects having an anniversary date on or after February 11, 2022. OCAFs are annual factors used to adjust Section 8 rents renewed under section 515 or section 524 of MAHRA.

DATES: Applicability Date: February 11, 2022.

FOR FURTHER INFORMATION CONTACT: Jennifer Lavorel, Director, Office of Asset Management and Portfolio Oversight Program Administration Office, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone number 202–402–4633 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. OCAFs

Section 514(e)(2) and section 524(c)(1) of MAHRA (42 U.S.C. 1437f note) require HUD to establish guidelines for the development of OCAFs for rent adjustments. Sections 524(a)(4)(C)(i), 524(b)(1)(A), and 524(b)(3)(A) of MAHRA, all of which prescribe the use of the OCAF in the calculation of renewal rents, contain similar language. HUD has therefore used a single methodology for establishing OCAFs, which vary among states and territories.

MAHRA gives HUD broad discretion in setting OCAFs, referring, for example, in sections 524(a)(4)(C)(i), 524(b)(1)(A), 524(b)(3)(A), and 524(c)(1), to simply ''an operating cost adjustment factor established by the Secretary.'' The sole limitation to this grant of authority is a specific requirement in each of the foregoing provisions that application of an OCAF ''shall not result in a negative adjustment.'' Contract rents are adjusted by applying the OCAF to that portion of the rent attributable to operating expenses exclusive of debt service.

The OCAFs provided in this notice are applicable to eligible projects having a contract anniversary date of February 11, 2022, or after and were calculated using the same method as those published in HUD's 2021 OCAF notice published on November 27, 2020 (85 FR 76088). Specifically, OCAFs are calculated as the sum of weighted component cost changes for wages, employee benefits, property taxes, insurance, supplies and equipment, fuel oil, electricity, natural gas, and water/sewer/trash, using publicly available indices. The weights used in the OCAF calculations for each of the nine cost component groupings are set using current percentages attributable to each of the nine expense categories. These weights are calculated in the same manner as in the November 27, 2020, notice. Average expense proportions were calculated using three years of audited Annual Financial Statements from projects covered by OCAFs. The expenditure percentages for these nine categories have been found to be very stable over time but using three years of data increases their stability. The nine cost component weights were calculated at the state level, which is the lowest level of geographical aggregation with enough projects to permit statistical analysis. These data were not available for the Western Pacific Islands, so data for Hawaii were used as the best available indicator of OCAFs for these areas.

The best current price data sources for the nine cost categories were used in calculating annual change factors. State-level data for fuel oil, electricity, and natural gas from Department of Energy surveys are relatively current and continue to be used. Data on changes in employee benefits, employee wages, goods/supplies/equipment, insurance, property taxes, and water/sewer/trash costs are available only at the national level. The data sources used for the

selected nine cost indicators are as follows:

• *Electricity:* Energy Information Agency, February 2021 ''Electric Power Monthly'' report, Table 5.6.B. *https://www.eia.gov/electricity/monthly/epm_table_grapher.php?t=epmt_5_06_b.*

• *Employee benefits/employee wages:* First quarter, 2021 Bureau of Labor Statistics (BLS) ECI, Private Industry Wages and Salaries, All Workers (Series ID CIU2020000000000I) at the national level and Private Industry Benefits, All Workers (Series ID CIU2030000000000I) at the national level.

• *Fuel Oil:* October 2020–March 2021 U.S. Weekly Heating Oil and Propane Prices report. Average weekly residential heating oil prices in cents per gallon excluding taxes for the period from October 5, 2020, through the week of March 29, 2021, are compared to the average from October 7, 2019, through the week of March 30, 2020. For the states with insufficient fuel oil consumption to have separate estimates, the relevant regional Petroleum Administration for Defense Districts (PADD) change between these two periods is used; if there is no regional PADD estimate, the U.S. change between these two periods is used. *https://www.eia.gov/dnav/pet/pet_pri_wfr_a_EPD2F_PRS_dpgal_w.htm.*

• *Goods, Supplies, Equipment:* May 2020 to May 2021 Bureau of Labor Statistics (BLS) Consumer Price Index, All Items Less Food, Energy and Shelter (Series ID CUUR0000SA0L12E) at the national level.

• *Insurance:* May 2020 to May 2021 Bureau of Labor Statistic (BLS) Consumer Price Index, Tenants and Household Insurance Index (Series ID CUUR0000SEHD) at the national level.

• *Natural Gas:* Energy Information Agency, Natural Gas, Residential Energy Price, 2019–2020 annual prices in dollars per 1,000 cubic feet at the state level. Due to EIA data quality standards several states were missing data for one or two months in 2020; in these cases, data for these missing months were estimated using data from the surrounding months in 2020 and the relationship between that same month and the surrounding months in 2019. *http://www.eia.gov/dnav/ng/ng_pri_sum_a_EPG0_PRS_DMcf_a.htm.*

• *Property Taxes:* Census Quarterly Summary of State and Local Government Tax Revenue—Table 1: *https://www.census.gov/econ/currentdata/dbsearch?program=QTAX&startYear=2019&endYear=2021&categories=QTAXCAT1&dataType=T01&geoLevel=US&notAdjusted=1&submit=GET+DATA&releaseScheduleId=.* Twelve-month property taxes are computed as the total of four quarters of tax receipts for the period from April through March. Total 12-month taxes are then divided by the number of occupied housing units to arrive at average 12-month tax per housing unit. The number of occupied housing units is taken from U.S. Census Bureau's Current Population Survey/Housing Vacancy Survey (CPS/HVS) housing inventory estimates the estimates, Table 8: *https://www.census.gov/housing/hvs/data/histtab8.xlsx.*

• *Water and Sewer:* May 2020 to May 2021 Consumer Price Index, All Urban Consumers, Water and Sewer and Trash Collection Services (Series ID CUUR0000SEHG) at the national level.

The sum of the nine cost component percentage weights equals 100 percent of operating costs for purposes of OCAF calculations. To calculate the OCAFs, state-level cost component weights developed from AFS data are multiplied by the selected inflation factors. For instance, if wages in Virginia comprised 50 percent of total operating cost expenses and increased by 4 percent from 2020 to 2021, the wage increase component of the Virginia OCAF for 2022 would be 2.0 percent (50% * 4%). This 2.0 percent would then be added to the increases for the other eight expense categories to calculate the 2022 OCAF for Virginia. For states where the calculated OCAF is less than zero, the OCAF is floored at zero. The OCAFs for 2022 are included as an Appendix to this Notice.

II. MAHRA OCAF Procedures

Sections 514 and 515 of MAHRA, as amended, created the Mark-to-Market program to reduce the cost of federal housing assistance, to enhance HUD's administration of such assistance, and to ensure the continued affordability of units in certain multifamily housing projects. Section 524 of MAHRA authorizes renewal of Section 8 project-based assistance contracts for projects without restructuring plans under the Mark-to-Market program, including projects that are not eligible for a restructuring plan and those for which the owner does not request such a plan. Renewals must be at rents not exceeding comparable market rents except for certain projects. As an example, for Section 8 Moderate Rehabilitation projects, other than single room occupancy projects (SROs) under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 *et seq.*), that are eligible for renewal under section 524(b)(3) of MAHRA, the renewal rents are required to be set at the lesser of: (1) The existing rents under the expiring contract, as adjusted by the OCAF; (2) fair market rents (less any amounts allowed for tenant-purchased utilities); or (3) comparable market rents for the market area.

III. Findings and Certifications Environmental Impact

This notice sets forth rate determinations and related external administrative requirements and procedures that do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

IV. Paperwork Reduction Act

This notice does not impact the information collection requirements already submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

V. Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number for this program is 14.195.

Lopa P. Kolluri,

Principal Deputy Assistant, Secretary for Housing.

Appendix

Operating Cost Adjustment Factors for 2022

Alabama	3.1
Alaska	2.5
Arizona	3.0
Arkansas	3.4
California	3.5
Colorado	3.0
Connecticut	2.9
Delaware	3.4
District of Columbia	2.9
Florida	2.9
Georgia	3.1
Hawaii	1.8
Idaho	3.2
Illinois	3.0
Indiana	3.1
Iowa	3.2
Kansas	3.0
Kentucky	3.0
Louisiana	2.8
Maine	2.0
Maryland	3.1
Massachusetts	2.9
Michigan	3.3

Minnesota	3.2
Mississippi	3.1
Missouri	2.8
Montana	3.3
Nebraska	3.2
Nevada	3.1
New Hampshire	2.4
New Jersey	3.0
New Mexico	3.4
New York	2.9
North Carolina	3.2
North Dakota	3.0
Ohio	2.8
Oklahoma	2.8
Oregon	3.2
Pacific Islands	1.8
Pennsylvania	2.8
Puerto Rico	2.9
Rhode Island	2.7
South Carolina	3.0
South Dakota	3.1
Tennessee	3.0
Texas	3.3
Utah	3.3
Vermont	3.0
Virgin Islands	2.6
Virginia	3.2
Washington	3.2
West Virginia	3.3
Wisconsin	3.3
Wyoming	3.1
United States	3.1

[FR Doc. 2021–21511 Filed 10–1–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A501010.999900 253G]

Indian Child Welfare Act; Designated Tribal Agents for Service of Notice

AGENCY: Bureau of Indians Affairs, Interior.

ACTION: Notice.

SUMMARY: The regulations implementing the Indian Child Welfare Act provide that Federally recognized Indian Tribes may designate an agent other than the Tribal Chairman for service of notice of proceedings under the Act. This notice includes the current list of designated Tribal agents for service of notice.

FOR FURTHER INFORMATION CONTACT: Bureau of Indian Affairs, Evangeline M. Campbell, Chief, Division of Human Services, Office of Indian Services, 1849 C Street NW, Mail Stop 3641–MIB, Washington, DC 20240; Phone: (202) 513–7621; Email: *Evangeline.campbell@bia.gov.*

SUPPLEMENTARY INFORMATION: The regulations implementing the Indian Child Welfare Act, 25 U.S.C. 1901 *et seq.,* provide that Federally recognized Tribes may designate an agent other than the Tribal Chairman for service of notice of proceedings under the Act. *See* 25 CFR 23.12. The Secretary of the Interior is required to update and publish in the **Federal Register** as necessary the names and addresses of the designated Tribal agents. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

In any involuntary proceeding in a State court where the court knows or has reason to know that an Indian child is involved, and where the identity and location of the child's parent or Indian custodian or Tribe is known, the party seeking the foster-care placement of, or termination of parental rights to, an Indian child must directly notify the parents, the Indian custodians, and the child's Tribe by registered or certified mail with return receipt requested, of the pending child-custody proceedings and their right of intervention. Copies of these notices must be sent to the appropriate Bureau of Indian Affairs (BIA) Regional Director by registered or certified mail with return receipt requested or by personal delivery. See 25 CFR 23.11. No notices are requir-ed to be sent to the Secretary's office or the BIA Central Office, except for final adoption de-crees. Final adoption decrees are required to be sent to the BIA Central Office in Washington, DC.

If the identity or location of the child's parents, the child's Indian custodian, or the Federally Recognized Tribe(s) in which the Indian child is a member or eligible for membership cannot be ascertained, but there is reason to know the child is an Indian child, notice of the child-custody proceeding must be sent to the appropriate BIA Regional Director (see *www.bia.gov*). See 25 CFR 23.111.

This notice presents, the names and addresses of current designated Tribal agents for service of notice, and includes each designated Tribal agent received by the Secretary of the Interior prior to the date of this publication. Part A, published in this notice, lists designated Tribal agents by BIA Region and alphabetically by Tribe within each of the 12 BIA Regions. Part A is also available electronically at: *https://www.bia.gov/bia/ois.*

In between the BIA's annual **Federal Register** publication the ICWA Designated Agent List, it will also be available on the *IndianAffairs.gov* website, the link is: *https://www.bia.gov/bia/ois/dhs/icwa.*

ICWA Designated agents will be updated every three months on the website link to assist the public.

A. List of Designated Tribal Agents by BIA Region

1. Alaska Region
2. Eastern Region
3. Eastern Oklahoma Region
4. Great Plains Region
5. Midwest Region
6. Navajo Region
7. Northwest Region
8. Pacific Region
9. Rocky Mountain Region
10. Southern Plains Region
11. Southwest Region
12. Western Region

A. List of Designated Tribal Agents by BIA Region

1. Alaska Region

Alaska Regional Director, Bureau of Indian Affairs, Human Services, 3601 C Street, Suite #1200 MC–403, Anchorage, Alaska 99503; Phone: (907) 271–4111; Fax: 907 271–4083.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Agdaagux Tribe of King Cove	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org.*	Aleutian Pribilof Islands Association Inc., 1131 East International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Akiachak Native Community	Sharon Lindley, ICWA Manager, *icwa2@avcp.org.*	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Akiak Native Community	Olinka Jones, ICWA Director	P.O. Box 52127, Akiak, AK 99552	(907) 765–7112	(907) 765–7512
Alatna Village	Miriam A. Titus, Child Protection Program Manager, *akiakicwadept@gmail.com.*	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Algaaciq Native Village (St. Mary's)	Sven Paulkan, Tribal Administrator, *Spaukan187@gmail.com.*	P.O. Box 48, St. Mary's, AK 99658	(907) 438–2932	(907) 438–2227
Allakaket Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org.*	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Alutiiq Tribe of Old Harbor	Alyssa Brenteson, ICWA Worker, *abrenteson@alutiiqtribe.org*.	P.O. Box 62, Old Harbor, AK 99643	(907) 286–2215	(907) 286–2350
Angoon Community Association	Marlene Zuboff, ICWA Worker, *mzuboff.agntribe10@gmail.com*.	P.O. Box 328, Angoon, AK 99820	(907) 788–3411	(907) 788–3412
Anvik Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Arctic Village	Margorie Gemmill, Tribal Administrator, *Margoriegemmillava@gmail.com*.	P.O. Box 22069, Arctic Village, AK 99722.	(907) 587–5523	(907) 587–5128
Asa'carsarmiut Tribe	Darlene Peterson, Director of Social Services & Education I/II, *atcicwa@gic.net*.	P.O. Box 32107, Mountain Village, AK 99632.	(907) 591–2428	(907) 591–2934
Native Village of Atqasuk	Joshua Stein, Director of Social Services, *Joshua.stein@arcticslope.org*.	Arctic Slope Native Association, P.O. Box 2153, Utqiagvik, AK 99723.	(907) 852–9374	(907) 852–2761
Beaver Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Birch Creek Tribe	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Central Council of the Tlingit & Haida Indian Tribes.	Barbara Dude, Family Services Administrator, *icwamail@ccthita-nsn.gov*.	320 West Willoughby Avenue, Ste #300, Juneau, AK 99801.	(907) 463–7169	(907) 885–0032
Chalkyitsik Village	Miriam A. Titus, Child Protection Program Manager, *Miriam.titus@tanachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600 , Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Cheesh-Na Tribe	Agnes Denny, Tribal Administrator, *agnesadenny@gmail.com*.	HC01 Box 217, Gakona, AK 99586	(907) 822–3503	(907) 822–5179
Chevak Native Village	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Chickaloon Native Village	Corrina Atkinson, Health, Education, & Social Services Director/ICWA Program Manager, *caatkins@chickaloon-nsn.gov*.	P.O. Box 1105, Cicchickaloon, AK 99674.	(907) 745–0794	(907) 745–0704
Chignik Bay Tribal Council	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Chignik Lake Village	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Chilkat Indian Village (Klukwan)	Carrie-Ann Durr, ICWA Case Worker, *edurr@chilkat-nsn.gov*.	HC 60 Box 2207, Haines, AK 99827	(907) 767–5505	(907) 767–5408
Chilkoot Indian Association (Haines)	Barbara Dude, Family Services Administrator, *icwamail@ccthita-nsn.gov*.	Central Council of the Tlingit and Haida Indian Tribes, 320 West Willoughby Ave., Ste 300, Juneau, AK 99801.	(907) 463–7169	(907) 885–0032
Chinik Eskimo Community (Golovin)	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Chuloonawick Native Village	Sharon Lindley, ICWA Manager, *SLindley@avep.org*.	P.O. Box 218, Bethel, AK 99559	(907) 543–8691	(907) 543–7644
Circle Native Community	Miriam A. Titus, Child Protection Program Manager, *Miriam.titus@tananchiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Craig Tribal Association	Barbara Dude, Family Services Administrator, *icwamail@ccthita-nsn.gov*.	Central Council of the Tlingit and Haida Indian Tribes, 320 West Willoughby Ave., Ste 300, Juneau, AK 99801.	(907) 463–7169	(907) 885–0032
Curyung Tribal Council	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Douglas Indian Association	Alyssa Cadiente-Laiti Blattner, Family Case Worker, *ablattner@diataku.com*.	811 W 12th Street, Juneau, AK 99801	(907) 364–2916	(907) 364–2917
Egegik Village	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Eklutna Native Village	Dawn Harris, ICWA Worker, *dharris@eklutna.org*.	P.O. Box 670666, Chugiak, AK 99567	(907) 688–6020	(907) 688–6021
Emmonak Village	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Evansville Village (aka Bettles Field)	Miriam A. Titus, Child Protection Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Galena Village (aka Louden Village)	Susie Sam, Tribal Administrator, *susiej.sam@loudentribe.com*.	P.O. Box 244, Galena, AK 99741	(907) 656–1711	(907) 656–2491
Gulkana Village Council	Rachel Stratton Morse, ICWA Worker, *icwa@gulkanacouncil.org*.	P.O. Box 254, Gakona, AK 99586	(907) 822–5363	(907) 822–3976
Healy Lake Village	Miriam A. Titus, Child Protection Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Holy Cross Tribe	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Hoonah Indian Association	Akasha Moulton, Human Development Division Director, *Akasha.Moulton@hiatribe.org*.	P.O. Box 602, Hoonah, AK 99829	(907) 945–3545	(907) 945–3703
Hughes Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Huslia Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Hydaburg Cooperative Association	Margaret Peele, Human Services Director, *human.services.hca@gmail.com*.	P.O. Box 349, Hydaburg, AK 99922	(907) 285–3666	(907) 285–3541
Igiugig Village	Alicia Tinney, ICWA Worker, *alicia.s.zackar@gmail.com*.	P.O. Box 4008, Igiugig, AK 99613	(907) 533–3211	(907) 533–3217
Inupiat Community of the Arctic Slope	Marie H. Ahsoak, Social Services Director, *social@inupiatgov.com*.	P.O. Box 934, Barrow, AK 99723	(907) 852–5923	(907) 852–5924
Iqugmiut Traditional Council	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Ivanof Bay Tribe	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Kaguyak Village	Alyssa Brenteson, Tribal Manager, *kaguyak.tribal.council@gmail.com*.	P.O. Box 5078, Akhiok, AK 99615	(907) 836–2231	—
Kaktovik Village (aka Barter Island)	Joshua Stein, Director of Social Services, *joshua.stein@arcticslope.org*.	Arctic Slope Native Association, P.O. Box 2153, Barrow, AK 99723.	(907) 852–9374	(907) 852–2761
Kasigluk Traditional Elders Council	Lena Keene, ICWA Worker, *kasigluktribalicwa@gmail.com*.	P.O. Box 19, Kasigluk, AK 99609	(907) 477–6418	(907) 477–6412
Kenaitze Indian Tribe	Maria Guerra, Family and Social Services Director, *familyservicesdepartment@kenaitze.org*.	P.O. Box 988, Kenai, AK 99611	(907) 335–7628	(907) 202–8359
Ketchikan Indian Community	Douglas J. Gass, Case Management Supervisor, *dgass@kictribe.org*.	2960 Tongass Avenue, Ketchikan, AK 99901.	(907) 228–9324	(800) 378–0469
King Island Native Community	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
King Salmon Tribe	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Klawock Cooperative Association	Barbara Dude, Family Services Administrator, *icwamail@ccthita.nsn.gov*.	Central Council of the Tlingit and Haida Indian Tribes, 320 West Willoughby Ave, Ste 300, Juneau, AK 99801.	(907) 463–7163	(907) 885–0032
Knik Tribe	Geraldine Nicoli-Ayonayon, ICWA Manager, *gnayonayon@kniktribe.org*.	P.O. Box 871565, Wasilla, AK 99687	(907) 373–7938	(907) 373–2153
Kokhanok Village	Mary Andrew, ICWA Worker, *kokhanokicwa@gmail.com*.	P.O. Box 1007, Kokhanok, AK 99606	(907) 282–2224	(907) 282–2221
Koyukuk Native Village	Miriam A. Titus, Child Protection Program Manager, *Miriam.titus@tananchiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Levelock Village	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.org*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Lime Village	Sharon Lindley, ICWA Manager, *Icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Manley Hot Springs Village	Miriam A. Titus, Child Protection Program Manager, *Miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Manokotak Village	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.org*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
McGrath Native Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Mentasta Traditional Council	Sarah Martin, ICWA Caseworker, *mentasta.icwa@gmail.com*.	P.O. Box 6019, Mentasta Lake, AK 99780.	(907) 291–2319	(907) 291–2305
Metlakatla Indian Community, Annette Island Reserve.	Jacqueline Wilson, Craig White, ICWA Social Worker, Social Services Director, *Jwilsonm4@outlook.com*.	P.O. Box 8, Metlkatla, AK 99926	(907) 886–6914	(907) 886–6913
Naknek Native Village	Linda Halverson, Tribal President, *nnvcpresident@gmail.com*.	P.O. Box 210, Naknek, AK 99633	(907) 246–4210	(907) 246–3563
Native Village of Afognak	Denise Malutin, ICWA Program Manager, *denise@afognak.org*.	115 Mill Bay Road, Kodiak, AK 99615	(907) 486–6357	(907) 486–6529
Native Village of Akhiok	Amanda Holden, ICWA Specialist, *Amanda.holden@kodiakhealthcare.org*.	Kodiak Area Native Association, 3449 Rezanof Drive East, Kodiak, AK 99615.	(907) 952–3628	(907) 486–1329
Native Village of Akutan	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Association Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Native Village of Aleknagik	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Native Village of Ambler	Jackie Hill, Director, *Jackie.hill@maniilaq.org*.	Maniilaq Association Family Services, P.O. Box 256, Kotzebue, AK 99752.	(907) 442–7879	(907) 442–7885
Native Village of Atka	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Association Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Native Village of Barrow Inupiat Traditional Government.	Mary Jane Lang, Executive Director, *maryjane.lang@nvbarrow.net*.	P.O. Box 1130, Barrow, AK 99723	(907) 852–4411	(907) 852–8844
Native Village of Belkofski	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Association Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Native Village of Brevig Mission	Heather Payenna, Children & Family Services Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Native Village of Buckland	Rebecca Hadley, ICWA Coordinator, *icwa@nunachiak.org.*	P.O. Box 67, Buckland, AK 99727	(907) 494–2171	(907) 494–2192
Native Village of Cantwell	Arleen Lenard, ICWA Advocate, *alenard@crnative.org.*	P.O. Box H, Copper Center, AK 99573	(907) 822–5241	(888) 959–2389
Native Village of Chenega (aka Chanega)	Buell Russell, General Manager, *brussell@chenegaira.com.*	3000 C Street, Ste 200, Anchorage, AK 99503.	(907) 230–3036	(907) 569–6939
Native Village of Chignik Lagoon	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com.*	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Native Village of Chitina	Gyna Gordon, ICWA Worker, *ggordonCTIVCicwa@outlook.com.*	P.O. Box 31, Chitina, AK 99566	(907) 823–2215	(907) 823–2285
Native Village of Chuathbaluk (Russian Mission, Kuskokwim).	Sharon Lindley, ICWA Manager, *Icwa2@avcp.org.*	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Council	Rhonda West, Tribal Coordinator	P.O. Box 2050, Nome, AK 99762	(907) 443–4498	(907) 443–5965
Native Village of Deering	Pearl Moto, ICWA Coordinator, *icwa@ipnatchiaq.org.*	P.O. Box 36095, Deering, AK 99736	(907) 363–2229	(907) 363–2195
Native Village of Diomede (aka Inalik)	Heather Payenna, CFS Manager, *hpayenna@kawerak.org.*	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Eagle	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org.*	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Native Village of Eek	Sharon Lindley, ICWA Manager, *icwa2@avcp.org.*	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Ekuk	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com.*	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Native Village of Ekwok	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com.*	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Native Village of Elim	Heather Payenna, CFS Manager, *hpayenna@kawerak.org.*	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Eyak (Cordova)	Linda Powell, ICWA Coordinator, *icwa@eyak-nsn.gov.*	P.O. Box 1388, Cordova, AK 99574	(907) 424–2227	(907) 424–7809
Native Village of False Pass	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org.*	Aleutian Pribilof Islands Assn Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Native Village of Fort Yukon	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org.*	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Native Village of Gakona	Lisa Nicolai, ICWA Worker, *gakonaprojects@gmail.com.*	P.O. Box 102, Gakona, AK 99586	(907) 822–5777	(907) 822–5997
Native Village of Gambell	Heather Payenna, CFS Manager, *hpayenna@kawerak.org.*	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Georgetown	Tribal Administrator, *info@georgetowntc.com.*	5313 Arctic Blvd, Ste 104, Anchorage, AK 99518.	(907) 274–2195	(907) 274–2196
Native Village of Goodnews Bay	Sharon Lindley, ICWA Manager, *icwa2@avcp.org.*	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Hamilton	Sharon Lindley, ICWA Manager, *icwa2@avcp.org.*	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Hooper Bay	Sharon Lindley, ICWA Manager, *icwa2@avcp.org.*	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Kanatak	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com.*	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Native Village of Karluk	Kristeen Reft, ICWA Worker, *programassistant@karluktribal.org.*	P.O. Box 22, Karluk, AK 99608	(907) 241–2238	(907) 241–2213
Native Village of Kiana	Elysa MacKenzie, ICWA Coordinator	P.O. Box 69, Kiana, AK 99749	(907) 475–2226	(907) 475–2266
Native Village of Kipnuk	Sharon Lindley, ICWA Manager, *icwa2@avcp.org.*	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Kivalina	Millie Hawley, Tribal Administrator, *tribeadmin@kivaliniq.org.*	P.O. Box 50051, Kivalina, AK 99750	(907) 645–2153	(907) 645–2193
Native Village of Kluti Kaah (aka Copper Center).	Willard E. Hand, Tribal Administrator, *nvkkgov@klutikaah.com.*	P.O. Box 68, Copper Center, AK 99573	(907) 822–5541	(907) 822–5130
Native Village of Kobuk	Jackie Hill, Director, *jackie.hill@maniilaq.org.*	Maniilaq Association Family Services, P.O. Box 256, Kotzebue, AK 99752.	(907) 442–7879	(907) 442–7885
Native Village of Kongiganak	Janet Otto, ICWA Worker, *Kong.tribe@gmail.com.*	P.O. Box 5069, Kongiganak, AK 99545	(907) 557–5226	(907) 557–5224
Native Village of Kotzebue	Bibianna Scott, Tribal Family Services Director, *bibianna.scott@qira.org.*	P.O. Box 253, Kotzebue, AK 99752	(907) 442–3467	(907) 442–4013
Native Village of Koyuk	Heather Payenna, CFS Manager, *hpayenna@kawerak.org.*	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Kwigillingok	Andrew Beaver, ICWA Program Director, *icwa@kwigtribe.org.*	P.O. Box 90, Kwigillingok, AK 99622	(907) 588–8114	(907) 588–8429
Native Village of Kwinhagak (aka Quinhagak).	Sharon Lindley, ICWA Manager, *icwa2@avcp.org.*	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Larsen Bay	Amanda Holden, ICWA Specialist, *Amanda.holden@kodiakhealthcare.org.*	Kodiak Area Native Association, 3449 Rezanof Drive East, Kodiak, AK 99615.	(907) 942–3628	(907) 486–1329

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Native Village of Marshall (aka Fortuna Ledge).	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Mary's Igloo	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Mekoryuk	Melanie Shavings, ICWA Worker, *melanie.s@mekoryuktc.org*.	P.O. Box 66, Mekoryuk, AK 99630	(907) 827–8827	(907) 827–8133
Native Village of Minto	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	
Native Village of Nanwalek (aka English Bay).	Katrina Berestoff, ICWA Coordinator, *kberestoff@gmail.com*.	P.O. Box 8028, Nanwalek, AK 99603	(907) 281–2284	
Native Village of Napaimute	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Napakiak	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Napaskiak	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Nelson Lagoon	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Assn Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Native Village of Nightmute	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Nikolski	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Assn Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Native Village of Noatak	Jennifer Sage, ICWA Coordinator, *icwa@nautaaq.org*.	P.O. Box 89, Noatak, AK 99761	(907) 485–2030	(907) 485–2137
Native Village of Nuiqsut (aka Nooiksut)	Joshua Stein, Director of Social Services, *Joshua.stein@arcticslope.org*.	Arctic Slope Native Association, P.O. Box 2153, Utqiagvik, AK 99723.	(907) 852–9374	(907) 852–2761
Native Village of Nunam Iqua	Charlene Striling, Community Family Service Specialist III, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 238–3730	(907) 238–3705
Native Village of Nunapitchuk	Tom N. Neck, Tribal Administrator, *tribaladmin@yupik.org*.	P.O. Box 130, Nunapitchuk, AK 99641	(907) 527–5705	(907) 527–5711
Native Village of Ouzinkie	Amanda Holden, ICWA Specialist, *Amanda.holden@kodiakhealthcare.org*.	Kodiak Area Native Association, 3449 Rezanof Drive East, Kodiak, AK 99615.	(907) 942–3628	(907) 486–1329
Native Village of Paimiut	Colleen Timmer, Tribal Administrator, *colleent@nvptc.org*.	P.O. Box 240084, Anchorage, AK 99524	(907) 561–0304	(907) 561–0305
Native Village of Perryville	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Native Village of Pilot Point	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Native Village of Point Hope	Qalayauq Frankson, Family/ICWA Case Worker, *family.caseworker@tikigaq.com*.	P.O. Box 109, Point Hope, AK 99766	(907) 368–3122	(907) 368–2332
Native Village of Point Lay	Marie Ahsoak, Social Services Director, *social@inupiatgov.com*.	Inupiat Community of the Arctic Slope, P.O. Box 934, Barrow, AK 99723.	(907) 852–5923	(907) 852–5924
Native Village of Port Graham	Patrick Norman, Chief & ICWA Worker, *pat@portgraham.org*.	ICWA Program, P.O. Box 5510, Port Graham, AK 99603.	(907) 284–2227	(907) 284–2222
Native Village of Port Heiden	Amber Christensen-Fox, ICWA Worker, *amber@portheidenalaska.com*.	P.O. Box 49007, Port Heiden, AK 99549	(907) 837–2296	(907) 837–2297
Native Village of Port Lions	Willie Nelson, Family Services Coordinator, *familyservices@portlionstribe.org*.	P.O. Box 69, Port Lions, AK 99550	(907) 454–2234	(907) 454–2434
Native Village of Ruby	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Native Village of Saint Michael	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Savoonga	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Scammon Bay	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Selawik	Jackie Hill, Director, *jackie.hill@maniilaq.org*.	Maniilaq Association Family Services, P.O. Box 256, Kotzebue, AK 99752.	(907) 442–7879	(907) 442–7885
Native Village of Shaktoolik	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Shishmaref	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Shungnak	Jackie Hill, Director, *jackie.hill@maniilaq.org*.	Maniilaq Association Family Services, P.O. Box 256, Kotzebue, AK 99752.	(907) 442–7879	(907) 442–7885
Native Village of Stevens	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Native Village of Tanacross	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Native Village of Tanana	Donna May Folger, ICWA Manager, *Tanana.TFYS@gmail.com*.	P.O. Box 130, Tanana, AK 99777	(907) 336–1025	(907) 366–7246
Native Village of Tatitlek	Rami Paulsen, Tribal Administrator, *rpaulsen@tatitlek.com*.	P.O. Box 171, Tatitlek, AK 99677	(907) 325–2311	(907) 325–2289
Native Village of Tazlina	Donna Renard, ICWA Coordinator, *Asst.tazlina@cvinternet.net*.	P.O. Box 87, Glennallen, AK 99588	(907) 822–4375	(907) 822–5865
Native Village of Teller	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of Tetlin	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600 , Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Native Village of Tuntutuliak	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Tununak	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Native Village of Tyonek	Arthur Standifer, Tribal Child Welfare Worker, *tyonekicwa@gmail.com*.	P.O. Box 82009, Tyonek, AK 99682	(907) 583–2209	(907) 583–2219
Native Village of Unalakleet	Christy Schuneman, ICWA Caseworker, *tfc.unk@unkira.org*.	P.O. Box 357, Unalakleet, AK 99684	(907) 624–3622	(907) 624–5104
Native Village of Unga	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Association Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie).	Tribal President	P.O. Box 81080, Venetie, AK 99781	(907) 849–8454	(907) 849–8216
Native Village of Wales	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Native Village of White Mountain	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Nenana Native Association	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
New Koliganek Village Council	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
New Stuyahok Village	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Newhalen Village	Maxine Wassillie, ICWA Worker, *maxinewassillie@newhalentribal.com*.	P.O. Box 207, Iliamna, AK 99606	(907) 571–1410	(907) 571–1537
Newtok Village	Andrew John, Tribal Administrator, *wwt10nnc@gmail.com*.	P.O. Box 5596, Newtok, AK 99559	(907) 237–2202	(907) 237–2210
Nikolai Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Ninilchik Village	Christina Pinnow, ICWA Specialist, *cpinnow@ninilchiktribe-nsn.gov*.	P.O. Box 39444, Ninilchik, AK 99639	(907) 567–3313	(907) 567–3354
Nome Eskimo Community	Lola Tobuk, Family Services Director	561 E 36th Avenue, Ste 102, Anchorage, AK 99503.	(907) 339–8623	(907) 222–2996
Nondalton Village	Fawn Silas, Tribal Administrator	P.O. Box 49, Nondalton, AK 99640	(907) 294–2257	(907) 294–2271
Noorvik Native Community	Jackie Hill, Director, *jackie.hill@maniilaq.org*.	Maniilaq Association Family Svcs, P.O. Box 256, Kotzebue, AK 99752.	(907) 442–7879	(907) 442–7885
Northway Village	Tasha Demit, ICWA Worker, *icwa@aptalaska.net*.	P.O. Box 516, Northway, AK 99764	(907) 778–2311	(907) 778–2220
Nulato Village	Sharon Agnes, Director of Human Services, *Sharon.agnes62@outlook.com*.	P.O. Box 65049, Nulato, AK 99765	(907) 898–2339	(907) 898–2207
Nunakauyarmiut Tribe	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Organized Village of Grayling (aka Holikachuk).	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Organized Village of Kake	Nathalie Austin, Social Services Director, *icwa@kake-nsn.gov*.	P.O. Box 316, Kake, AK 99830	(907) 785–6471	(907) 785–4902
Organized Village of Kasaan	Barbara Dude, Family Services Administrator, *icwamail@ccthita-nsn.gov*.	Central Council of the Tlingit and Haida Indian Tribes, 320 W Willoughby Ave., Ste 300, Juneau, AK 99801.	(907) 463–7169	(907) 885–0032
Organized Village of Kwethluk	Sophie Berlin, ICWA Worker, *sophieberlinovkicwa@gmail.com*.	P.O. Box 130, Kwethluk, AK 99621	(907) 757–6715	(907) 757–6328
Organized Village of Saxman	Barbara Dude, Family Services Administrator, *icwamail@ccthita-nsn.gov*.	Central Council of the Tlingit and Haida Indian Tribes, 320 W Willoughby Ave., Ste 300, Juneau, AK 99801.	(907) 463–7169	(907) 885–0032
Orutsararmiut Traditional Native Council	Marie Dorris, Social Services Director, *mdorris@nativecouncil.org*.	P.O. Box 927, Bethel, AK 99559	(907) 543–2608	(907) 543–2639
Oscarville Traditional Village	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Pauloff Harbor Village	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Assn Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Pedro Bay Village	Verna Kolyaha, Program Services, *vjkolyaha@pedrobay.com*.	P.O. Box 47020, Pedro Bay, AK 99647	(907) 850–2341	(907) 850–2232
Petersburg Indian Association	Kara Wesebaum, ICWA/Social Services, *icwa@piatribal.org*.	P.O. Box 1418, Petersburg, AK 99833	(907) 772–3636	(907) 772–3686
Pilot Station Traditional Village	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Pitka's Point Traditional Council	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Platinum Traditional Village	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–7461	(907) 543–7644
Portage Creek Village (aka Ohgsenakale)	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Qagan Tayagungin Tribe of Sand Point	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Assn Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Qawalangin Tribe of Unalaska	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Assn Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Rampart Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Saint George Island	Amanda McAdoo, Family Services Coordinator, *amandam@apiai.org*.	Aleutian Pribilof Islands Assn Inc., 1131 E International Airport Road, Anchorage, AK 99518.	(907) 276–2700	(907) 222–9735
Saint Paul Island	Sheridan DesGranges, ICWA Worker, *icwa@aleut.com*.	P.O. Box 86, St. Paul Island, AK 99660	(907) 257–2639	(907) 546–3254
Salamatof Tribe	Maria Guerra, Family and Social Services Director, *familyservicesdepartment@kenaitze.org*.	Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611.	(907) 335–7613	(907) 202–8359
Seldovia Village Tribe	Shannon Custer, Youth & Family Services Director, *scuster@svt.org*.	P.O. Drawer L, Seldovia, AK 99663	(907) 234–7898	(907) 234–7865
Shageluk Native Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Sitka Tribe of Alaska	Melonie Boord, Social Services Director, *melonie.boord@sitkatribe-nsn.gov*.	456 Katlian Street, Sitka, AK 99835	(907) 747–7221	(907) 747–4915
Skagway Village	Melissa Alley, ICWA Worker, *melissa@skagwaytraditional.org*.	P.O. Box 1157, Skagway, AK 99840	(907) 983–4068	(907) 983–3068
South Naknek Village	Lorianne Zimin, ICWA Coordinator	2521 E Mountain Village Dr., Ste. B PMB 388, Wasilla, AK 99654.	(907) 631–3648	(907) 631–0949
Stebbins Community Association	Heather Payenna, CFS Manager, *hpayenna@kawerak.org*.	Kawerak Inc. Children & Family Services, P.O. Box 948, Nome, AK 99762.	(907) 443–4261	(907) 443–4601
Sun'aq Tribe of Kodiak	Linda Resoff, Social Services Director, *socialservices@sunaq.org*.	115 Mill Bay Road, Ste 201, Kodiak, AK 99615.	(907) 486–0260	(907) 486–0264
Takotna Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Tangirnaq Native Village	Shelly Peterson, Tribal Administrator, *info@woodyisland.com*.	3449 Rezanof Drive East, Kodiak, AK 99615.	(907) 486–9872	(907) 486–4829
Telida Village	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Traditional Village of Togiak	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Tuluksak Native Community	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Twin Hills Village	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 842–4139	(907) 842–4106
Ugashik Village	Steven Alvarez, Tribal Administrator, *manager@ugashikvillage.com*.	2525 Blueberry Road, Ste 205, Anchorage, AK 99503.	(907) 338–7611	(907) 338–7659
Umkumiut Native Village	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Alakanuk	Charlene Striling, Community Family Service Specialist III, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 219, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Anaktuvuk Pass	Joshua Stein, Director of Social Services, *Joshua.stein@arcticslope.org*.	Arctic Slope Native Association, P.O. Box 2153, Utqiagvik, AK 99723.	(907) 852–9374	(907) 852–2761
Village of Aniak	Mary L. Kvamme, ICWA Coordinator, *mkvamme61@gmail.com*.	P.O. Box 349, Aniak, AK 99556	(907) 675–4349	(907) 675–4513
Village of Atmautluak	Joanne Paul, ICWA Worker, *Icwa617@gmail.com*.	P.O. Box 6568, Atmautluak, AK 99559	(907) 553–5510	(907) 553–5612
Village of Bill Moore's Slough	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Chefornak	Edward Kinegak, ICWA Specialist, *suckaq@gmail.com*.	P.O. Box 110, Chefornak, AK 99561	(907) 867–8808	(907) 867–8711

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Village of Clarks Point	Lou Johnson, Children's Services Division Manager, *ljohnson@bbna.com*.	Bristol Bay Native Association, P.O. Box 310, Dillingham, AK 99576.	(907) 542–4139	(907) 842–4106
Village of Crooked Creek	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Dot Lake	Tracy Charles-Smith or Chance Shank, ICWA Worker, *mwalleri@fairbanksaklaw.com*.	P.O. Box 70494, Fairbanks, AK 99701 ..	(907) 882–2695	(907) 882–5558
Village of Iliamna	Louise Anelon, ICWA Worker, *louise.anelon@iliamnavc.org*.	P.O. Box 286, Iliamna, AK 99606	(907) 571–3532	(907) 571–3539
Village of Kalskag	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Kaltag	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Village of Kotlik	Charlene Striling, Community Family Service Specialist III, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Lower Kalskag	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Ohogamiut	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Red Devil	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Sleetmute	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Solomon	Elizabeth Johnson, *tc.sol@kawerak.org*	P.O. Box 2053, Nome, AK 99762	(907) 443–4985	(907) 443–5189
Village of Stony River	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644
Village of Venetie (See Native Village of Venetie Tribal Government).	Miriam A. Titus, Child Protection Program Manager, *miriam.titus@tananachiefs.org*.	Tanana Chiefs Conference, 122 First Avenue, Ste 600, Fairbanks, AK 99701.	(907) 452–8251	(907) 459–3984
Village of Wainwright	Joshua Stein, Director of Social Services, *Joshua.stein@arcticslope.org*.	Arctic Slope Native Association, P.O. Box 2153, Utqiagvik, AK 99723.	(907) 852–9374	(907) 852–2761
Wrangell Cooperative Association	Barbara Dude, Family Services Administrator, *cwamail@ccthita-nsn.gov*.	Central Council of the Tlingit and Haida Indian Tribes, 320 W Willoughby Ave., Ste 300, Juneau, AK 99801.	(907) 463–7169	(907) 885–0032
Yakutat Tlingit Tribe	Marry Knutsen, ICWA Advocate, *mknutsen@ytttribe.org*.	P.O. Box 418, Yakutat, AK 99689	(907) 784–3268	(907) 784–3595
Yupiit of Andreafski	Sharon Lindley, ICWA Manager, *icwa2@avcp.org*.	Association of Village Council Presidents, P.O. Box 218, Bethel, AK 99559.	(907) 543–8691	(907) 543–7644

2. Eastern Region

Eastern Regional Director, 545 Marriott Drive, Suite #700, Nashville, TN 37214; Phone: (615) 546–6500; Fax: (615) 564—6701.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Aroostook Band of Micmacs	Norma Saulis, ICWA Coordinator, *nsaulis@micmac-nsn.gov*.	7 Northern Road, Presque Isle, ME 04769.	(207) 764–1972	(207) 764–7667
Catawba Indian Nation (previously listed as Catawba Tribe of South Carolina).	Jessica Grant, Program Manager, *Jessica.grant@catabaindian.net*.	Catawba Indian Nation, 996 Avenue of Nations, Rock Hill, SC 29730.	(803) 366–4792	(803) 325–1242
Cayuga Nation	Sharon Leroy, Executor, *sharon.leroy@nsncayuganation-nsn.gov*.	P.O. Box 803, Seneca Falls, NY 13148	(315) 568–0750	(315) 568–0752
Chickahominy Indian Tribe	Martha N. Adkins, ICWA Coordinator	8200 Lott Cary Road, Providence Forge, VA 23140.	(804) 829–2027	.....
Chickahominy Indian Tribe—Eastern Division.	Gene W. Adams, Chief, *doris.austin@cied.org*.	8200 Loft Cary Road, Providence Forge, VA 23140.	(808) 966–7815	.....
Chitimacha Tribe of Louisiana	Karen Matthews, Director of Health and Human Services, *karen@chitimacha.gov*.	P.O. Box 520, Charenton, LA 70523	(337) 923–7000	(337) 923–2475
Coushatta Tribe of Louisiana	Rayne Langley, Social Services Interim Director, *rlangley@coushattatribela.org*.	1984 CC Bel RD, Elton, LA 70532	(337) 584–1433	.....
Eastern Band of Cherokee Indians	Jenny Bean, Family Safety Supervisor, *jennbean@nc-cherokee.com*.	P.O. Box 666, Cherokee, NC 28719	(828) 359–6149	(828) 359–0216
Houlton Band of Maliseet Indians	Lori Jewell, ICWA Coordinator, *ljewell@maliseets.com*.	13–2 Clover Court, Houlton, ME 04730	(207) 532–7260	(207) 532–7287
Jena Band of Choctaw Indians	Mona Maxwell, Social Services Director, *mmaxwell@jenachoctaw.org*.	P.O. Box 14, Jena, LA 71342	(318) 992–0136	(318) 992–4162
Mashantucket Pequot Indian Tribe	Valerie Burgess, Director Child Protective Services, *vburgess@mptn-nsn.gov*.	P.O. Box 3313, Mashantucket, CT 6338	(860) 396–2007	(860) 396–2144

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Mashpee Wampanoag Tribe	Catherine M. Hendrix, ICWA Director, *catherine.hendricks@nwtribe-nsn.gov*.	483 Great Neck Road—South, Mashpee, MA 02639.	(508) 477–0208	(774) 361–6034
Miccosukee Tribe of Indians	Martha Vewga, Director of Social Services, *marthavdg13@gmail.com*.	37790 SW 8 Street, Tumiami Station, Miami, FL 33194.	(305) 223–8380	(305) 894–5232
Mississippi Band of Choctaw Indians	Jessica Martinez, ICWA Coordinator, *icwa@choctaw.org*.	P.O. Box 6258, Choctaw, MS 39350	(601) 656–4507	(601) 656–1357
Mohegan Tribe of Indians of Connecticut	Connie Hilbert, Director of Tribal Member Services.	13 Crow Hill Road, Uncasville, CT 06832.	(860) 862–6253	(860) 862–6324
Monacan Indian Nation	Chief Kenneth Branham, TribalOffice@MonacanNation. com.	P.O. Box 960, Amherst, VA 24521	(434) 946–0389	
Nansemond Indian Tribe	Sam Bass, ICWA Coordinator, *samflyingeagle@yahoo.com*.	1001 Pembroke Lane, Suffolk, VA 23434.		
Narragansett Indian Tribe	Wenonah Harris, Director, Tribal Child Advocate, *Wenonah@nithpo.com*.	P.O. Box 268, Charlestown, RI 02813	(401) 824–9034	(401) 364–1104
Oneida Indian Nation	Kim Jacobs, Nation Clerk, *kjacobs@oneida-nation.org*.	Box 1, Vernon, NY 13476	(315) 829–8337	(315) 366–9231
Onondaga Nation	Cissy Elm, Director	4040 Route 11, 104 W Conklin Ave., Nedrow, NY 13120.	(315) 469–9196	(315) 469–3250
Pamunkey Indian Tribe	Allyn Cook-Swarts, Tribal Administrator, *allyn.cook-swarts@pamunkey.org*.	1054 Pocahontas Trail, King William, VA 23086.	(804) 843–2372	
Passamaquoddy Tribe:	(see below)	(see below)	(see below)	(see below)
—Indian Township	Tracy Dore, Director of Child Welfare, *tracydore@itcwpass.com*.	P.O. Box 301, Princeton, ME 04668	(207) 796–6133	
—Pleasant Point	Frances LaCoute, Social Services Director, *flacoute@wabanaki.com*.	P.O. Box 343, Perry, ME 04667	(207) 853–2600	(207) 853–9618
Penobscot Nation	Michael Ausgustine, Director of Social Services, *Brooke.loring@penobscotnation.org*.	1 Down Street, Indian Island, ME 04468	(207) 817–3461	(207) 817–3166
Poarch Band of Creeks	Synthia K. Thomas, ICWA Director, *sthomas@pci-nsn.gov*.	5811 Jack Springs Road, Atmore, AL 36502.	(251) 368–9136	
Rappahannock Tribe, Inc.	G. Anne Richardson, ICWA Coordinator	5036 Indian Neck Road, Indian Neck, VA 23148.	(804) 796–0260	
Saint Regis Mohawk Tribe	Jean Square, ICWA Program Manager, *icwa@srmt-nsn.gov*.	412 State Route 37, Akwesasne, NY 13365.	(518) 358–2360	(518) 358–9107
Seminole Tribe of Florida	Shamika Beasley, Advocacy Administrator, *shamikabeasley@semtribe.com*.	111 W Coral Way, Hollywood, FL 33024	(954) 965–1338	(954) 985–2339
Seneca Nation of Indians	Sharon Francis, ICWA Coordinator, *sfrancis@senecahealth.org*.	36 Thomas Indian School Drive, Irving, NY 14081.	(716) 532–8223	(716) 945–7881
Shinnecock Indian Nation	Paula Collins, *paulacollins@shinnecock.org*.	P.O. Box 1268, South Hampton, NY 11969.	(631) 287–6476	
Tonawanda Band of Seneca	Darwin Hill, Chief, *tonseneca@aol.com*	Council of Chiefs, 7027 Meadville Road, Basom, NY 14013.	(716) 542–4244	(716) 542–4008
Tunica-Biloxi Indian Tribe	Evelyn Cass, Registered Social Worker, *ecass@tunica.org*.	P.O. Box 493, Marksville, LA 71351	(318) 240–6444	(318) 500–3011
Tuscarora Nation	ICWA Coordinator	2006 Mt. Hope Road, Lewistown, NY 14092.		
Upper Mattaponi Tribe	Wilma Hicks, Assistant Tribal Coordinator, *assistantadmin@umitribe.org*.	13476 King William Rd, King William, VA 23086.	(804) 769–0041	
Wampanoag Tribe of Gay Head (Aquinnah).	Ambika Datta, ICWA Coordinator, *chairwoman@wampanoagtribe.net*.	20 Black Brook Road, Aquinnah, MA 02535.	(508) 645–9265	(508) 645–2755

3. Eastern Oklahoma Region

Eastern Oklahoma Regional Director, 3100 W Peak Blvd., Muskogee, OK 74401; Phone: (918) 781–4608; Fax: (918) 781–4604.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Alabama-Quassarte Tribal Town	Samuel Deere, ICW Director, *sdeere@alabama-quassarete.org*.	P.O. Box 187, Wetumka, OK 74883	(405) 452–3659	(405) 452–3435
Cherokee Nation	Lou Stretch, ICW Director, *lou-stretch@cherokee.org*.	P.O. Box 948, Tahlequah, OK 74465	(918) 458–6900	(918) 458–6146
Delaware Tribe of Indians	Aimee Turner, Department of Family and Children Services, *aturner@delawaretribe.org*.	5100 Tuxedo Blvd., Suite #C, Bartlesville, OK 74006.	(918) 337–6510	(918) 337–6518
Eastern Shawnee Tribe of Oklahoma	Tamara Gibson, Child and Family Services Coordinator, *tgibson@estoo.net*.	10100 S Bluejacket Road Suite #3, Wyandotte, OK 74370.	(918) 666–7710	(888) 971–3908
Kialegee Tribal Town	Sheila Armstrong, ICW Coordinator, *sheila.armstrong@kialegeetribe.net*.	P.O. Box 332, Wetumka, OK 74883	(405) 452–5388	(405) 452–3413
Miami Tribe of Oklahoma	Wanda Stovall, ICW Coodinator	P.O. Box 1326, Miami, OK 74355	(918) 541–1359	(918) 542–6448
Modoc Nation	Regina Shelton, Children & Family Services Specialist, *Regina.shelton@modoctribe.com*.	625 6th SE, Miami, OK 74354	(918) 542–7890	(918) 542–7878
Ottawa Tribe of Oklahoma	Roy A. Ross, Social Services and CPS Director, *rross.oto@gmail.com*.	P.O. Box 110, Miami, OK 74355	(918) 540–1536	(918) 542–3214
Peoria Tribe of Indians of Oklahoma	Tracy Coach, Indian Child Welfare Director, *tcoach@peoriatribe.com*.	P.O. Box 1527, Miami, OK 74355	(918) 540–2535	(918) 540–2538
Quapaw Nation	Mandy Dement, Family Services, *mdement@quapawtribe.com*.	P.O. Box 765, Quapaw, OK 74363	(918) 238–3152	(918) 674–2581
Seneca-Cayuga Nation	Dana Giles, Family Service Manager, *dgiles@sctribe.com*.	23701 South 655, Grove, OK 74344	(918) 786–3508	(918) 787–5521

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Shawnee Tribe	Sean Graham, ICW Representative, *sean@shawnee-tribe.com.*	P.O. Box 189, Miami, OK 74355	(918) 542–7232	
The Chickasaw Nation	Michelle Price, Director, *Michelle.price@chickasaw.net.*	810 Colony Drive, Ada, OK 74820	(580) 272–5550	(580) 272–5553
The Choctaw Nation of Oklahoma	Amanda Robinson, ICW Director, *cfsreferrals@choctawnation.com.*	P.O. Box 1210, Durant, OK 74702	(580) 924–8280	(580) 920–3197
The Muscogee (Creek) Nation	Kimee Wind-Hummingbird, Director of Child and Family Services, *Kwind-hummingbird@mcn-nsn.gov.*	P.O. Box 580, Okmulgee, OK 74447	(918) 732–7859	(918) 732–7855
The Osage Nation	Ladonna Shadlow, Social Services Director, *lshadlow@osagenation-nsn.gov.*	255 Senior Drive, Pawhuska, OK 74056	(918) 287–5243	(918) 287–5231
The Seminole Nation of Oklahoma	Tracy Haney, Director, *Haney.t@sno-nsn.gov.*	P.O. Box 1498, Wewoka, OK 74884	(405) 257–9038	(405) 257–9036
Thlopthlocco Tribal Town	Yvonda Fixico, Social Service Director, *yfixico@tttown.org.*	P.O. Box 188, Okemah, OK 74859	(918) 560–6121	(918) 623–3023
United Keetoowah Band of Cherokee Indians in Oklahoma.	Roxana Wilden, ICW Advocate, *rwilden@ukb-nsn.gov.*	P.O. Box 746, Tahlequah, OK 74465	(918) 871–2839	(918) 431–0152
Wyandotte Nation	Tara Gragg, Social Worker, *tgragg@wyandotte-nation.org.*	64700 E Hwy. 60, Wyandotte, OK 74370	(918) 678–6355	(918) 678–3087

4. Great Plains Region

Great Plains Regional Director, 115 4th Avenue SE, Aberdeen, SD 57401; Phone: (605) 226–7343; Fax: (605) 226–7446.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota.	Diane Garreau, ICWA Program Director, *Dgarreau61@hotmail.com.*	P.O. Box 590, Eagle Butte, SD 57625	(605) 964–6460	(605) 964–6463
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota.	Marlow Medicine Crow, Jr., ICWA Director, *icwaccst@gmail.com.*	P.O. Box 143, Ft Thompson, SD 57339	(605) 245–2581	(605) 245–2401
Flandreau Santee Sioux Tribe of South Dakota.	Jessica Morson, ICWA Administrator, *jessica.morson@fsst.org.*	P.O. Box 283, Flandreau, SD 57028	(605) 997–5055	(605) 997–3694
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota.	Jera Brouse-Koster, Designated Tribal Agent-ICWA, *jerabrouse@lowerbrule.net.*	187 Oyate Circle, Lower Brule, SD 57548.	(605) 473–5561	(605) 473–0119
Oglala Sioux Tribe	David Red Cloud, ICWA Specialist, *DavidRedCloud77@yahoo.com.*	P.O. Box 604, Pine Ridge, SD 57770	(605) 867–5752	(605) 867–5941
Omaha Tribe of Nebraska	Mosiah Harlan, ICWA Director, *mosiah.harlan@omahatribe.com.*	106 S Tallman Street, Walthill, NE 68067.	(402) 837–5331	(402) 837–5362
Ponca Tribe of Nebraska	Lynn Schultz, ICWA Specialist, *lschultz@poncatribe-ne.org.*	1800 Syracuse Avenue, Norfolk, NE 68701.	(402) 371–8834	(402) 371–7564
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota.	Shirley J. Bad Wound, ICWA Specialist, *rsticwa9@gwtc.netrsticwa9@gwtc.net.*	P.O. Box 609, Mission, SD 57555	(605) 856–5270	(605) 856–5268
Santee Sioux Nation, Nebraska	Renae Wolf, ICWA Specialist, *renae.wolf@nebraska.gov.*	P.O. Box 5191, Niobrara, NE 68760	(402) 857–2342	(402) 857–2361
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota.	Evelyn Pilcher, ICWA Director, *evelyn.pilcher@state.sd.us.*	P.O. Box 509, Agency Village, SD 57262.	(605) 698–3992	(605) 698–3999
Spirit Lake Tribe, North Dakota	Marie Martin, ICWA Coordinator, *slticwadir@spiritlakenation.com.*	P.O. Box 356, Fort Totten, ND 58335	(701) 766–4404	(701) 766–4722
Standing Rock Sioux Tribe of North & South Dakota.	Rebecca Greybull, ICWA Coordinator, *rgreybull@standingrock.org.*	P.O. Box 770, Fort Yates, ND 58538	(701) 854–3095	(701) 854–5575
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.	Bobbie Johnson, ICWA Specialist, *bjohnson@mhanation.com.*	404 Frontage Road, New Town, ND 58763.	(701) 627–8199	(701) 627–4225
Turtle Mountain Band of Chippewa Indians of North Dakota.	Marilyn Poitra, ICWA Coordinator, *marilynp@tmcwfs.net.*	P.O. Box 900, Belcourt, ND 58316	(701) 477–5688	(701) 477–5797
Winnebago Tribe of Nebraska	Elexa Mollet, ICWA Specialist, *elexa.mollet@winnebagotribe.com.*	P.O. Box 723, Winnebago, NE 68071	(402) 878–2379	(402) 878–2228
Yankton Sioux Tribe of South Dakota	Melissa Sanchez, ICWA Director, *yst_icwa@outlook.com.*	P.O. Box 1153, Wagner, SD 57380	(605) 384–5712	(605) 384–5014

5. Midwest Region

Midwest Regional Director, 5600 West American Blvd., Suite #500, Norman Pointe II Building, Bloomington, MN 55437; Phone: (612) 725–4500; Fax: (612) 713–4401.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin.	Gina Secord, Abinoojiyag Resource Center Program Manager, *ARCMgr@badriver-nsn.gov.*	P.O. Box 55, Odanah, WI 54861	(715) 682–7135	(715) 682–7887
Bay Mills Indian Community, Michigan	Phyllis Kinney, Tribal Court Administrator, *phyllisk@baymills.org.*	12449 West Lakeshore Drive, Brimley, MI 49715.	(906) 248–3241	(906) 248–8811
Forest County Potawatomi Community, Wisconsin.	Maline Enders, ICWA Supervisor, *maline.enders@fcpotawatomi-nsn.gov.*	5415 Everybody's Road, Crandon, WI 54520.	(715) 478–4812	(715) 478–7442
Grand Traverse Band of Ottawa & Chippewa Indians, Michigan.	Helen Cook, Anishinaabek Family Services Supervisor, *helen.cook@gtbindians.com.*	2605 N West Bayshore Drive, Peshawbestown, MI 49682.	(231) 534–7681	(231) 534–7706

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Hannahville Indian Community, Michigan	Wendy Lanaville, ICWA Worker, *wendy.lanaville@hichealth.org.*	N15019 Hannahville B1 Road, Wilson, MI 49896.	(906) 723–2512	(906) 466–7397
Ho-Chunk Nation of Wisconsin	Valerie Blackdeer, CFS Director, *valerie.blackdeer@ho-chunk.com.*	P.O. Box 40, Black River Falls, WI 54615.	(715) 284–2622	(715) 284–9486
Keweenaw Bay Indian Community, Michigan.	Caitlin Bowers, Director, *cbowers@kbic-nsn.gov.*	16429 Bear Town Road, Baraga, MI 49908.	(906) 353–4201	(906) 353–8171
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin.	Tibissum Rice, Indian Child Welfare Director, *Tibissum.Rice@lco-nsn.gov, Tibissum.Rice@lco-nsn.gov.*	13394 W Trepania Road, Hayward, WI 54843.	(715) 558–7457	(715) 634–2981
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin.	Kristin Allen, ICW Director, *ldficw@ldftribe.com.*	P.O. Box 216, Lac du Flambeau, WI 54538.	(715) 588–4275	(715) 588–3855
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan.	Dee Dee McGeshick, Social Services Director and Marisa Vanzile, *dee.mcgeshick@lvdtribal.com.*	P.O. Box 249, Watersmeet, MI 49969	(906) 358–4940	(906) 358–9920
Little River Band of Ottawa Indians, Michigan.	Shayne Machen, Prosecutor, *shayne_machen@lrboi-nsn.gov.*	3031 Domres Road, Manistee, MI 49660	(231) 398–3384	(231) 398–3387
Little Traverse Bay Bands of Odawa Indians, Michigan.	Heather Boening, Human Services Director, *hboening@ltbbodawa-nsn.gov.*	7500 Odawa Circle, Attn: DHS, Harbor Springs, MI 49740.	(231) 242–1620	(213) 242–1635
Lower Sioux Indian Community in the State of Minnesota.	Lisa Jones, Director, *lisa.jones@lowersioux.com.*	39458 Reservation Highway 1, Morton, MN 56270.	(507) 697–8683	(507) 697–6198
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan.	Dominique Ambriz, ICWA Representative, *Dominique.Ambriz@hhs.glt-nsn.gov.*	2880 Mission Dr., Shelbyville, MI 49344	(269) 397–1760	(269) 397–1763
Menominee Indian Tribe of Wisconsin	Carol Corn, Director of Social Services, *ccorn@mitw.org.*	P.O. Box 520, Keshena, WI 54135	(715) 799–5161	(715) 799–6061
Minnesota Chippewa Tribe—Bois Forte Band (Nett Lake).	Angela Wright, Indian Child Welfare Supervisor, *amwright@boisforte-nsn.gov.*	13071 Nett Lake Road, Ste. #A, Nett Lake, MN 55771.	(218) 757–3295	(218) 757–3335
Minnesota Chippewa Tribe—Fond du Lac Band.	Kevin Dupuis, Chairman, Indian Child Welfare Supervisor, *kevindupuis@fdlrez.com.*	1720 Big Lake Road, Cloquet, MN 55720.	(218) 879–4593	(218) 879–4146
Minnesota Chippewa Tribe—Grand Portage Band.	ICWA Representative, Human Service Director, *humanservices@grandportage.com.*	P.O. Box 428, Grand Portage, MN 55605.	(218) 475–2453	(218) 475–2455
Minnesota Chippewa Tribe—Leech Lake Band.	Dawn Eckdahl, Child Welfare Department Manager, *dawn.eckdahl@llojibwe.net.*	P.O. Box 967, Cass Lake, MN 56633	(218) 335–8270	(218) 335–7234
Minnesota Chippewa Tribe—Mille Lacs Band.	Mishelle Ballinger, Administrative Case Aid, Intake Family Services, *mishelle.ballinger@hhs.millelacsband-nsn.gov.*	18562 Minobimaadizi Loop, Onamia, MN 56359.	(320) 532–7766	(320) 532–4569
Minnesota Chippewa Tribe—White Earth Band.	Laurie York, Program Director, *laurie.york@whiteearth-nsn.gov.*	White Earth Indian Child Welfare, P.O. Box 358, White Earth, MN 56591.	(218) 983–4647	(218) 983–3712
Minnesota Chippewa Tribe, Minnesota	George Goggleye, Human Services Director, *ggoggleye@mnchippewatribe.org.*	P.O. Box 217, Cass Lake, MN 56633	(218) 335–8586	(218) 335–8080
Nottawaseppi Huron Band of the Potawatomi, Michigan.	Meg Fairchild, Social Services Director, *meg.fairchild@nhbp-nsn.gov.*	1485 Mno Bmadzewen Way, Fulton, MI 49052.	(269) 704–8341	(269) 729–5920
Oneida Nation	Jennifer Berg-Hargrove, Family Services Director, *icw@oneidanation.org.*	ATTN: Oneida Family Services, ICW Department, P.O. Box 365, Oneida, WI 54155.	(920) 490–3700	(920) 490–3820
Pokagon Band of Potawatomi Indians, Michigan & Indiana.	Mark Pompey, Social Services Director, *mark.pompey@pokagonband-nsn.gov.*	58620 Sink Road, Dowagiac, MI 49047	(269) 462–4277	(269) 782–4295
Prairie Island Indian Community in the State of Minnesota.	Patricia Aw-Yang, Enrollment Office, *Patricia.Aw-Yang@piic.org.*	5636 Sturgeon Lake Road, Welch, MN 55089.	(651) 385–4126	(651) 385–4180
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin.	Gretchen Morris, Indian Child Welfare Director, *gretchen.morris@redcliff-nsn.gov.*	37820 Community Road, Bayfield, WI 54814.	(715) 779–3785	(715) 779–3783
Red Lake Band of Chippewa Indians, Minnesota.	ICWA Representative, Executive Director—Family & Children Services, *icwa@redlakenation.org.*	P.O. Box 427, Red Lake, MN 56671	(612) 286–8057	
Sac and Fox Tribe of the Mississippi in Iowa.	Brian Walker, ICWA Coordinator, *sww.mfs@meskwaki-nsn.gov.*	P.O. Box 245, Tama, IA 52339	(641) 484–4444	(641) 484–2103
Saginaw Chippewa Indian Tribe of Michigan.	Angela Gonzalez, ICWA & Licensing Supervisor, *agonzalez@sagchip.org.*	7070 East Broadway Road, Mt. Pleasant, MI 48858.	(989) 775–4901	(989) 775–4912
Sault Ste. Marie Tribe of Chippewa Indians, Michigan.	Melissa VanLuven, ICWA Program Director, *ICWA-MIFPA-Contacts@saulttribe.net.*	2218 Shunk Rd., Sault Ste. Marie, MI 49783.	(906) 632–5250	(906) 632–5266
Shakopee Mdewakanton Sioux Community of Minnesota.	Tribal Records, ICWA Contact, *tribalrecords@shakopeedakota.org.*	2330 Sioux Trail NW, Prior Lake, MN 55372.	(952) 496–6101	
Sokaogon Chippewa Community, Wisconsin.	Nick Vanzile, Director Indian Child Welfare, *nick.vanzile@scc-nsn.gov.*	10808 Sokaogon Drive, Crandon, WI 54520.	(715) 478–6437	(715) 478–0692
St. Croix Chippewa Indians of Wisconsin	Elizabeth Lowe, Indian Child Welfare Director, *elizabethl@stcroixojibwe-nsn.gov.*	4404 State Road 70, Webster, WI 54893	(715) 214–2940	
Stockbridge Munsee Community, Wisconsin.	Teresa Juga, ICWA Manager, *teresa.juga@mohican.com.*	Stockbridge Munsee Health and Wellness Center, W12802 County A, Bowler, WI 54416.	(715) 793–4580	(715) 793–1312
Upper Sioux Community, Minnesota	Kathleen Pruess, ICWA Representative, *kathleenp@uppersiouxcommunity.nsn.gov.*	P.O. Box 147, Granite Falls, MN 56241	(320) 564–6318	(320) 564–2550

6. Navajo Region

Navajo Regional Director, Navajo Regional Office, PO Box 1060, Gallup, NM 87305; Phone: (505) 863–8314; Fax: (505) 863–8324.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Navajo Nation, Arizona, New Mexico & Utah.	Crescentia Tso OR Lillian Reed, Principle Social Workers, *crescentiatso@navajo-nsn.gov*.	Navajo Indian Child Welfare Act Program, P.O. Box 1930, Window Rock, AZ 86515.	(928) 928–6806	(928) 871–7667

7. Northwest Region

Northwest Regional Director, 911 NE 11th Avenue, Portland, OR 97232; Phone: (503) 231–6702; Fax (503) 231–2201.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Burns Paiute Tribe	Jim St Martin, ICWA Social Worker	100 Pasigo Street, Burns, OR 97720	(541) 573–8005	(541) 573–2323
Coeur D'Alene Tribe	Charles Henry, ICW Program Manager, *chenry@cdatribe-nsn.gov*.	P.O. Box 408, Plummer, ID 83851	(208) 686–2071	(208) 686–2059
Confederated Salish and Kootenai Tribes of the Flathead Reservation.	Lena Tewawina, ICW Caseworker, *lena.tewawina@cskt.org*.	P.O. Box 278 , Pablo, MT 59821	(406) 675–2700	
Confederated Tribes and Bands of the Yakama Nation.	Jessica Rammelsberg, Assistant Prosecutor, *Jessica_Rammelsberg@yakama.com JessicaRammelsberg@yakama.com*.	P.O. Box 151, Toppenish, WA 98948	(509) 865–5121	(509) 865–8936
Confederated Tribes of Siletz Indians of Oregon.	Arthur Fisher and Cheryl Duprau, Staff Attorney and ICW Manager, *arthurf@ctsi.nsn.us*.	P.O. Box 549, Siletz, OR 97380	(541) 444–8324	(541) 444–2307
Confederated Tribes of the Chehalis Reservation.	Francis Pickernell, Director of Social Services, *fpickernell@chehalistribe.org*.	P.O. Box 536, Oakville, WA 98568	(360) 709–1754	(360) 273–5207
Confederated Tribes of the Colville Reservation.	Buffy Nicholson, Children and Family Services Director, *buffy.nicholson@colvilletribes.com*.	P.O. Box 150, Nespelem, WA 99155	(509) 634–2764	(509) 634–2633
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.	Shayne Platz and Vicki Faciane, Lead ICWA Case Mgr and Director of Family Support & Behavioral Health Services, *splatz@ctclusi.org*.	1245 Fulton Ave, Coos Bay, OR 97420	(541) 297–3450	(541) 304–2180
Confederated Tribes of the Grand Ronde Community of Oregon.	Donna Johnson, ICWA Intake, *donna.johnson@grandronde.org*.	9615 Grand Ronde Road, Grand Ronde, OR 97347.	(503) 879–4529	(503) 879–2142
Confederated Tribes of the Umatilla Indian Reservation.	M. Brent Leonhard, Attorney, *brentleonhard@ctuir.org*.	46411 Timine Way, Pendleton, OR 97801.	(541) 429–7406	
Confederated Tribes of the Warm Springs Reservation of Oregon.	Lisa Lomas and Cecelia Collins, Chief Judge and CPS Director, *lisa.loma@wstribes.org*.	P.O. Box 850, Warm Springs, OR 97761	(541) 553–3278	(541) 553–3281
Coquille Indian Tribe	Roni Jackson, ICWA Caseworker, *ronijackson@coquilletribe.org*.	600 Miluk Drive, P.O. Box 3190, Coos Bay, OR 97420.	(541) 888–9494	(541) 888–0673
Cow Creek Band of Umpqua Tribe of Indians.	Michele Moore, Human Services Director, *mmoore@cowcreek.com*.	2371 NE Stephens Street, Ste. 100, Roseburg, OR 97470.	(541) 643–8241	(541) 677–5565
Cowlitz Indian Tribe	D.J. Personius, ICW Case Manager, *dpersonius.health@cowlitz.org*.	15455 65th Ave. S., Tukwila, WA 98188	(206) 491–9266	(206) 721–6288
Hoh Indian Tribe	Lola Moses, Family Services Manager, *lola.moses@hohtribe-nsn.org*.	P.O. Box 2196, Forks, WA 98331	(360) 374–5037	(360) 374–5426
Jamestown S'Klallam Tribe	Colleen Studinarz, Adminstrative Supervisor Social & Community Services, *cstudinarz@jamestowntribe.org*.	Social and Community Services, 1033 Old Blyn Hwy, Sequim, WA 98382.	(360) 582–5785	(360) 681–3402
Kalispel Indian Community of the Kalispel Reservation.	Shawna Brady, MSW, *sbrady@camashealth.com*.	934 S Garfield Road, Airway Heights, WA 99001.	(509) 789–7630	(509) 789–7675
Klamath Tribes	Lisa Ruiz, Children & Family Service Program Manager, *Lisa.ruiz@klamathtribes.com*.	P.O. Box 436, Chiloquin, OR 97624	(541) 783–2219	(541) 783–7783
Kootenai Tribe of Idaho	Desire Aitken, Treasurer, *desire@kootenai.orgdesire@*kootenai.org.	P.O. Box 1269, Bonners Ferry, ID 83805	(208) 267–3519	(208) 267–2960
Lower Elwha Tribal Community	Rebecca Sampson-Weed, Social Services Director, *elwhaicw@elwha.org*.	3080 Lower Elwha Road, Port Angeles, WA 98363.	(360) 461–7033	(866) 277–3141
Lummi Tribe of the Lummi Reservation	Denise Jefferson, ICWA Manager, *denisej@lummi-nsn.govdenisej@*lummi-nsn.gov.	P.O. Box 1024, Ferndale, WA 98248	(360) 384–2324	(360) 384–2341
Makah Indian Tribe of the Makah Indian Reservation.	Michelle Claplanpoo, Lead ICW Caseworker, *michelle.claplanhoo@makah.com*.	P.O. Box 115, Neah Bay, WA 98357	(360) 645–3044	(360) 645–2685
Muckleshoot Indian Tribe	Alexandria Cruz-James, Director of Human Services, *alex.cruz@muckleshoot.nsn.us*.	39015 172nd Avenue SE, Auburn, WA 98092.	(253) 876–3261	(253) 886–8801
Nez Perce Tribe	Joni Williams, ICW Director, *joniw@nezperce.org*.	P.O. Box 365, Lapwai, ID 83540	(208) 621–4709	(208) 843–9401
Nisqually Indian Tribe	Lorraine Van Brunt, Child and Family Services Manager, *Vanbrunt.lorraine@nisqually-nsn.gov*.	4820 She-Nah-Num Drive SE, Olympia, WA 98513.	(360) 456–5221	(360) 486–9555
Nooksack Indian Tribe	Katrice Rodriguez, Youth & Family Services Director, *krodriguez@nooksack-nsn.gov*.	P.O. Box 157, Deming, WA 98244	(360) 306–5090	(360) 592–0167

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Northwestern Band of the Shoshone Nation.	Patty Timbimboo-Madsen, ICWA Manager, *ptimbimboo@nwbshoshone.com*.	Enrollment Department, 707 North Main, Brigham City, UT 84302.	(435) 734–2286	(435) 723–6320
Port Gamble S'Klallam Tribe	Cheryl Miller, Children and Family Services Director, *cmiller@pgst.nsn.us*.	31912 Little Boston Road NE, Kingston, WA 98346.	(360) 297–9665	(360) 297–9666
Puyallup Tribe of the Puyallup Reservation.	Sandra Cooper and Marriah Betschart, ICW Tribal/State Liaison/ICWA Liaison.	3009 E Portland Avenue, Tacoma, WA 98404.	(253) 405–7544	(253) 680–5998
Quileute Tribe of the Quileute Reservation	Charlene Meneely, ICW Program Manager, *charlene.meneely@quileutetribe.com*.	P.O. Box 279, LaPush, WA 98350	(360) 640–2428	(360) 374–7796
Quinault Indian Nation	Amelia DeLaCruz and Dawnadair Lewis-Raincloud, Social Services Manager and ICW Manager, *icw@quinault.org*.	P.O. Box 189, Taholah, WA 98587	(360) 276–8211	(360) 276–4152
Samish Indian Nation	Caritina Gonzalez, Social Services Director, *cgonzalez@samishtribe.nsn.us*.	Samish Nation Social Services, 715 Seafarer's Way, Ste 103, Anacortes, WA 98221.	(360) 298–6431	(360) 299–4357
Sauk-Suiattle Indian Tribe	April McConnaughy, ICW Family Services Specialist, *icwa@sauk-suiattle.com*.	5318 Chief Brown Lane, Darrington, WA 98241.	(360) 436–2204	
Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation.	Katherine Horne, Director, *khorne@shoalwaterbay-nsn.gov*.	P.O. Box 130, Tokeland, WA 98590	(360) 267–8134	(360) 267–0247
Shoshone-Bannock Tribes of the Fort Hall Reservation.	Brandelle Whitworth, ICWA Designated Agent Office of General Counsel *bwhitworth@sbtribes.com*.	Office of General Counsel, P.O. Box 306, Fort Hall, ID 83203.	(208) 478–3822	(208) 237–9736
Skokomish Indian Tribe	Denese LaClair, Health Director, *dlaclair@skokomish.org*.	100 N Tribal Center Road, Skokomish, WA 98584.	(360) 426–5755	(360) 877–2399
Snoqualmie Indian Tribe	Carlee Gorman, SICW Program Manager, *carlee@snoqualmietribe.us*.	P.O. Box 969, Snoqualmie, WA 98065	(425) 888–6551	(425) 689–1272
Spokane Tribe of the Spokane Reservation.	Ricki Peone, Health & Human Services Director, Tawhnee Colvin, Health & Human Services Assistant Director, *ricki.peone@spokanetribe.com*.	P.O. Box 540, Wellpinit, WA 99040	(509) 258–7502	(509) 258–4480
Squaxin Island Tribe of the Squaxin Island Reservation.	Charlene Abrahamson, Family Service Director, Adirian Albillar, ICW Manager, *cabrahamson@squaxin.us*.	10 SE Squaxin Lane, Shelton, WA 98584–9200.	(360) 432–3914	(360) 427–2652
Stillaguamish Tribe of Indians of Washington.	Candy Hamilton, ICW Director, *icw@stillaguamish.comicw@* stillaguamish.com.	P.O. Box 3782, Arlington, WA 98223	(360) 572–3460	(360) 925–2862
Suquamish Indian Tribe of the Port Madison Reservation.	Nehreen Ayub, Acting Human Services Director, *nayub@suquamish.nsn.us*.	P.O. Box 498, Suquamish, WA 98392	(360) 394–8479	(360) 697–6774
Swinomish Indian Tribal Community	Tracy Parker, Swinomish Family Services Coordinator, *tparker@swinomish.nsn.us*.	17337 Reservation Rd, LaConner, WA 98257.	(360) 466–7222	(360) 466–1632
Tulalip Tribes of Washington	Natasha Fryberg and Jennifer Walls, Manager and Lead ICW Worker, *nfryberg@tulaliptribes-nsn.gov*.	2828 Mission Hill Road, Tulalip, WA 98271.	(360) 716–4059	(360) 716–0750
Upper Skagit Indian Tribe	Felice Keegahn, Indian Child Welfare Coordinator, *felicek@upperskagit.com*.	25944 Community Plaza Way, Sedro Woolley, WA 98284.	(360) 854–7077	(360) 854–7125

8. Pacific Region

Pacific Regional Director, BIA, Federal Building, 2800 Cottage Way, Room W–2820, Sacramento, CA 95825; Phone: (916) 978–6000; Fax: (916) 978–6099.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California.	Jeff Grubbe, Chairman, *jplata@aguacaliente.net*.	5401 Dinah Shore Drive, Palm Springs, CA 92264.	(760) 699–6919	(760) 699–6863
Alturas Indian Rancheria, California	Phillip Del Rosa, *Air530@yahoo.com*	P.O. Box 340, Alturas, CA 96101	(541) 941–2324	(530) 223–4165
Augustine Band of Cahuilla Indians, California.	Heather Haines, Tribal Operations Manager, *hhaines@augustinetribe.com*.	P.O. Box 846, Coachella, CA 92236	(760) 398–4722	(760) 368–4252
Bear River Band of the Rohnerville Rancheria, California.	Josefina Cortez, Chairwoman, *josefinacortez@brb-nsn.gov*.	266 Keisner Rd., Loleta, CA 95551	(707) 502–8731	(707) 875–7229
Berry Creek Rancheria of Maidu Indians of California.	Maria Ramirez, ICWA Director & Tribal Representative, *mramirez@berrycreekrancheria.com*.	5 Tyme Way, Oroville, CA 95966	(530) 534–3859	(530) 534–0343
Big Lagoon Rancheria, California	Virgil Moorehead, Chairperson, *vmoorehead@earthlink.net*.	P.O. Box 3060, Trinidad, CA 95570	(707) 826–2079	(707) 826–0495
Big Pine Paiute Tribe of the Owens Valley	*info@bigpinepaiute.org*	P.O. Box 700, Big Pine, CA 93513	(760) 938–2003	(760) 938–2942
Big Sandy Rancheria of Western Mono Indians of California.	Tamara Hiebert, ICWA Representative, *bsricwa@bsrnation.com*.	P.O. Box 337, Auberry, CA 93602	(559) 374–0066	
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California.	ICWA Representative, *resparza@big-valley.net*.	ICWA, 2726 Mission Rancheria Road, Lakeport, CA 95453.	(707) 263–3924	(707) 533–2941
Bishop Paiute Tribe	Tammy Andrade, ICWA Specialist, *tammy.andrade@bishoppaiute.org*.	50 TuSu Lane, Bishop, CA 93514	(760) 873–7799	(760) 873–3529
Blue Lake Rancheria, California	Claudia Brundin, Chairperson, *lalbright@bluelakerancheria-nsn.gov*.	P.O. Box 428, Blue Lake, CA 95525	(707) 668–5101	(707) 668–4272
Bridgeport Indian Colony	John Glazier, Tribal Chair, *chair@bridgeportindiancolony.com*.	355 Sage Brush Drive, Bridgeport, CA 93517.	(760) 932–7083	(760) 932–7846
Buena Vista Rancheria of Me-Wuk Indians of California.	Christina Pimental, Receptionist, *christina@BuenaVistaTribe.com*.	1418 20th Street, Suite #200, Sacramento, CA 95811.	(916) 491–0011	(916) 491–0012

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Cabazon Band of Mission Indians, California.	Doug Welmas, Chairman, *nmarkwardt@cabazonindians-nsn.gov*.	84–245 Indio Springs Parkway, Indio, CA 92203.	(760) 342–2593	(760) 347–7880
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California.	Yvonne Page, Counselor, *ypage@colusa-nsn.gov*.	3730 Highway 45, Colusa, CA 95932	(530) 458–6571	(530) 458–8061
Cahto Tribe of the Laytonville Rancheria ..	Mary J. Norris, Chairperson, *chairman@cahto.org*.	P.O. Box 1239, Laytonville, CA 95454 ...	(707) 984–6197	(707) 984–6201
Cahuilla Band of Indians	Lisa Mariano, Social Worker, *Socialworker@cahuilla.net*.	52701 Hwy. 371, Anza, CA 92539	(951) 795–8672	(951) 763–2808
California Valley Miwok Tribe, California ..	DOI/Bureau of Indian Affairs	Pacific Regional Office, 2800 Cottage Way, Rm. W–2820, Sacramento, CA 95825.	(916) 978–6000	(916) 978–6099
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California.	Indian Child Social Services Director	4058 Willow Road, Alpine, CA 91901	(619) 445–1188	(619) 659–3144
Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California).	Indian Child Social Services, *counciloffice@barona-nsn.gov*.	1095 Barona Road, Lakeside, CA 92040	(619) 443–6612	(619) 443–0681
Capitan Grande Band of Diegueno Mission Indians of California: Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.	John Christman, Chairman	P.O. Box 908, Alpine, CA 91901	(619) 445–3810	.....
Cedarville Rancheria, California	Richard Lash, Chairperson, *cr.munholand@gmail.com*.	300 West 1st Street, Alturas, CA 96101	(530) 233–3969	(530) 233–4776
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California.	Amy Atkins, Executive Manager, *aatkins@trinidadrancheria.com*.	P.O. Box 630, Trinidad, CA 95570	(707) 677–0211	(707) 677–3921
Chicken Ranch Rancheria of Me-Wuk Indians of California.	Lloyd Mathiesen, Chairman, *chixrnch@mlode.com*.	P.O. Box 1159, Jamestown, CA 95327 ..	(209) 984–9066	(209) 984–5606
Cloverdale Rancheria of Pomo Indians of California.	Patricia Mermosillo, Chairperson	555 S Cloverdale Blvd., Cloverdale, CA 95425.	(707) 894–5775	(707) 894–5727
Cold Springs Rancheria of Mono Indians of California.	Helena Alarcon, Chairperson	P.O. Box 209, Tollhouse, CA 93667	(559) 855–5043	(559) 855–4445
Coyote Valley Band of Pomo Indians of California.	Liz Elgin DeRouen, Executive Director, *liz@icfpp.net*.	2525 Cleveland Ave, Ste. H, Santa Rosa, CA 95403.	(707) 463–2644	(707) 463–8956
Dry Creek Rancheria Band of Pomo Indians, California.	Liz Elgin DeRouen, Executive Director, *liz@icfppp.net*.	2525 Cleveland Avenue, Ste. H, Santa Rosa, CA 95403.	(707) 463–2644	(707) 463–8956
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California.	Augustin Garcia, Chairperson, *a.garcia@elemindiancolony.org*.	P.O. Box 757, Lower Lake, CA 95457 ...	(707) 994–3400	(707) 994–3408
Elk Valley Rancheria, California	Dale Miller, Chairman, *swoods@elk-valley.com*.	2332 Howland Hill Rd, Crescent City, CA 95531.	(707) 464–4680	(707) 464–4519
Enterprise Rancheria of Maidu Indians of California.	Shari Ghalayini, ICWA Representative, *sharig@enterpriserancheria.org*.	2133 Montevista Ave, Oroville, CA 95966.	(530) 532–9214	(530) 532–1768
Ewiiaapaayp Band of Kumeyaay Indians, California.	Indian Child Social Services Director	Southern Indian Health Council, Inc., 4058 Willows Road, Alpine, CA 91901.	(619) 445–1188	(619) 659–3144
Federated Indians of Graton Rancheria, California.	Greg Sarris, Chairman	6400 Redwood Drive, Ste. #300, Rohnert Park, CA 94928.	(707) 566–2288	(707) 566–2291
Fort Bidwell Indian Community of the Fort Bidwell Reservation of California.	Kevin Dean Townsend, Chairman, *liz.zendejas@fbicc.com*.	P.O. Box 129, Fort Bidwell, CA 96112 ...	(530) 279–6310	(530) 279–2233
Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California.	Norman Wilder, Chairperson, *receptionist@fortindependence.com*.	P.O. Box 67, Independence, CA 93526	(760) 878–5160	(760) 878–2311
Greenville Rancheria	Patty Allen, ICWA Coordinator, *pallen@greenvillerancheria.com*.	P.O. Box 279, Greenville, CA 95947	(530) 284–7990	(530) 284–7299
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California.	Ronald Kirk, Chairman, *girrancheria@yahoo.com*.	ICWA, P.O. Box 63, Elk Creek, CA 95939.	(530) 968–5365	(530) 968–5366
Guidiville Rancheria of California	Merlene Sanchez, Tribal Chairperson, *admin@guidiville.net*.	P.O. Box 339, Talmage, CA 95481	(707) 462–3682	(707) 462–9183
Habematolel Pomo of Upper Lake, California.	Sherry Treppa, Chairperson, *aarroyosr@hpultribe-nsn.gov*.	P.O. Box 516, Upper Lake, CA 95485 ...	(707) 275–0737	(707) 275–0757
Hoopa Valley Tribe, California	Ryan Jackson, Chairperson, *hoopa.receptionist@gmail.com*.	P.O. Box 1348, Hoopa, CA 95546	(530) 625–4211	(530) 625–4594
Hopland Band of Pomo Indians, California	Josephine Loomis, ICWA Social Case Manager, *jloomis@hoplandtribe.com*.	3000 Shanel Rd., Hopland, CA 95449 ...	(707) 472–2100	(707) 744–8643
Iipay Nation of Santa Ysabel, California ...	Social Services Director, *lipayinfo@yahoo.com*.	Santa Ysabel Social Services Dept., P.O. Box 701, Santa Ysabel, CA 92070.	(760) 765–1106	(760) 765–0312
Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California.	Social Services Manager, *kkolb@indianhealth.com*.	Indian Health Council, Inc., P.O. Box 406, Pauma Valley, CA 92061.	(760) 749–1410	(760) 749–5518
Ione Band of Miwok Indians of California	Sara A. Dutschke, Chairperson, *info@ionemiwok.net*.	P.O. Box 699, Plymouth, CA 95669	(209) 245–5800	(209) 245–6377
Jackson Band of Miwuk Indians	Adam Dalton, Chairperson, *mmorla@jacksoncasino.com*.	P.O. Box 1090, Jackson, CA 95642	(209) 223–1935	(209) 223–5366
Jamul Indian Village of California	Indian Child Social Services Director	Southern Indian Health Council, Inc., 4058 Willow Rd., Alpine, CA 91901.	(619) 445–1188	(619) 659–3144
Karuk Tribe	Joseph E. Snapp, MSW, LCSW, Karuk Child Welfare Administrator, *joesnapp@karuk.us*.	P.O. Box 1207, Yreka, CA 96097	(530) 841–3141	(503) 841–7107
Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California.	Liz Elgin DeRouen, Executive Director, *liz@icfpp.net*.	2525 Cleveland Avenue, Ste. H, Santa Rosa, CA 95403.	(707) 463–2644	(707) 463–8956

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Kletsel Dehe Band of Wintun Indians	Charlie Wright, Chairperson, *cww281@gmail.com*.	P.O. Box 1630, Williams, CA 95987	(530) 473–3274	(530) 473–3301
Koi Nation of Northern California	Darin Beltran, Chairperson	P.O. Box 3162, Santa Rosa, CA 95402	(707) 575–5586	(707) 575–5506
La Jolla Band of Luiseno Indians, California.	Social Services Manager, *kkolb@indianhealth.com*.	Indian Health Council, Inc., P.O. Box 406, Pauma Valley, CA 92061.	(760) 749–5518	(707) 749–5518
La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California.	Indian Child Social Services Director	Southern Indian Health Council Inc., 4058 Willow Rd., Alpine, CA 91901.	(619) 445–1188	(619) 659–3144
Lone Pine Paiute-Shoshone Tribe	Richard Button & Kathy Brancroft, Chairperson & Enrollment Committee Chairperson, *chair@lppsr.org*.	P.O. Box 747, Lone Pine, CA 93545	(760) 876–1034	(760) 876–4500
Los Coyotes Band of Cahuilla & Cupeno Indians, California.	Social Services Manager, *kkolb@indianhealth.com*.	Indian Health Council, Inc., P.O. Box 406, Pauma Valley, CA 92061.	(760) 749–1410	(760) 749–5518
Lytton Rancheria of California	Liz Elgin DeRouen, Executive Director, *liz@icfpp.net*.	2525 Cleveland Avenue, Ste. H, Santa Rosa, CA 95403.	(707) 463–2644	(707) 463–8956
Manchester Band of Pomo Indians of the Manchester Rancheria, California.	Liz Elgin DeRouen, Executive Director, *liz@icfpp.net*.	2525 Cleveland Avenue, Ste. H, Santa Rosa, CA 95403.	(707) 463–2644	(707) 463–8956
Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California.	Angela Elliott-Santos, Chairperson, *ljbirdsinger@aol.com*.	P.O. Box 1302, Boulevard, CA 91905	(619) 766–4930	(619) 766–4957
Mechoopda Indian Tribe of Chico Rancheria, California.	Dennis Ramirez, Chairman, *mit@mechoopda-nsn.gov*.	125 Mission Ranch Blvd, Chico, CA 95926.	(530) 899–8922	(530) 899–8517
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California.	Social Services Manager, *kkolb@indianhealth.com*.	Indian Health Council, Inc., P.O. Box 406, Pauma Valley, CA 92061.	(760) 749–1410	(760) 749–5518
Middletown Rancheria of Pomo Indians of California.	Marty Comito, ICWA Director, *mcomito@middletownrancheria.com*.	P.O. Box 1035, Middletown, CA 95461	(707) 987–8288	(707) 987–9091
Mooretown Rancheria of Maidu Indians of California.	Benjamin Clark, Chairman, *lwinner@mooretown.org*.	1 Alverda Drive, Oroville, CA 95966	(530) 533–3625	(530) 533–3680
Morongo Band of Mission Indians, California.	Legal Department, *legal@morongo-nsn.gov*.	12700 Pumarra Road, Banning, CA 92220.	(951) 572–6016	(951) 572–6108
Northfork Rancheria of Mono Indians of California.	Elaine Bethel Fink & Tawanish Lavell, Chairperson & ICWA Representative, *nfrancheria@northforkrancheria-nsn.gov*.	P.O. Box 929, North Fork, CA 93643	(559) 877–2461	(559) 877–2467
Pala Band of Mission Indians	Robert Smith, Chairman, *morozco@palatribe.com*.	35008 Pala-Temecula Road—PMB–50, Pala, CA 92059.	(760) 891–3500	(760) 891–3587
Paskenta Band of Nomlaki Indians of California.	Natasha Magana, Tribal Member at Large, *office@paskenta.org*.	P.O. Box 709, Corning, CA 96021	(530) 528–3538	(530) 528–3553
Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California.	Social Services Manager, *kkolb@indianhealth.com*.	Indian Health Council, Inc., P.O. Box 406, Pauma Valley, CA 92061.	(760) 749–1410	(760) 749–5518
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California.	Mark Macarro, Chairman, *cfs@pechanga-nsn.gov*.	P.O. Box 1477, Temecula, CA 92593	(951) 770–6105	(951) 695–1778
Picayune Rancheria of Chukchansi Indians of California.	Orianna C. Walker, ICWA Coordinator, *orianna.walker@chukchansi.net*.	P.O. Box 2146, Oakhurst, CA 93644	(559) 412–5590	(559) 440–6494
Pinoleville Pomo Nation, California	Clayton Freeman, ICWA Coordinator, *clayton@pinoleville-nsn.gov*.	500 B Pinoleville Drive, Ukiah, CA 95482.	(707) 463–1454	(707) 463–6601
Pit River Tribe, California	Percy Tejada, ICWA Coordinator, *icwa@pitrivertribe.org*.	36970 Park Avenue, Burney, CA 96013	(530) 335–5421	(530) 335–3140
Potter Valley Tribe, California	Salvador Rosales, Chairman, *pottervalleytribe@pottervalleytribe.com*.	2251 South State Street, Ukiah, CA 95482.	(707) 462–1213	(707) 462–1240
Quartz Valley Indian Community of the Quartz Valley Reservation of California.	Conrad Croy, ICWA Director, *Conrad.Croy@qvir-nsn.gov*.	13601 Quartz Valley Rd., Fort Jones, CA 96032.	(530) 468–5907	(530) 468–5908
Ramona Band of Cahuilla, California	Joseph Hamilton, Chairman	P.O. Box 391670, Anza, CA 92539	(951) 763–4105	(951) 763–4325
Redding Rancheria, California	Jack Potter, Jr., Chairman, *hopew@redding-rancheria.com*.	2000 Redding Rancheria Road, Redding, CA 96001.	(530) 225–8979	
Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California.	Chris Piekarski, ICWA Coordinator, *icwa@rvrpomo.net*.	3250 Road I, "B" Building, Redwood Valley, CA 95470.	(707) 485–0361	(707) 485–5726
Resighini Rancheria, California	Fawn Murphy, Chairperson, *fawn.murphy@resighinirancheria.com*.	P.O. Box 529, Klamath, CA 95548	(707) 482–2431	(707) 482–3425
Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California.	Social Services Manager, *kkolb@indianhealth.com*.	Indian Health Council, Inc., P.O. Box 406, Pauma Valley, CA 92061.	(760) 749–1410	(760) 749–5518
Robinson Rancheria	Marsha Lee, ICWA Coordinator	P.O. Box 4015, Nice, CA 95464	(707) 900–1456	(707) 275–0235
Round Valley Indian Tribes, Round Valley Reservation, California.	James Russ, President, *president@council.rvit.org*.	77826 Covelo Road, Covelo, CA 95428	(707) 983–6126	(707) 983–6128
San Manuel Band of Mission Indians, California.	Tribal Secretary, *broberson@sanmanual-nsn.gov*.	26569 Community Center Drive, Highland, CA 92346.	(909) 864–8933	(909) 864–0890
San Pasqual Band of Diegueno Mission Indians of California.	Social Services Manager, *kkolb@indianhealth.com*.	Indian Health Council, Inc., P.O. Box 406, Pauma Valley, CA 92061.	(760) 749–1410	(760) 749–5518
Santa Rosa Band of Cahuilla Indians, California.	Steven Estrada, Chairperson, *srtribaloffice@aol.com*.	P.O. Box 391820, Anza, CA 92539	(951) 659–2700	(951) 689–2228
Santa Rosa Indian Community of the Santa Rosa Rancheria, California.	Luz M. Rodrigues (Primary) and Leo Sisco (Secondary), Tribal Social Services Director/Tribal Chairman, *lrodrigues@tachi-yokut-nsn.gov*.	P.O. Box 8, Lemoore, CA 93245	(559) 924–1278	(559) 925–2947
Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.	Caren Romero, ICWA, *info@sybmi.org*	90 Via Juana Lane, Santa Ynez, CA 93460.	(805) 688–7997	(805) 686–9578
Scotts Valley Band of Pomo Indians of California.	Kathy Russ, ICWA Advocate	1005 Parallel Drive, Lakeport, CA 95453	(707) 263–4220	(707) 263–4345

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Sherwood Valley Rancheria of Pomo Indians of California.	Melanie Rafanan and Travis Wright, Tribal Chairperson and ICWA Advocate, *mrafanan@sherwoodband.com*.	190 Sherwood Hill Drive, Willits, CA 95490.	(707) 459–9690	(707) 459–6936
Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California.	Regina Cuellar, Chairwoman, *tribalchairperson@ssband.org*.	P.O. Box 1340, Shingle Springs, CA 95682.	(530) 698–1400	(530) 384–8064
Soboba Band of Luiseno Indians, California.	Alicia Golchuk, Director of Soboba Tribal Family Services, *agolchuk@soboba-nsn.gov*.	Soboba Tribal Family Services Dept., P.O. Box 487, San Jacinto, CA 92581.	(951) 487–0283	(951) 487–1738
Susanville Indian Rancheria, California	Deana M. Bovee, Tribal Chairwoman, *dbovee@sir-nsn.gov*.	745 Joaquin St., Susanville, CA 96130 ..	(530) 257–6264	(530) 257–7986
Sycuan Band of the Kumeyaay Nation	Cody Martinez, Chairman	1 Kwaaypaay Court, El Cajon, CA 92019.	(619) 445–2613	(619) 445–1927
Table Mountain Rancheria	Leanne Walker-Grant, Chairperson	P.O. Box 410, Friant, CA 93626	(559) 822–2587	(559) 822–2693
Tejon Indian Tribe	Octavio Escobedo, Chairperson, *office@tejontribe.net*.	1731 Hasti Acres, Ste. 108, Bakersfield, CA 93309.	(661) 834–8566	(661) 834–8564
Timbisha Shoshone Tribe	Wallace Eddy, ICWA Representative, *icwa@timbisha.com*.	621 West Line Street, Ste. 109, Bishop, CA 93514.	(760) 872–3614	(760) 872–3670
Tolowa Dee-ni' Nation	Dorothy Wait, CFS Director, *dwait@tolowa.com*.	Community & Family Services, 16299 Hwy. 101N, Smith River, CA 95567.	(707) 487–9255	(707) 487–0137
Torres Martinez Desert Cahuilla Indians, California.	Thomas Tortez, Chairman, *thomas.tortez@torresmartinez-nsn.gov*.	P.O. Box 1160, Thermal, CA 92274	(760) 397–0300	(760) 397–8300
Tule River Indian Tribe of the Tule River Reservation, California.	Neil Peyron, Chairman, *Neil.Peyron@tulerivertribe-nsn.gov*.	P.O. Box 589, Porterville, CA 93258	(559) 781–4271	(559) 781–4610
Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.	Diane Carpenter, LMFT, ICWA Representative/Supervisor, Social Services Department, *diana@mewuk.com*.	P.O. Box 699, Tuolumne, CA 95379	(209) 928–5327	(209) 928–1552
Twenty-Nine Palms Band of Mission Indians of California.	Darrel Mike, Spokesman	P.O. Box 2269, Coachella, CA 92236	(760) 863–2444	(760) 863–2449
United Auburn Indian Community of the Auburn Rancheria of California.	Gene Whitehouse, Chairman, *jbeck@auburnrancheria.com*.	10720 Indian Hill Road, Auburn, CA 95603.	(530) 883–2390	(530) 833–2380
Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California.	Shane Salque, Chairman, *shanesalque@hotmail.com*.	25669 Hwy. 6 PMB 1, Benton, CA 93512.	(760) 933–2321	(760) 933–2412
Wilton Rancheria, California	Vanessa Pady, Director, *vpady@wiltonrancheria-nsn.gov*.	ICWA, 9728 Kent Street, Elk Grove, CA 95624.	(916) 683–6000	(916) 683–6015
Wiyot Tribe, California	Theodore Hernandez, Chairperson, *michelle@wiyot.us*.	1000 Wiyot Drive, Loleta, CA 95551	(707) 733–5055	(707) 733–5601
Yocha Dehe Wintun Nation, California	James Kinter, Tribal Council Secretary, *djones@yochadehe-nsn.gov*.	P.O. Box 18, Brooks, CA 95606	(530) 796–3400	(530) 796–2143
Yurok Tribe of the Yurok Reservation, California.	Alita Redner, Child and Family Indian Child Welfare Director, *YurokICWA@yuroktribe.nsn.us*.	P.O. Box 1027, Klamath, CA 95548	(707) 482–1350	(707) 482–1368

9. Rocky Mountain Region

Rocky Mountain Regional Director, 2021 4th Avenue N, Billings, MT 59101; Phone: (406) 247–7943; Fax: (406) 247–7976.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Arapaho Tribe of the Wind River Reservation, Wyoming.	Shelley Mbonu, ICWA Director, *shelley.mbonu@northernarapaho.com*.	P.O. Box 951, Riverton, WY 82501	(307) 335–3957	(307) 463–4182
Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation, Montana.	Ingrid Firemoon, ICWA Coordinator, *ifiremoon@fortpecktribes.net*.	P.O. Box 1027, Poplar, MT 59255	(406) 768–2308	(406) 768–5658
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.	Kathy Calf Boss Ribs, ICWA Coordinator, *kathybossribs@yahoo.com*.	P.O. Box 588, Browning, MT 59417	(406) 338–5171	(406) 338–7726
Chippewa Cree Indians of the Rocky Boy's Reservation, Montana.	Shaneen Raining Bird Hammond, ICWA Case Manager, *icwa@cct.rockyboy.org*.	96 Clinic Road No., Box Elder, MT 59521.	(406) 262–8093	(406) 395–5702
Crow Tribe of Montana	Kerrera Pretty Paint, ICWA Contact, *Kerrera.PrettyPaint@crow-nsn.gov*.	P.O. Box 340, Crow Agency, MT 59022	(406) 679–3066	(406) 702–7981
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming.	Sara Robinson, ICWA Director, *srobinson@easternshoshone.org*.	P.O. Box 538, Fort Washakie, WY 82514.	(307) 332–6591	(307) 332–6593
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.	Myron L. Trottier, ICWA Case Manager, *mtrottier@ftbelknap.org*.	656 Agency Main Street, Harlem, MT 59526.	(406) 353–8328	(406) 353–4634
Little Shell Tribe of Chippewa Indians of Montana.	Gerald Gray	615 Central Ave. West, Great Falls, MT 59404.	(406) 690–9757	.....
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.	Michelle Little Wolf, ICWA Coordinator I, *michelle.littlewolf@cheyennenation.com*.	P.O. Box 128, Lame Deer, MT 59043	(406) 477–4830	(406) 477–8333

10. Southern Plains Region

Southern Plains Regional Director, 1 Mile North, Hwy. 281, Anadarko, OK 73005; Phone: (405) 247–6673 Ext. 217; Fax: (405) 247–5611.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Absentee-Shawnee Tribe of Indians of Oklahoma.	Melissa Hill, ICW Director, *mhill@astribe.com*.	2025 S Gordon Cooper Drive, Shawnee, OK 74801.	(405) 395–4492	(405) 395–4495
Alabama-Coushatta Tribe of Texas	Melissa Celestine, ICW Director, *celestine.melissa@actribe.org*.	571 State Park Road, #56, Livingston, TX 77351.	(936) 563–1253	(936) 563–1254
Apache Tribe of Oklahoma	ICW Director, Apache ICW Worker, *icw@kiowatribe.org*.	P.O. Box 9, Carnegie, OK 73015	(580) 654–6340	
Caddo Nation of Oklahoma	Kalina Youngman, ICW Caseworker, *kalina.youngman@wichitatribe.com*.	P.O. Box 729, Anadarko, OK 73005	(405) 247–8624	
Cheyenne and Arapaho Tribes, Oklahoma	Ephram Kelly, ICW Coordinator, *rfelter@c-a-tribes.org*.	P.O. Box 27, Concho, OK 73022	(405) 422–7557	(405) 422–8249
Citizen Potawatomi Nation, Oklahoma	Ashley May, ICW Director, *amay@potawatomi.org*.	1601 S Gordon Cooper Drive, Shawnee, OK 74801.	(405) 878–4831	(405) 878–4659
Comanche Nation, Oklahoma	Evelyn Mithlo-Turner, ICW Director, *carolm@comanchenation.com*.	P.O. Box 908, Lawton, OK 73502	(580) 280–4751	(580) 280–4751
Delaware Nation, Oklahoma	Cassandra Acuna, ICW Director, *cacuna@delawarenation.com*.	P.O. Box 825, Anadarko, OK 73005	(405) 247–2448	(405) 247–5942
Fort Sill Apache Tribe of Oklahoma	ICWA Coordinator, *brian.wahnee@fortsillapache-nsn.gov*.	43187 U.S. Highway 281, Apache, OK 73006.	(580) 522–2298	(580) 588–3133
Iowa Tribe of Kansas and Nebraska	Native American Family Services Inc	3303 B. Thrasher Rd., White Cloud, KS 66094.	(785) 595–3260	
Iowa Tribe of Oklahoma	Tamera Hudgins, ICW Director, *thudgins@ioesnation.org*.	Rt. 1, Box 721, Perkins, OK 74059	(405) 547–2402	(405) 547–1060
Kaw Nation, Oklahoma	Lebrandia Lamley, ICW Director, *llemley@kawnation.com*.	Drawer 50, Kaw City, OK 74641	(580) 269–2003	(580) 269–2113
Kickapoo Traditional Tribe of Texas	ICWA Director	2212 Rosita Valley Road, Eagle Pass, TX 78852.	(830) 421–6300	
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas.	ICWA	824 111th Dr., Horton, KS 66439	(785) 486–2131	
Kickapoo Tribe of Oklahoma	Nathie Wallace, Indian Child Welfare Director.	P.O. Box 469, McLoud, OK 74851	(405) 964–5426	(405) 964–5431
Kiowa Indian Tribe of Oklahoma	Davetta Geimausaddle, ICW Director, *ICW@kiowatribe.org*.	P.O. Box 369, Carnegie, OK 73015	(580) 654–2439	(580) 654–2363
Otoe-Missouria Tribe of Indians, Oklahoma.	Andrea Kihega, Social Services Director, *akihega@omtribe.org*.	8151 Highway 177, Red Rock, OK 74651.	(580) 723–4466	(580) 723–1016
Pawnee Nation of Oklahoma	Amanda Farren, ICWA Director, *afarren@pawneenation.org*.	P.O. Box 470, Pawnee, OK 74058	(918) 762–3261	(918) 762–6449
Ponca Tribe of Indians of Oklahoma	Stephanie Ruminer, ICW Director, *ptoicw@gmail.com*.	20 White Eagle Drive, Ponca City, OK 74601.	(580) 463–0133	(580) 763–0134
Prairie Band Potawatomi Nation	Julia Alfers, ICW Director	16281 Q Road, Mayetta, KS 66509	(785) 966–8325	(785) 966–8388
Sac and Fox Nation of Missouri in Kansas and Nebraska.	Chasity Davis, ICW Director, *cdavis@sacandfoxcasino.com*.	305 N Main Street, Reserve, KS 66434	(785) 742–4708	(785) 288–1163
Sac and Fox Nation, Oklahoma	Karen Hamilton, ICW Director, *karen.hamilton@sacandfoxnation-nsn.gov*.	215 North Harrison, Box 246, Shawnee, OK 74801.	(918) 968–3526	(405) 395–0858
Tonkawa Tribe of Indians of Oklahoma	Christi Gonzalez, ICW Director, *cgonzalez@tonkwatribe.com*.	P.O. Box 70, Tonkawa, OK 74653	(580) 628–7025	(580) 628–7025
Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.	Joan Williams, ICW Director, *joan.williams@wichitatribe.com*.	P.O. Box 729, Anadarko, OK 73005	(405) 247–8627	(405) 247–3256

11. Southwest Region

Southwest Regional Director, 1001 Indian School Road NW, Albuquerque, NM 87104; Phone: (505) 563–3103; Fax: (505) 563–3101.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Jicarilla Apache Nation, New Mexico	Gina Keeswood, ICWA Specialist, *gkeeswood@jbhd.org*.	P.O. Box 120, Dulce, NM 87528	(575) 759–1712	(575) 759–3757
Kewa Pueblo, New Mexico	Virginia Tenorio & Doris Mina, Family Services Director & ICWA Representative, *vtenorio@kewa-nsn.us*.	P.O. Box 129, Santo Domingo, NM 87052.	(505) 465–0630	(505) 465–2554
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico.	Augusta Williams, ICWA Case Manager, *awilliams@mescaleroapachetribe.com*.	P.O. Box 228, Mescalero, NM 88340	(575) 464–4334	(575) 464–4331
Ohkay Owingeh, New Mexico	Rochelle Thompson, ICWA Manager, *rochelle.thompson@ohkay.org*.	P.O. Box 1187, Ohkay Owingeh, NM 87566.	(575) 852–6108	(505) 692–0333
Pueblo of Acoma, New Mexico	Manfred Failla, Child Welfare Specialist, *MFailla@poamail.org*.	P.O. Box 354, Acoma, NM 87034	(505) 552–5162	(505) 552–0903
Pueblo of Cochiti, New Mexico	Tanya Devon Torres, ICWA Specialist, tanya*torres@pueblodecochiti.org*.	P.O. Box 70, Cochiti Pueblo, NM 87072	(505) 465–3139	(505) 465–3173
Pueblo of Isleta, New Mexico	Caroline Dailey and Jacqueline Yalch, Social Services Director and ICWA Coordinator, *poi05001@isletapueblo.com*.	P.O. Box 1270, Isleta, NM 87022	(505) 869–2772	(505) 869–7575
Pueblo of Jemez, New Mexico	Annette Gachupin, Child Advocate, *agachupin@jemezpueblo.us*.	P.O. Box 340, Jemez Pueblo, NM 87024	(575) 834–7117	(575) 834–7103
Pueblo of Laguna, New Mexico	Marsha Vallo, Social Service Program Manager, *mvallo@pol-nsn.gov*.	Social Services Department, P.O. Box 194, Laguna, NM 87026.	(505) 552–6513	(505) 552–6387
Pueblo of Nambe, New Mexico	Julie Bird, ICWA Manager, *ICWA@nambepueblo.org*.	15A NP 102 West, Santa Fe, NM 87506	(505) 445–4446	(505) 455–4449
Pueblo of Picuris, New Mexico	Deborah Shemayme, ICWA Director, *icwa@picurispueblo.org*.	ICWA, P.O. Box 127, Penasco, NM 87553.	(575) 288–9047	(575) 587–1003

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Pueblo of Pojoaque, New Mexico	Stacie Waters, Foster Care At Risk Family Coordinator ICWA Worker, *swaters@pojoaque.org*.	58 Cities of Gold Rd., Ste. #4, Santa Fe, NM 87506.	(505) 455–0238	(505) 455–0238
Pueblo of San Felipe, New Mexico	Darlene J. Valencia, Family Services Director/ICWA Representative, *dvalencia@sfpueblo.com*.	P.O. Box 4339, San Felipe Pueblo, NM 87001.	(505) 771–9900	(505) 771–9978
Pueblo of San Ildefonso, New Mexico	Darren Stand, Tribal Administrator, *dbstand@sanipueblo.org*.	02 Tunyo Po, Santa Fe, NM 87506	(505) 455–2273	(505) 455–7351
Pueblo of Sandia, New Mexico	Bree Kerr, Tribal Court Administrator, *akerr@sandiapueblo.nsn.us*.	481 Sandia Loop, Bernalillo, NM 87004	(505) 771–5005	(505) 867–7099
Pueblo of Santa Ana, New Mexico	Edward Ackron, Social Services Director, *edward.Ackron@santaana-nsn.gov*.	02 Dove Road, Santa Ana Pueblo, NM 87004.	(505) 771–6765	(505) 771–6537
Pueblo of Santa Clara, New Mexico	Dennis Silva, Director of Social Services, *dsilva@santaclarapueblo.org*.	P.O. Box 580, Espanola, NM 87532	(505) 753–0419	(505) 753–0420
Pueblo of Taos, New Mexico	Ezra Bayles, Director, *ebayles@taospueblo.com*.	P.O. Box 1846, Taos, NM 87571	(575) 758–7824	(575) 758–3346
Pueblo of Tesuque, New Mexico	Donna Quintana, ICWA Coordinator, *donna.quintana@pueblooftesuque.org*.	Box 360T, Route 42, Santa Fe, NM 87506.	(505) 469–0173	(505) 820–7780
Pueblo of Zia, New Mexico	Wiyanna Chavez, Social Services Director, *wiyanna.chavez@ziapueblo.org*.	135 Capital Square Drive, Zia Pueblo, NM 87053.	(505) 401–8142	(505) 867–3308
Ramah Navajo Chapter of the Navajo Nation.	Loretta Martinez, Social Service Director, *lorettamrtnz@yahoo.com*.	Ramah Navajo School Board Inc.—Ramah Navajo Social Service Program, P.O. Box 250, Pinehill, NM 87357.	(505) 775–3221	(505) 775–3520
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado.	Julianne Begay, Social Services Attorney, *jbegay@southemute-nsn.gov*.	P.O. Box 737, Ignacio, CO 81137	(970) 563–0100	(970) 563–4854
Ute Mountain Ute Tribe	Tywana Billie Lopez, UMU Social Services Director, *tbillie@utemountain.org*.	P.O. Box 309, Towaoc, CO 81334	(970) 564–5307	
Ysleta del Sur Pueblo	Leah Lopez, Supervisor, *llopez@ydsp-nsn.gov*.	9314 Juanchido Ln., El Paso, TX 79907	(915) 860–6170	(915) 242–6556
Zuni Tribe of the Zuni Reservation, New Mexico.	Ron Reid, Social Services Director, *ron.reid@ashiwi.org*.	P.O. Box 339, Zuni, NM 87327	(505) 782–7166	(505) 782–7221

12. Western Region

Western Regional Director, 2600 North Central Avenue, Phoenix, AZ 85004; Phone: (602) 379–6600; Fax: (602) 379–4413.

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Ak-Chin Indian Community	Dorissa Garcia, Enrollment Coordinator, *dgarcia@ak-chin.nsn.us*.	42507 West Peters & Nall Road, Maricopa, AZ 85138.	(520) 568–1074	(520) 568–1079
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California.	Dawn McElwain, ICWA Director, *icwa@cit-nsn.gov*.	P.O. Box 1976, Havasu Lake, CA 92363	(760) 858–5426	(760) 858–5400
Cocopah Tribe of Arizona	Rafael D. Morales, Jr., ICWA Worker, *moralesr@cocopah.com*.	14515 South Veterans Dr., Somerton, AZ 85350.	(928) 627–3729	(928) 627–3316
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California.	Rebecca Loudbear, Attorney General, *rloudbear@critdoj.com*.	26600 Mohave Road, Parker, AZ 85344	(928) 669–1271	(928) 669–5675
Confederated Tribes of the Goshute Reservation, Nevada and Utah.	Jeanine Hooper, Social Services/ICWA Director, *jeanine.hooper@ctgr.us*.	HC61 Box 6104, Ibapah, UT 84034	(833) 228–6509	(435) 234–1219
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada.	Debra O'Neil, Social Services Director, *debbie.oneil@ihs.gov*.	P.O. Box 140087, Duckwater, NV 89314	(775) 863–0222	(775) 863–0142
Ely Shoshone Tribe of Nevada	Georgia Valdez, Social Services Worker, *dorda123@yahoo.com*.	250B Heritage Drive, Ely, NV 89301	(775) 289–4133	(775) 289–3237
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon.	Elena Dave, ICWA Advocate, *alenadave83@gmail.com*.	P.O. Box 68, McDermitt, NV 89421	(775) 532–8263	(775) 532–8060
Fort McDowell Yavapai Nation, Arizona	ICWA Coordinator/CPS Worker, ICWA Coordinator/CPS Worker Wassaja Family Services.	P.O. Box 17779, Fountain Hills, AZ 85269.	(480) 789–7990	(480) 837–4809
Fort Mojave Indian Tribe of Arizona, California & Nevada.	Melvin Lewis Sr., Social Services Department Director, *ssdir@ftmojave.com*.	500 Merriman Avenue, Needles, CA 92363.	(928) 346–1550	(928) 346–1552
Gila River Indian Community of the Gila River Indian Reservation, Arizona.	Antoinette Enos, ICWA Case Manager, *antoinette.enos@gric.nsn.gov*.	P.O. Box 427, Sacaton, AZ 85147	(520) 562–3396	(520) 562–3633
Havasupai Tribe of the Havasupai Reservation, Arizona.	Rita Uqualla, ICWA Coordinator, *ruqualla@yahoo.com*.	P.O. Box 10, Supai, AZ 86435	(928) 433–8153	(928) 433–8119
Hopi Tribe of Arizona	Lorene Vicente, ICWA Coordinator, *LVicente@hopi.nsn.us*.	P.O. Box 123, Kykotsmovi, AZ 86039	(928) 734–3392	(928) 734–1158
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona.	Idella Keluche, ICWA Worker, *ikeluche@hualapai-nsn.gov*.	P.O. Box 480, Peach Springs, AZ 86434	(928) 769–2269/2383/2384/2397	(928) 769–2659
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona.	Jennie K. Kalauli, Social Services Director, *ikeluche@hualapai-nsn.gov*.	HC 65 Box 2, Fredonia, AZ 86022	(928) 643–8320	(888) 822–3777
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada.	Travis Parashonts, Director of LVPT HHS.	1257 Paiute Circle, Las Vegas, NV 89106.	(702) 382–0784	(702) 384–5272
Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada.	Maribel Morales, ICWA Case Worker, *icwa@lovelocktribe.com*.	P.O. Box 878, Lovelock, NV 89419	(775) 273–7861	(775) 273–3802

Tribe	ICWA POC	Mailing address	Telephone No.	Fax No.
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada.	Laura Watters-Parry, Chairman, *chair.mbop@moapabandofpaiutes.org.*	P.O. Box 304, Moapa, NV 89025	(702) 865–2787	(702) 864–2875
Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes).	Tracie Lund, Family Services Manager, *tlund@fourpointshealth.org.*	440 North Paiute Drive, Cedar City, UT 84721.	(435) 586–1112	(435) 238–4262
Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada.	Jennifer Pishion, ICWA Representative, *yfsmanager@fpst.org.*	1007 Rio Vista Drive, Fallon, NV 89406	(775) 423–1215	(775) 423–8960
Pascua Yaqui Tribe of Arizona	Tamara Walters, Assistant Attorney General, *tamara.walters@pascuayaqui-nsn.gov.*	Office of the Attorney General, 7777 S Camino Huivism—Bldg. C, Tucson, AZ 85757.	(520) 883–5108	(520) 883–5084
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.	Christine McKamey, Social Services Director, *cmckamey@plpt-nsn.us.*	P.O. Box 256, Nixon, NV 89424	(775) 574–1047	(775) 574–1052
Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona.	Cody I. Hartt, ICWA Specialist, *icwaspecialist@quechantribe.com.*	P.O. Box 1899, Yuma, AZ 85366	(760) 572–0201	(760) 572–2099
Reno-Sparks Indian Colony, Nevada	Carrie Brown, Human Services Manager, *cbrown@rsic.org.*	405 Golden Lane, Reno, NV 89502	(775) 329–5071	(775) 785–8758
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.	Allison Miller, ICWA Manager, *Allison.Miller@srpmic-nsn.gov.*	SRPMIC Social Services/ICWA Unit, 10,005 East Osborn Road, Scottsdale, AZ 85256.	(480) 362–7533	(480) 362–5574
San Carlos Apache Tribe of the San Carlos Reservation, Arizona.	Aaron Begay, ICWA Coordinator, *nantaan@tss.scat-nsn.gov.*	P.O. Box 0, San Carlos, AZ 85550	(928) 475–2313	(928) 475–2342
San Juan Southern Paiute Tribe of Arizona.	Mary Lou Boone, Enrollment Officer, *m.boone@sanjuanpaiute-nsn.gov.*	P.O. Box 2950, Tuba City, AZ 86045	(928) 212–9794	(928) 233–8948
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada.	Roberta Hanchor, Social Worker, *hanchor.roberta@shopai.org.*	P.O. Box 219, Owyhee, NV 89832	(775) 757–2921	(775) 757–2910
Skull Valley Band of Goshute Indians of Utah.	Candace Bear, Chairperson	407 Skull Valley Road, Skull Valley, UT 84029.	(435) 830–4526	
Summit Lake Paiute Tribe of Nevada	Randi Lone Eagle, Chairwoman, *randi.loneeagle@summitlaketribe.org.*	1001 Rock Boulevard, Sparks, NV 89431.	(775) 827–9670	(775) 827–9678
Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band; and, Wells Band).	Battle Mountain Band, Tammy Carrera, Social Services Director, *bmbssd2018@outlook.com.*	37 Mountain View Drive, Battle Mountain, NV 89820.	(775) 635–2004	(775) 635–8528
	South Fork Band, Amanda Gettings, Tribal Social Worker/ICWA Coordinator, *sftribalservices@gmail.com.*	21 Lee, B–13, Spring Creek, NV 89815	(775) 744–4273	(775) 744–4523
	Elko Band, Marlene Dick, Social Worker, *ssworker@elkoband.org.*	1745 Silver Eagle Drive, Elko, NV 89801	(775) 738–9310	(775) 778–3397
	Wells Band, Heather N. Martinez, Social Services Director, *wellsbandssicwa@gmail.com.*	P.O. Box 809, Wells, NV 89835	(775) 345–3045	(775) 752–2179
Tohono O'odham Nation of Arizona	Joshua Rees, Attorney General, *joshua.rees@tonation-nsn.gov.*	P.O. Box 830, Sells, AZ 85634	(520) 383–3410	(520) 383–2689
Tonto Apache Tribe of Arizona	Lisa Belonga, Social Services Director, *lbelonga@tontoapache.org.*	#30 Tonto Apache Reservation, Payson, AZ 85541.	(928) 474–5000	
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah.	Ramalda Guzman, Assistant Director, *ramadlag@utetribe.com.*	P.O. Box 190, Fort Duchesne, UT 84052	(435) 722–5141	(435) 722–5072
Walker River Paiute Tribe of the Walker River Reservation, Nevada.	Elliott Aguilar, ICWA Specialist, *eaguilar@wrpt.org.*	Social Services Department, P.O. Box 146, Schurz, NV 89427.	(775) 773–2058	(775) 773–2096
Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches).	Stacy L. Stahl, Social Services Director, *Stacy.Stahl@washoetribe.us.*	919 U.S. Highway 395 North, Gardnerville, NV 89410.	(775) 265–8691	(775) 265–4593
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.	Cora Hinton, ICWA Representative/CPS Supervisor, *chinton@wmat.us.*	P.O. Box 1870, Whiteriver, AZ 85941	(928) 338–4164	(928) 338–1469
Winnemucca Indian Colony of Nevada	Judy Rojo, Chairperson, *admin.wic@winnemuccaindiancolony.org.*	595 Humboldt Street, Reno, NV 89509	(775) 329–5800	(775) 329–5819
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona.	Melissa Stevens, ICWA Coordinator, *mstevens@yan-tribe.org.*	2400 West Datsi Street, Camp Verde, AZ 86322.	(928) 649–7108	(928) 567–6832
Yavapai-Prescott Indian Tribe	Tasha Salters, Family Support Supervisor, *tsalters@ypit.com.*	530 East Merritt, Prescott, AZ 86301	(928) 515–7351	(928) 541–7945
Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch, Nevada.	Nathaniel Landa, Human Services Director, *nlanda@ypt-nsn.gov.*	171 Campbell Lane, Yerington, NV 89447.	(775) 783–0200	(775) 463–5919
Yomba Shoshone Tribe of the Yomba Reservation, Nevada.	Belinda Hooper, Social Services Eligibility Worker, *socialservices@yombatribe.org.*	HC 61 Box 6275, Austin, NV 89310	(775) 964–6020	

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2021–21464 Filed 10–1–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2021–0005]

Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Final notice of sale.

SUMMARY: On Wednesday, November 17, 2021, the Bureau of Ocean Energy Management (BOEM) will open and publicly announce bids received for blocks offered in the Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Oil and Gas Lease Sale 257 (GOM Lease Sale 257), in accordance with the provisions of the Outer Continental Shelf Lands Act (OCSLA), as amended, and the implementing regulations issued pursuant thereto. The GOM Lease Sale 257 Final Notice of Sale (NOS) package contains information essential to potential bidders and consists of the Final NOS, Information to Lessees, and Lease Stipulations.

DATES: BOEM will hold GOM Lease Sale 257 at 9:00 a.m. on Wednesday, November 17, 2021. All times referred to in this document are Central time, unless otherwise specified.

Bid submission deadline: BOEM must receive all sealed bids prior to the Bid Submission Deadline of 10:00 a.m. on Tuesday, November 16, 2021, the day before the lease sale. For more information on bid submission, see Section VII, ''Bidding Instructions,'' of this document.

ADDRESSES: Bids will be accepted by MAIL ONLY through any parcel delivery service (*e.g.,* FedEx, UPS, USPS, DHL), prior to the bid submission deadline, at 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123 (see section VII. Bidding Instructions). Bids will not be accepted in person or by email for any reason. Public bid reading for GOM Lease Sale 257 will be held at 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, but the venue will not be open to the general public, media, or industry during bid opening or reading. Bid opening will be available for public viewing on BOEM's website at *http://www.boem.gov/Sale-257* via live-streaming video beginning at 9:00 a.m. on the date of the sale. The results will be posted on BOEM's website upon completion of bid opening and reading. Interested parties can download the Final NOS package from BOEM's website at *http://www.boem.gov/Sale-257.* Copies of the sale maps can be obtained by contacting the BOEM GOM Region: Gulf of Mexico Region Public Information Office, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF.

FOR FURTHER INFORMATION CONTACT: The New Orleans Office Lease Sale Coordinators at *BOEMGOMRLeaseSales@boem.gov,* 504–736–7502 or Gregory Purvis, 504–736–1729.

Authority: This notice of sale is published pursuant to 43 U.S.C. 1331 *et seq.* (Outer Continental Shelf Lands Act, as amended) and 30 CFR 556.308(a)).

SUPPLEMENTARY INFORMATION:

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I. Lease Sale Area
II. Statutes and Regulations
III. Lease and Fiscal Terms
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IX. Forms
X. The Lease Sale
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I. Lease Sale Area

Blocks Offered for Leasing: BOEM will offer for bid in this lease sale all the available unleased acreage in the GOM, except those blocks listed below in ''Blocks Not Offered for Leasing.''

Blocks Not Offered for Leasing: The following whole and partial blocks are not offered for lease in this sale.[1]

• Whole and Partial Blocks within the Flower Garden Banks National Marine Sanctuary (East and West Flower Garden Banks and the Stetson Bank as of the July 2008 *Memorandum on Withdrawal of Certain Areas of U.S. OCS from Leasing Disposition*):

Area	OCS block
High Island, East Addition, South Extension (Leasing Map TX7C).	Whole Block: A–398. Partial Blocks: A–366, A–367, A–374, A–375, A–383, A–384, A–385, A–388, A–389, A–397, A–399, A–401.
High Island, South Addition (Leasing Map TX7B).	Partial Blocks: A–502, A–513.
Garden Banks (OPD NG 15–02)	Partial Blocks: 134, 135.

• Blocks that are adjacent to or beyond the United States Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap:

Area	OCS block
Lund South (OPD NG 16–07)	Whole Blocks: 128, 129, 169 through 173, 208 through 217, 248 through 261, 293 through 305, and 349.
Henderson (OPD NG 16–05)	Whole Blocks: 466, 508 through 510, 551 through 554, 594 through 599, 637 through 643, 679 through 687, 722 through 731, 764 through 775, 807 through 819, 849 through 862, 891 through 905, 933 through 949, and 975 through 992. Partial Blocks: 335, 379, 423, 467, 511, 555, 556, 600, 644, 688, 732, 776, 777, 820, 821, 863, 864, 906, 907, 950, 993, and 994.
Florida Plain (OPD NG 16–08)	Whole Blocks: 5 through 24, 46 through 67, 89 through 110, 133 through 154, 177 through 197, 221 through 240, 265 through 283, 309 through 327, and 363 through 370.

• All whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of 2006, Public Law 109–432:

[1] The BOEM Official Protraction Diagrams (OPDs) and Supplemental Official Block Diagrams are available online at *https://www.boem.gov/Maps-and-GIS-Data/.*

Area	OCS block
Pensacola (OPD NH 16–05)	Whole Blocks: 751 through 754, 793 through 798, 837 through 842, 881 through 886, 925 through 930, and 969 through 975.
Destin Dome (OPD NH 16–08)	Whole Blocks: 1 through 7, 45 through 51, 89 through 96, 133 through 140, 177 through 184, 221 through 228, 265 through 273, 309 through 317, 353 through 361, 397 through 405, 441 through 450, 485 through 494, 529 through 538, 573 through 582, 617 through 627, 661 through 671, 705 through 715, 749 through 759, 793 through 804, 837 through 848, 881 through 892, 925 through 936, and 969 through 981.
DeSoto Canyon (OPD NH 16–11) ..	Whole Blocks: 1 through 15, 45 through 59, and 92 through 102. Partial Blocks: 16, 60, 61, 89 through 91, 103 through 105, and 135 through 147.
Henderson (OPD NG 16–05)	Partial Blocks: 114, 158, 202, 246, 290, 334, 335, 378, 379, 422, and 423.

• Depth-restricted, segregated block portion(s):

Block 299, Main Pass Area, South and East Addition (as shown on Louisiana Leasing Map LA10A), containing 1,125 acres from the surface of the earth down to a subsea depth of 1,900 feet with respect to the following described portions:
SW¼NE¼; NW¼SE¼NE¼; W½NE¼SE¼NE¼; S½S½NW¼NE¼; S½SW¼NE¼NE¼; S½SW¼SE¼NE¼NE¼; N½SW¼SE¼ NE¼; SW¼SW¼SE¼NE¼; NW¼SE¼ SE¼ NE¼; N½NW¼SW¼SE¼SE¼ NE¼; N½SE¼SW¼SE¼NE¼; N½S½SE¼SW¼SE¼NE¼; S½NE¼ NW¼; S½S½N½NE¼NW¼; N½SE¼NW¼; S½SE¼NW¼NW¼; NE¼SE¼ NW¼NW¼; E½NE¼SW¼NW¼; N½SE¼SE¼NW¼; NE¼SW¼SE¼ NW¼; N½NW¼SW¼SE¼NW¼; SE¼SE¼SE¼ NW¼; E½SW¼SE¼SE¼NW¼; N½NW¼NE¼SW¼NW¼; N½S½NW¼NE¼SW¼NW¼; N½N½NE¼NE¼NE¼SW¼; N½N½N½NW¼NW¼SE¼; N½N½NW¼NE¼NW¼SE¼.

• The following whole or partial blocks, whose lease status is currently under appeal:

Area	OCS block
Vermillion Area (Leasing Map LA3).	Partial Block 179.
Atwater Valley (OPD NG16–01).	63.

• Whole or partial blocks that have received bids in previous sales, where the bidder has sought reconsideration of BOEM's rejection of the bid are not offered in this sale, unless the reconsideration request is fully resolved at least 30 days prior to publication of the Final NOS.

The list of blocks available can be found on BOEM's web page at *http://www.boem.gov/sale-257* under the Final NOS tab.

II. Statutes and Regulations

Each lease is issued pursuant to OCSLA, 43 U.S.C. 1331 *et seq.,* as amended, and 30 CFR part 556, and is subject to OCSLA, implementing regulations promulgated pursuant thereto, and other applicable statutes and regulations in existence upon the effective date of the lease, as well as those applicable statutes enacted and regulations promulgated thereafter, except to the extent that the after-enacted statutes and regulations explicitly conflict with an express provision of the lease. Each lease is also subject to amendments to statutes and regulations, including but not limited to OCSLA, that do not explicitly conflict with an express provision of the lease. The lessee expressly bears the risk that such new or amended statutes and regulations (*i.e.,* those that do not explicitly conflict with an express provision of the lease) may increase or decrease the lessee's obligations under the lease. BOEM reserves the right to reject any and all bids received, regardless of the amount offered (see 30 CFR 556.516).

III. Lease Terms and Economic Conditions

Lease Terms

OCS Lease Form

BOEM will use Form BOEM–2005 (February 2017) to convey leases resulting from this sale. This lease form can be viewed on BOEM's website at *http://www.boem.gov/BOEM-2005.* The lease form will be amended to include specific terms, conditions, and stipulations applicable to the individual lease. The terms, conditions, and stipulations applicable to this sale are set forth below.

Primary Term

Primary Terms are summarized in the following table:

Water depth (meters)	Primary term
0 to <400	The primary term is 5 years; the lessee may earn an additional 3 years (*i.e.,* for an 8-year extended primary term) if a well is spudded targeting hydrocarbons below 25,000 feet True Vertical Depth Subsea (TVDSS) during the first 5 years of the lease.
400 to <800	The primary term is 5 years; the lessee will earn an additional 3 years (*i.e.,* for an 8-year extended primary term) if a well is spudded during the first 5 years of the lease.
800+	10 years.

(1) The primary term for a lease in water depths less than 400 meters issued as a result of this sale is 5 years. If the lessee spuds a well targeting hydrocarbons below 25,000 feet TVDSS within the first 5 years of the lease, then the lessee may earn an additional 3 years, resulting in an 8-year primary term. The lessee will earn the 8-year primary term when the well is drilled to a target below 25,000 feet TVDSS, or the lessee may earn the 8-year primary term in cases where the well targets, but does not reach, a depth below 25,000 feet TVDSS due to mechanical or safety reasons, and where the lessee provides sufficient evidence that it did not reach that target for reasons beyond the lessee's control. To earn the 8-year primary term, the lessee is required to submit a letter to the BOEM GOM Regional Supervisor, Office of Leasing and Plans, as soon as practicable, but no more than 30 days after completion of the drilling operation, providing the well number, spud date, information demonstrating a target below 25,000 feet

TVDSS and whether that target was reached, and if applicable, any safety, mechanical, or other problems encountered that prevented the well from reaching a depth below 25,000 feet TVDSS. This letter must request confirmation that the lessee earned the 8-year primary term. The BOEM GOM Regional Supervisor for Leasing and Plans will confirm in writing, within 30 days of receiving the lessee's letter, whether the lessee has earned the extended primary term and accordingly update BOEM's records. The extended primary term is not effective unless and until the lessee receives confirmation from BOEM. A lessee that has earned the 8-year primary term by spudding a well with a hydrocarbon target below 25,000 feet TVDSS during the standard 5-year primary term of the lease will not be granted a suspension for that same period under the regulations at 30 CFR 250.175 because the lease is not at risk of expiring.

(2) The primary term for a lease in water depths ranging from 400 to less than 800 meters issued as a result of this sale is 5 years. If the lessee spuds a well within the 5-year primary term of the lease, the lessee will earn an additional 3 years, resulting in an 8-year primary term. To earn the 8-year primary term, the lessee is required to submit a letter to the BOEM GOM Regional Supervisor, Office of Leasing and Plans, as soon as practicable, but no more than 30 days after spudding a well, providing the well number and spud date, and requesting confirmation that the lessee earned the 8-year extended primary term. Within 30 days of receipt of the request, the BOEM GOM Regional Supervisor for Leasing and Plans will provide written confirmation of whether the lessee has earned the extended primary term and accordingly update BOEM's records. The extended primary term is not effective unless and until the lessee receives confirmation from BOEM.

(3) The primary term for a lease in water depths 800 meters or deeper issued as a result of this sale is 10 years.

Economic Conditions

Minimum Bonus Bid Amounts

BOEM will not accept a bonus bid unless it provides for a cash bonus in an amount equal to, or exceeding, the specified minimum bid, as described below.

- $25 per acre or fraction thereof for blocks in water depths less than 400 meters; and
- $100 per acre or fraction thereof for blocks in water depths 400 meters or deeper.

Rental Rates

Annual rental rates are summarized in the following table:

RENTAL RATES PER ACRE OR FRACTION THEREOF

Water depth (meters)	Years 1–5	Years 6, 7, & 8+
0 to <200	$7	$14, $21, & $28.
200 to <400	11	$22, $33, & $44.
400+	11	$16.

Escalating Rental Rates for Leases With an 8-Year Primary Term in Water Depths Less Than 400 Meters

Any lessee with a lease in less than 400 meters water depth who earns an 8-year primary term will pay an escalating rental rate as shown above. The rental rates after the fifth year for blocks in less than 400 meters water depth will become fixed and no longer escalate if another well is spudded targeting hydrocarbons below 25,000 feet TVDSS after the fifth year of the lease, and BOEM concurs that such a well has been spudded. In this case, the rental rate will become fixed at the rental rate in effect during the lease year in which the additional well was spudded.

Royalty Rate

- 12.5 percent for leases situated in water depths less than 200 meters; and
- 18.75 percent for leases situated in water depths of 200 meters and deeper.

Minimum Royalty Rate

- $7 per acre or fraction thereof per year for blocks in water depths less than 200 meters; and
- $11 per acre or fraction thereof per year for blocks in water depths 200 meters or deeper.

Royalty Suspension Provisions

The issuance of leases with Royalty Suspension Volumes (RSVs) or other forms of royalty relief is authorized under existing BOEM regulations at 30 CFR part 560. The specific details relating to eligibility and implementation of the various royalty relief programs, including those involving the use of RSVs, are codified in Bureau of Safety and Environmental Enforcement (BSEE) regulations at 30 CFR part 203. In this sale, the only royalty relief program being offered that involves the provision of RSVs relates to the drilling of ultra-deep wells in water depths of less than 400 meters, as described in the following section.

Royalty Suspension Volumes on Gas Production From Ultra-Deep Wells

Pursuant to 30 CFR part 203, certain leases issued as a result of this sale may be eligible for RSV incentives on gas produced from ultra-deep wells. Under this program, wells on leases in less than 400 meters water depth and completed to a drilling depth of 20,000 feet TVDSS or deeper receive an RSV of 35 billion cubic feet on the production of natural gas. This RSV incentive is subject to applicable price thresholds set forth in the regulations at 30 CFR part 203. These regulations implement the requirements of the Energy Policy Act of 2005 (Pub. L. 109–58, 119 stat. 594 (2005)).

IV. Lease Stipulations

One or more of the stipulations below may be applied to leases issued as a result of this sale. The applicable blocks for each stipulation are identified on the map ''Final Gulf of Mexico Oil and Gas Lease Sale 257, November 2021, Stipulations and Deferred Blocks'' included in the Final NOS package. The full text of the following stipulations is contained in the ''Lease Stipulations'' section of the Final NOS package.

(1) Military Areas
(2) Evacuation
(3) Coordination
(4) Protected Species
(5) Topographic Features
(6) United Nations Convention on the Law of the Sea Royalty Payment
(7) Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico
(8) Live Bottom
(9) Blocks South of Baldwin County, Alabama

(10) Restrictions due to Rights-of-Use and Easement for Floating Production Facilities

V. Information to Lessees

Information to Lessees (ITLs) provide detailed information on certain issues pertaining to specific oil and gas lease sales. The full text of the ITLs for this sale is contained in the ''Information to Lessees'' section of the Final NOS package and covers the following topics.

(1) Navigation Safety
(2) Ordnance Disposal Areas
(3) Existing and Proposed Artificial Reefs/Rigs-to-Reefs
(4) Lightering Zones
(5) Indicated Hydrocarbons List
(6) Military Areas
(7) Bureau of Safety and Environmental Enforcement Inspection and Enforcement of Certain U.S. Coast Guard Regulations
(8) Significant Outer Continental Shelf Sediment Resource Areas
(9) Notice of Arrival on the Outer Continental Shelf
(10) Bidder/Lessee Notice of Obligations Related to Criminal/Civil Charges and Offenses, Suspension, or Debarment; Disqualification Due to a Conviction under the Clean Air Act or the Clean Water Act
(11) Protected Species
(12) Expansion of the Flower Garden Banks National Marine Sanctuary
(13) Communication Towers
(14) Deepwater Port Applications for Offshore Oil and Liquefied Natural Gas Facilities
(15) Ocean Dredged Material Disposal Sites
(16) Rights-of-Use and Easement
(17) Industrial Waste Disposal Areas
(18) Gulf Islands National Seashore
(19) Air Quality Permit/Plan Approvals
(20) Provisions Pertaining to Certain Transactions by Foreign Persons Involving Real Estate in the United States

VI. Maps

The maps pertaining to this lease sale can be viewed on BOEM's website at *http://www.boem.gov/Sale-257.* The following maps also are included in the Final NOS package:

Lease Terms and Economic Conditions Map

The lease terms and economic conditions associated with leases of certain blocks are shown on the map entitled, ''Final Gulf of Mexico Oil and Gas Lease Sale 257, November 2021, Lease Terms and Economic Conditions.''

Stipulations and Deferred Blocks Map

The lease stipulations and the blocks to which they apply are shown on the map entitled, ''Final Gulf of Mexico Oil and Gas Lease Sale 257, November 2021, Stipulations and Deferred Blocks Map.''

VII. Bidding Instructions

Bids may be submitted BY MAIL ONLY through any parcel delivery service (*e.g.,* FedEx, UPS, USPS, DHL) at the address below in the ''Mailed Bids'' section. Bidders should be aware that BOEM has eliminated in-person bidding for Lease Sale 257. Instructions on how to submit a bid, secure payment of the advance bonus bid deposit (if applicable), and the information to be included with the bid are as follows:

Bid Form

For each block bid upon, a separate sealed bid must be submitted in a sealed envelope (as described below) and include the following items:

- Total amount of the bid in whole dollars only;
- Sale number;
- Sale date;
- Each bidder's exact name;
- Each bidder's proportionate interest, stated as a percentage, using a maximum of five decimal places (*e.g.,* 33.33333 percent);
- Typed name and title, and signature of each bidder's authorized officer. Electronic signatures are acceptable. The typed name, title, and signature must agree exactly with the name and title on file in the BOEM Gulf of Mexico OCS Region Adjudication Section;
- Each bidder's BOEM qualification number;
- Map name and number or OPD name and number;
- Block number; and
- Statement acknowledging that the bidder(s) understands that this bid legally binds the bidder(s) to comply with all applicable regulations, including the requirement to post a deposit in the amount of one-fifth of the bonus bid amount for any tract bid upon and make payment of the balance of the bonus bid and first year's rental upon BOEM's acceptance of high bids.

The information required for each bid is specified in the document ''Bid Form'' that is available in the Final NOS package which can be found at *http://www.boem.gov/Sale-257/.* A blank bid form is provided in the Final NOS package for convenience and can be copied and completed with the necessary information described above.

Bid Envelope

Each bid must be submitted in a separate sealed envelope labeled as follows:

- ''Sealed Bid for GOM Lease Sale 257, not to be opened until 9 a.m. Wednesday, November 17, 2021'';
- Map name and number or OPD name and number;
- Block number for block bid upon;
- Acreage, if the bid is for a block that is split between the Central and Eastern Planning Areas; and
- The exact name and qualification number of the submitting bidder only.

The Final NOS package includes a sample bid envelope for reference.

Mailed Bids

Please address the envelope containing the sealed bid envelope(s) as follows:

Attention: Leasing and Financial Responsibility Section
BOEM New Orleans Office
1201 Elmwood Park Boulevard MS–266A
New Orleans, Louisiana 70123–2394
Contains Sealed Bids for GOM Lease Sale 257
Please Deliver to Mr. Greg Purvis or Ms. Kathy Luckado
2nd Floor, Immediately

Please Note: Bidders are advised to inform BOEM by email at *BOEMGOMRLeaseSales@boem.gov* immediately after placing bid(s) in the mail. This provides advance notice to BOEM regarding pending bids prior to the bid submission deadline. In the email, please state the tracking number of the bid package, the number of bids being submitted, and the email address of the person who should receive the bid receipt for signature. If BOEM receives bids later than the bid submission deadline, the BOEM GOM Regional Director (RD) will return those bids unopened to bidders. Please see ''Section XI. Delay of Sale'' regarding BOEM's discretion to extend the Bid Submission Deadline in the case of an unexpected event (*e.g.,* flooding) and how bidders can obtain more information on such extensions.

Advance Bonus Bid Deposit Guarantee

Bidders that are not currently an OCS oil and gas lease record title holder or designated operator, or those that have ever defaulted on a one-fifth bonus bid deposit, must guarantee (secure) the payment of the one-fifth bonus bid deposit, by Electronic Funds Transfer (EFT) or otherwise, prior to bid submission using one of the following four methods:

- Provide a third-party guarantee;

• Amend a development stage area-wide bond via bond rider;
• Provide a letter of credit; or
• Provide a lump sum payment in advance via EFT.

Please provide, at the time of bid submittal, a confirmation or tracking number for the payment, the name of the company submitting the payment as it appears on the payment, and the date the payment was submitted so BOEM can confirm payment with the Office of Natural Resources Revenue (ONRR). Submitting payment to the bidders' financial institution at least five business days prior to bid submittal helps ensure that the Office of Foreign Assets Control and the U.S. Department of the Treasury (U.S. Treasury) have the needed time to screen and process payments so they are posted to ONRR prior to placing the bid. ONRR cannot confirm payment until the monies have been moved into settlement status by the U.S. Treasury. Bids will not be accepted if BOEM cannot confirm payment with ONRR.

If providing a third-party guarantee, amending a development stage area-wide bond via bond rider, or providing a letter of credit to secure your one-fifth bonus bid deposit, bidders are urged to file these documents with BOEM, well in advance of submitting the bid, to allow processing time and for bidders to take any necessary curative actions prior to bid submission. For more information on EFT procedures, see Section X of this document entitled, ''The Lease Sale.''

Affirmative Action

Prior to bidding, each bidder should file the Equal Opportunity Affirmative Action Representation Form BOEM–2032 (February 2020, available on BOEM's website at *http://www.boem.gov/BOEM-2032/*) and Equal Opportunity Compliance Report Certification Form BOEM–2033 (February 2020, available on BOEM's website at *http://www.boem.gov/BOEM-2033/*) with the BOEM GOM Adjudication Section. This certification is required by 41 CFR part 60 and Executive Order (E.O.) 11246, issued September 24, 1965, as amended by E.O. 11375, issued October 13, 1967, and by E.O. 13672, issued July 21, 2014. Both forms must be on file for the bidder(s) in the GOM Adjudication Section prior to the execution of any lease contract.

Geophysical Data and Information Statement (GDIS)

The GDIS is composed of three parts:

(1) A ''Statement'' page that includes the company representatives' information and separate lists of blocks bid on that used proprietary data and those blocks bid upon that did not use proprietary data;

(2) A ''Table'' listing the required data about each proprietary survey used (see below); and

(3) ''Maps,'' which contain the live trace maps for each proprietary survey that is identified in the GDIS statement and table.

Every bidder submitting a bid on a block in GOM Lease Sale 257 or participating as a joint bidder in such a bid, must submit at the time of bid submission all three parts of the GDIS. A bidder must submit the GDIS *even if a joint bidder or bidders on a specific block also have submitted a GDIS.* Any speculative data that has been reprocessed externally or ''in-house'' is considered proprietary due to the proprietary processing and is no longer considered to be speculative.

The bidder or bidders must submit the GDIS in a separate and sealed envelope and must identify all proprietary data; reprocessed speculative data, and/or any Controlled Source Electromagnetic surveys, Amplitude Versus Offset (AVO) data, gravity data, and/or magnetic data; or other information used as part of the decision to bid or participate in a bid on the block. The bidder and joint bidder must also include a live trace map (*e.g.,* .pdf and ArcGIS shapefile) for each proprietary survey identified in the GDIS illustrating the actual areal extent of the proprietary geophysical data in the survey (see the ''Example of Preferred Format'' that is included in the Final NOS package for additional information). The shape file must not include cultural resources information; only the live trace map of the survey itself.

The GDIS statement must include the name, phone number, and full address for a contact person and an alternate, who are both knowledgeable about the geophysical information and data listed and who are available for 30 days after the sale date. The GDIS statement must also include a list of all blocks bid upon that did not use proprietary or reprocessed pre- or post-stack geophysical data and information, as part of the decision to bid or to participate as a joint bidder in the bid. Bidders must submit the GDIS statement even if no proprietary geophysical data and information were used in bid preparation for the block.

An example of the preferred format of the table is included in the Final NOS package, and a blank digital version of the preferred table can be accessed on the GOM Lease Sale 257 web page at *http://www.boem.gov/Sale-257/.* The GDIS table should have columns that clearly state the following:

• The sale number;
• The bidder company's name;
• The joint bidder's company's name (if applicable);
• The company providing Proprietary Data to BOEM;
• The block area and block number bid upon;
• The owner of the original data set (*i.e.,* who initially acquired the data);
• The industry's original name of the survey (*e.g.,* E Octopus);
• The BOEM permit number for the survey;
• Whether the data set is a fast-track version;
• Whether the data is speculative or proprietary;
• The data type (*e.g.,* 2–D, 3–D, or 4–D; pre-stack or post-stack; time or depth);
• The migration algorithm (*e.g.,* Kirchhoff migration, wave equation migration, reverse migration, reverse time migration) of the data and areal extent of bidder survey (*i.e.,* number of line miles for 2–D or number of blocks for 3–D);
• The live proprietary survey coverage (2–D miles 3–D blocks);
• The computer storage size, to the nearest gigabyte, of each seismic data and velocity volume used to evaluate the lease block;
• Who reprocessed the data;
• Date the final reprocessing was completed (month and year);
• If data were previously sent to BOEM, list the sale number and date of the sale for which it was used;
• Whether proprietary or speculative AVO/AVA (PROP/SPEC) was used;
• Date AVO or AVA was sent to BOEM if sent prior to the sale;
• Whether AVO/AVA is time or depth (PSTM or PSDM);
• Which angled stacks were used (*e.g.,* NEAR, MID, FAR, ULTRAFAR);
• Whether the company used Gathers to evaluate the block in question; and
• Whether the company used Vector Offset Output (VOO) or Vector Image Partitions (VIP) to evaluate the block in question.

BOEM will use the computer storage size information to estimate the reproduction costs for each data set, if applicable. BOEM will determine the availability of reimbursement of production costs consistent with 30 CFR 551.13.

BOEM reserves the right to inquire about alternate data sets, to perform quality checks, and to compare the listed and alternative data sets to determine which data set most closely meets the needs of the fair market value

determination process. See the ''Example of Preferred Format'' that is included in the Final NOS package.

The GDIS maps are live trace maps (*e.g.,* .pdf and ArcGIS shapefiles) that bidders should submit for each proprietary survey identified in the GDIS table. The maps should illustrate the actual areal extent of the proprietary geophysical data in the survey (see the ''Example of Preferred Format'' that is included in the Final NOS package for additional information). As previously stated, the shapefile must not include cultural resources information, only the live trace map of the survey itself.

Pursuant to 30 CFR 551.12 and 30 CFR 556.501, as a condition of the sale, the BOEM GOM Regional Director requests that all bidders and joint bidders submit the proprietary data identified on their GDIS within 30 days after the lease sale (unless notified after the lease sale that BOEM has withdrawn the request). This request only pertains to proprietary data that is not commercially available. Commercially available data should not be submitted to BOEM unless specifically requested by BOEM. No reimbursement will be provided for unsolicited data sent to BOEM. The BOEM GOM RD will notify bidders and joint bidders of any withdrawal of the request, for all or some of the proprietary data identified on the GDIS, within 15 days of the lease sale. Where the BOEM GOM RD has notified bidders and joint bidders that the request for such proprietary data has been withdrawn, reimbursement will not be provided. Pursuant to 30 CFR part 551 and 30 CFR 556.501, as a condition of this sale, all bidders that are required to submit data must ensure that the data are received by BOEM no later than the 30th day following the lease sale, or the next business day if the submission deadline falls on a weekend or Federal holiday.

The data must be submitted to BOEM at the following address: Bureau of Ocean Energy Management, Resource Studies, GM 881A, 1201 Elmwood Park Blvd., New Orleans, Louisiana 70123–2304.

BOEM recommends that bidders mark the submission's external envelope as ''Deliver Immediately to DASPU.'' BOEM also recommends that bidders submit the data in an internal envelope, or otherwise marked, with the following designation: ''Geophysical Data and Information Statement for Oil and Gas Lease Sale 257'', Company Name, GOM Company Qualification Number, and ''Proprietary Data.''

In the event a person supplies any type of data to BOEM, that person must meet the following requirements to qualify for reimbursement:

(1) Must be registered with the System for Award Management (SAM), formerly known as the Central Contractor Registration (CCR). CCR usernames will not work in SAM. A new SAM user account is needed to register or update an entity's records. The website for registering is *gsa.gov/iaesystems.*

(2) Must be enrolled in the U.S. Treasury's Invoice Processing Platform (IPP) for electronic invoicing; to enroll go to *https://www.ipp.gov/.* Access then will be granted to use the IPP for submitting requests for payment. When submitting a request for payment, the assigned Purchase Order Number must be included.

(3) Must have a current On-line Representations and Certifications Application at *gsa.gov/iaesystems.*

Please Note: Digital copies and duplicate hardcopies should be submitted for the GDIS Statement, Table and Maps. The GDIS Statement should be sent in as a digital PDF. The GDIS Information Table must be submitted digitally as an Excel spreadsheet. The Proprietary Maps should be sent in as PDF files and the live trace outline of each proprietary survey should also be submitted as a shapefile. Please flatten all layered PDF files, since layered PDFs can have many objects. Layered PDFs can cause problems opening or printing the file correctly. Bidders may submit the digital files on a CD, DVD, or any USB external drive (formatted for Windows). If bidders have any questions, please contact Ms. Dee Smith at (504) 736–2706, or Ms. Teree Campbell at (504) 736–3231.

Bidders should refer to Section X of this document, ''The Lease Sale: Acceptance, Rejection, or Return of Bids,'' regarding a bidder's failure to comply with the requirements of the Final NOS, including any failure to submit information as required in the Final NOS or Final NOS package.

Telephone Numbers/Addresses of Bidders

BOEM requests that bidders provide this information in the suggested format prior to or at the time of bid submission. The suggested format is included in the Final NOS package. The form must not be enclosed inside the sealed bid envelope.

Additional Documentation

BOEM may require bidders to submit other documents in accordance with 30 CFR 556.107, 30 CFR 556.401, 30 CFR 556.501, and 30 CFR 556.513.

VIII. Bidding Rules and Restrictions

Restricted Joint Bidders

On April 26, 2021, BOEM published the most recent List of Restricted Joint Bidders in the **Federal Register** at 86 FR 22067. Potential bidders are advised to refer to the **Federal Register** prior to bidding for the most current List of Restricted Joint Bidders in place at the time of the lease sale. Please refer to the joint bidding provisions at 30 CFR 556.511–556.515.

Authorized Signatures

All signatories executing documents on behalf of the bidder(s) must execute the same in conformance with the BOEM qualification records. Bidders are advised that BOEM considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including that requiring payment of one-fifth of the bonus bid on all high bids. A statement to this effect is included on each bid form (see the document ''Bid Form'' that is included in the Final NOS package).

Unlawful Combination or Intimidation

BOEM warns bidders against violation of 18 U.S.C. 1860, which prohibits unlawful combination or intimidation of bidders.

Bid Withdrawal

Bids may be withdrawn only by written request delivered to BOEM prior to the bid submission deadline via any parcel delivery service. Withdrawals will not be accepted in person or via email. The withdrawal request must be on company letterhead and must contain the bidder's name, its BOEM qualification number, the map name/number, and the block number(s) of the bid(s) to be withdrawn. The withdrawal request must be executed by one or more of the representatives named in the BOEM qualification records. The name and title of the authorized signatory must be typed under the signature block on the withdrawal request. The BOEM GOM RD, or the RD's designee, will indicate approval by signing and dating the withdrawal request.

Bid Rounding

Minimum bonus bid calculations, including rounding, for all blocks are shown in the document ''List of Blocks Available for Leasing'' included in the Final NOS package. The bonus bid amount must be stated in whole dollars. If the acreage of a block contains a decimal figure, then prior to calculating the minimum bonus bid, BOEM will round up to the next whole acre. The

appropriate minimum rate per acre will be applied to the whole (rounded up) acreage. The bonus bid amount must be greater than or equal to the minimum bonus bid, as calculated and stated in the Final NOS package.

IX. Forms

The Final NOS package includes instructions, samples, and/or the preferred format for the items listed below. BOEM strongly encourages bidders to use the recommended formats. If bidders use another format, they are responsible for including all the information specified for each item in the Final NOS package.

(1) Bid Form
(2) Sample Completed Bid
(3) Sample Bid Envelope
(4) Sample Bid Mailing Envelope
(5) Telephone Numbers/Addresses of Bidders Form
(6) GDIS Form
(7) GDIS Envelope Form

X. The Lease Sale

Bid Opening and Reading

Sealed bids received in response to the Final NOS will be opened at the place, date, and hour specified under the **DATES** and **ADDRESSES** sections of the Final NOS. The venue will not be open to the public. Instead, the bid opening will be available for the public to view on BOEM's website at *www.boem.gov* via live streaming. The opening of the bids is for the sole purpose of publicly announcing and recording the bids received; no bids will be accepted or rejected at that time.

Bonus Bid Deposit for Apparent High Bids

Each bidder submitting an apparent high bid must submit a bonus bid deposit to ONRR equal to one-fifth of the bonus bid amount for each such bid. A copy of the notification of the high bidder's one-fifth bonus bid amount can be obtained on the BOEM website at *http://www.boem.gov/Sale-257/* under the heading ''Notification of EFT 1/5 Bonus Liability'' after 1:00 p.m. on the day of the sale. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury by 1:00 p.m. Eastern Time the day following the bid reading (no exceptions). Account information is provided in the ''Instructions for Making Electronic Funds Transfer Bonus Payments'' found on the BOEM website identified above.

Submitting payment to your financial institution as soon as possible the day of bid reading, but no later than 7:00 p.m. Eastern Time the day of bid reading, will help ensure that deposits have time to process through the U.S. Treasury and post to ONRR. ONRR cannot confirm payment until the monies have been moved into settlement status by the U.S. Treasury.

BOEM requires bidders to use EFT procedures for payment of one-fifth bonus bid deposits for GOM Lease Sale 257, following the detailed instructions contained on the ONRR Payment Information web page at *https://www.onrr.gov/ReportPay/payments.htm.* Acceptance of a deposit does not constitute, and will not be construed as, acceptance of any bid on behalf of the United States.

Withdrawal of Blocks

The United States reserves the right to withdraw any block from this lease sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids

The United States reserves the right to reject any and all bids, regardless of the amount offered. Furthermore, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless:

(1) The bidder has complied with all applicable regulations and requirements of the Final NOS, including those set forth in the documents contained in the Final NOS package;

(2) The bid is the highest valid bid; and

(3) The amount of the bid has been determined to be adequate by the authorized officer.

Any bid submitted that does not conform to the requirements of the Final NOS and Final NOS package, OCSLA, or other applicable statute or regulation will be rejected and returned to the bidder. The United States Department of Justice and the Federal Trade Commission will review the results of the lease sale for any antitrust issues prior to the acceptance of bids and issuance of leases.

Bid Adequacy Review Procedures for GOM Lease Sale 257

To ensure that the U.S. Government receives fair market value for the conveyance of leases from this sale, BOEM will evaluate high bids in accordance with its bid adequacy procedures, which are available on BOEM's website at *http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Regional-Leasing/Gulf-of-Mexico-Region/Bid-Adequacy-Procedures.aspx.*

Lease Award

BOEM requires each bidder awarded a lease to complete the following:

(1) Execute all copies of the lease (Form BOEM–2005 [February 2017], as amended);

(2) Pay by EFT the balance of the bonus bid amount and the first year's rental for each lease issued in accordance with the requirements of 30 CFR 218.155 and 556.520(a); and

(3) Satisfy the bonding requirements of 30 CFR part 556, subpart I, as amended.

ONRR requests that only one transaction be used for payment of the balance of the bonus bid amount and the first year's rental. Once ONRR receives such payment, the bidder awarded the lease may not request a refund of the balance of the bonus bid amount or first year's rental payment.

XI. Delay of Sale

The BOEM GOM RD has the discretion to change any date, time, and/or location specified in the Final NOS package in the case of an event that the BOEM GOM RD deems could interfere with a fair and orderly lease sale process. Such events could include, but are not limited to, natural disasters (*e.g.,* earthquakes, hurricanes, floods), wars, riots, acts of terrorism, fires, strikes, civil disorder, or other events of a similar nature. In case of such events, bidders should call (504) 736–0557, or access the BOEM website at *http://www.boem.gov,* for information regarding any changes.

Amanda B. Lefton,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2021–21682 Filed 9–30–21; 12:30 pm]

BILLING CODE 4310–MR–P

DEPARTMENT OF JUSTICE

National Institute on Corrections

Re-Establishment of Federal Advisory Committee

AGENCY: National Institute of Corrections, Department of Justice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, the National Institute of Corrections (NIC) gives notice that it is re-establishing the charter for the National Institute of Corrections Advisory Board (hereafter referred to as ''the Board'').

FOR FURTHER INFORMATION CONTACT: Shaina Vanek, Advisory Board Designated Federal Officer for the

National Institute of Corrections, 202–514–4202 or *svanek@bop.gov.*

SUPPLEMENTARY INFORMATION: The overall policy and operations of the NIC are under the supervision of the Board. In general, the NIC provides training, technical assistance, information services, and policy/program development assistance to Federal, state, and local corrections agencies; through cooperative agreements, awards funds to support program initiatives; and provides leadership to influence correctional policies, practices, and operations nationwide in areas of emerging interest and concern to correctional executives and practitioners as well as public policymakers. The Board will help develop long-range plans, advise on program development, and recommend guidance to assist the NIC's efforts in these areas. The Board will also advise the Attorney General about the appointment of the Director of the NIC.

The Board shall report to the Director of the NIC. The Director of NIC or his/her designated representatives may act upon the Board's advice and recommendations.

Under 18 U.S.C. 4351(b) and (c), the Board shall consist of sixteen members. The following six individuals shall serve as members of the Board ex officio: The Director of the Federal Bureau of Prisons or his designee, the Assistant Attorney General for the Office of Justice Programs or his designee, Chairman of the United States Sentencing Commission or his designee, the Director of the Federal Judicial Center or his designee, the Associate Administrator for the Office of Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health and Human Services or his designee. The remaining ten members of the Board shall be selected by the Attorney General of the United States, after consultation with the Federal Bureau of Prisons and the NIC. Five of these shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole, and shall serve for staggered three-year terms. Five of these members shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole, and shall serve for staggered three-year terms.

The NIC, when necessary, and consistent with the Board's mission and NIC policies and procedures may establish subcommittees, task groups, or working groups deemed necessary to support the Board. Establishment of subcommittees will be based upon an identified and articulated need, a verbal or written vote by the Board, and approval by the NIC Director. The Board has established no permanent subcommittees.

Any established subcommittees shall not work independently of the chartered Board, and shall report all of their recommendations and advice to the Board for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Board; nor can any subcommittees or any of its members update or report directly to the NIC or any Federal officers or employees. All subcommittees operate under the provisions of the FACA, the Government in the Sunshine Act, governing Federal statutes and regulations, and governing NIC policies/procedures.

The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the Chairperson. The estimated number of Committee meetings is two per year.

In addition, the Designated Federal Officer is required to be in attendance at all Board and subcommittee meetings for the entire duration of each and every meeting; however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the entire duration of the Committee or subcommittee meeting.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to NIC Advisory Board's membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of NIC Advisory Board.

All written statements shall be submitted to the Designated Federal Officer for the National Institute of Corrections Advisory Board, and this individual will ensure that the written statements are provided to the membership for their consideration.

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Department of Defense Historical Advisory Committee. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: September 28, 2021.

Shaina Vanek,

Acting Director and Advisory Board Designated Federal Officer, National Institute of Corrections.

[FR Doc. 2021–21501 Filed 10–1–21; 8:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

30-Day Notice for "Applications from Students for Agency Initiatives Poetry Out Loud or the Musical Theater Songwriting Challenge for High School Students"

AGENCY: National Endowment for the Arts.

ACTION: Notice of proposed collection; comment request.

SUMMARY: The NEA, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data is provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents is properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection of: Applications from Students for Agency Initiatives Poetry Out Loud or the Musical Theater Songwriting Challenge for High School Students.'' Copies of this ICR, with applicable supporting documentation, may be obtained by visiting *www.Reginfo.gov*.

DATES: Interested persons are invited to submit comments within 30 days from the date of this publication in the **Federal Register**.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: The Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, (T) 202–395–7316.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Could help minimize the burden of the collection of information on those who are to respond, including through the use of electronic submission of responses through *Grants.gov*.

Agency: National Endowment for the Arts.

Title: ''Applications from Students for Agency Initiatives Poetry Out Loud or the Musical Theater Songwriting Challenge for High School Students''

Frequency: Annually.

Affected Public: Organizations.

Estimated Number of Respondents: 300.

Total burden hours: 300 hours.

Total annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $3,350.

Dated: September 29, 2021.

Daniel Beattie,

Director, Office of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.

[FR Doc. 2021–21518 Filed 10–1–21; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Review of Logistics Requirements for the IceCube Upgrade Project (1208) (V220456).

Date and Time:

November 3–4, 2021; 10:30 a.m.–6:00 p.m. (EDT)

November 5, 2021; 10:30 a.m.–2:30 p.m. (EDT)

Place: University of Wisconsin, 222 West Washington Avenue, Suite 500; Madison, WI 53703 | Virtual.

Type of Meeting: Part-Open.

Contact Person: Mark Coles, Program Director, Division of Physics, National Science Foundation, 2415 Eisenhower Avenue., Room 9219, Alexandria, VA 22314; Telephone: (703) 292–4432.

Purpose of Meeting: Virtual site visit to provide an evaluation of the logistical requirements for the upgrade to the IceCube Neutrino Observatory held at the host site for the Division of Physics at the National Science Foundation.

Agenda: NSF will provide the Zoom coordinates for each meeting (All times Eastern Daylight Time [EDT]):

November 3, 2021

10:30 a.m.–11:00 a.m.: Executive Session (Closed)
11:00 a.m.–1:00 p.m.: Presentations on the logistical requirements
1:30 p.m.–5:00 p.m.: Presentations on the logistical requirements
5:00 p.m.–6:00 p.m.: Executive Session (Closed)

November 4, 2021

10:30 a.m.–11:00 a.m.: Executive Session (Closed)
11:00 a.m.–12:30 p.m.: Question and Answer with review panel
1:00 p.m.–5:00 p.m.: Parallel Sessions: Session 1—Cargo; Session 2—Labor
5:00 p.m.–6:00 p.m.: Executive Session (Closed)

November 5, 2021

10:30 a.m.–11:30 p.m.: Question and Answer with review panel—if needed
11:30 a.m.–2:00 p.m.: Panel deliberations (Closed)
2:00 p.m.–2:30 p.m.: Closeout presentation by Review Panel

Reason for Closing: The work being reviewed during closed portions of the virtual site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the project. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 29, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–21543 Filed 10–1–21; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Inquiry Form To Facilitate Determining Appropriate Type of Proposal for a Prospective Project Submission

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to establish this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by December 3, 2021 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Inquiry form to facilitate determining appropriate type of proposal for a prospective project submission.

OMB Number: 3145–NEW.

Expiration Date of Approval: Not applicable.

Type of Request: Intent to seek approval to establish an information collection.

Abstract: NSF's Proposal & Award Policies & Procedures Guide (PAPPG) establishes several types of proposal in addition to standard research proposals that deviate from NSF's standard proposal preparation instructions. Several of these proposal types require prospective submitters to first contact an NSF Program Officer with expertise germane to the topic to determine whether the prospective project is appropriate for consideration under the type of proposal.

In FY 2020, the COVID–19 pandemic resulted in a large volume of inquiries and requests, more than 6,000 incoming contacts, to support research outside of standard research proposal mechanisms, particularly RAPID and EAGER proposals. This was the largest and most widespread, but not the only, episode of high-profile, high-volume inquiries related to these proposal types. High levels of interest are also observed after

major environmental events such as the 2018 Atlantic hurricane season, the 2014 Ebola outbreak, and the 2011 Tohoku Earthquake and Tsunami. NSF's publication of Dear Colleague Letters announcing interest in particular topics also generates substantial interest in these proposal types.

In all prior cases, however, prospective submitters' initial inquiries have been received into NSF by email and responses are handled by individual NSF staff over phone and email. NSF does not presently have an infrastructure for systematic collection and tracking of inquiries that supports automation of processing and implementation of consistent and coordinated responses. To that end, NSF identified an opportunity to enhance agency operations through streamlining, standardization, and automation by developing a capacity that would support the receipt and handling inquiries from prospective submitters.

In order to increase the agency's capacity, consistency, and efficient coordination of handling these inquires, we are asking prospective submitters to complete a webform containing the following information:

- Project Personnel
  - Name, email address, organization name, NSF ID, and an optional Professional URL for one to five members of the project team.
- NSF Target Units
  - Up to three potentially germane NSF units identified by NSF Directorate and/or NSF Division and/or NSF Funding Opportunity.
- Research Concept Outline
  - Concept Title.
  - Key Terms.
  - Project Synopsis.
  - Relevance to the requested proposal type.
  - References.

The submission of this information by webform provides a simplified and standard mechanism to direct an inquiry to NSF, ensures the submitter includes information relevant to assess appropriateness to proposal type, and supports the development of automations for routing and responding to inquiries. Not only will the collection enhance the efficiency of individual responses, the information provided will enable NSF to monitor the overall volume of these inquiries and assess trends and resourcing in terms of research topics. Finally, in compliance with the Evidence Act of 2019, information collected will be used in satisfying congressional requests, responding to queries from the public, and NSF's Office of the Inspector General, and supporting the agency's policymaking and internal evaluation and assessment needs.

Information collected will include name of the prospective submitters, their affiliated organizations, email addresses, NSF ID, and professional website URL. These personal identifiable information (PII) are collected primarily to track and disambiguate submissions, identify and manage potential conflicts of interest, and allow NSF to respond to the submitters. These PII data will be accessed only by the submitters, the managing Program Officers, and NSF staff or contractors supporting the handling of inquiries or conducting analyses using the data as authorized by NSF. Any public reporting of data will be in aggregate form, and any personal identifiers will be removed.

Use of the Information: The information collected is primarily to aid the agency in determining the appropriateness of a prospective projects for consideration under the proposal type.

Estimate burden on the public: Estimated at 45 minutes, per submission.

Respondents: Researchers seeking determination of appropriate proposal type prior to proposal submission.

Estimated number of respondents: 1500 per year.

Average Time per Reporting: 45 minutes.

Frequency: Open submission.

Comments: Comments are invited 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) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; 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.

Please submit one copy of your comments by only one method. All submissions received must include the agency name and collection name identified above for this information collection. Commenters are strongly encouraged to transmit their comments electronically via email. Comments, including any personal information provided become a matter of public record. They will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

Dated: September 28, 2021.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2021–21497 Filed 10–1–21; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L.92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Committee on Equal Opportunities in Science and Engineering (CEOSE) 1173.

Date and Time: October 28, 2021; 11:30 a.m.–5:15 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314 | Virtual.

Meeting Registration: Virtual attendance information will be forthcoming on the CEOSE website at *http://www.nsf.gov/od/oia/activities/ceose/index.jsp.*

Type of Meeting: Open.

Contact Person: Dr. Bernice Anderson, Senior Advisor and CEOSE Executive Secretary, Office of Integrative Activities (OIA), National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Contact Information: 703–292–8040/*banderso@nsf.gov.*

Minutes: Meeting minutes and other information may be obtained from the CEOSE Executive Secretary at the above address or the website at *http://www.nsf.gov/od/oia/activities/ceose/index.jsp.*

Purpose of Meeting: To study data, programs, policies, and other information pertinent to the National Science Foundation and to provide advice and recommendations concerning broadening participation in science and engineering.

Agenda

11:30 a.m.–Noon

Welcome and Opening Remarks Dr. Jose D. Fuentes, CEOSE Chair
NSF Executive Liaison Report

Noon–1:00 p.m.

Discussion: Reports of CEOSE Liaisons to NSF Advisory Committees

Report(s) of Federal Liaison(s) to the CEOSE Advisory Committees

1:00 p.m.–2:20 p.m.

Panel: Leadership Roles of MSIs in STEM Education and Workforce Development
MPS/EHR Leadership, Co-Chairs
Lead PDs of NSF's MSI Programs, Presenters
MPS: PREM, PREP
EHR: HBCU–UP, HSI, TCUP, and CREST Programs
NSB Vice Chair, Discussant

2:20 p.m.–2:30 p.m.

BREAK

2:30 p.m.–3:00 p.m.

Discussion with NSF Leadership
NSF Director and Chief Operating Officer

3:00 p.m.–4:15 p.m.

Panel: STEM Identity and Intersectionality—Part I
EHR Leadership and PO/PI Community

4:15 p.m.–5:00 p.m.

Discussion:
Dissemination of the 2019–2020 Report and Preparation for the 2021–2022 Report.

5:00–5:15 p.m.

Announcements and Final Remarks

Dated: September 28, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–21498 Filed 10–1–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of October 4, 11, 18, 25, November 1, 8, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of October 4, 2021

Tuesday, October 5, 2021

10:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting)
(Contact: Don Lowman: 301–415–5452)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*.

Friday, October 8, 2021

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting)
(Contact: Larry Burkhart: 301–287–3775)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*.

Week of October 11, 2021—Tentative

There are no meetings scheduled for the week of October 11, 2021.

Week of October 18, 2021—Tentative

Tuesday, October 19, 2021

10:00 a.m. All Employees Meeting with the Commissioners (Public Meeting)
(Contact: Anthony DeJesus: 301–287–9219)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/*.

Week of October 25, 2021—Tentative

Thursday, October 28, 2021

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting)
(Contact: Celimar Valentin-Rodriguez: 301–415–7124)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*.

Week of November 1, 2021—Tentative

There are no meetings scheduled for the week of November 1, 2021.

Week of November 8, 2021—Tentative

There are no meetings scheduled for the week of November 8, 2021.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov*. The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html*.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov* or *Betty.Thweatt@nrc.gov*.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: September 30, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–21632 Filed 9–30–21; 11:15 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2021–140; MC2021–134 and CP2021–141; MC2021–135 and CP2021–142]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 6, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* CP2021–140; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 2 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* September 28, 2021; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* October 6, 2021.

2. *Docket No(s).:* MC2021–134 and CP2021–141; *Filing Title:* USPS Request to Add Priority Mail Contract 722 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 28, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Matthew Ashford; *Comments Due:* October 6, 2021.

3. *Docket No(s).:* MC2021–135 and CP2021–142; *Filing Title:* USPS Request to Add Priority Mail Express Contract 91 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 28, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Matthew Ashford; *Comments Due:* October 6, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2021–21510 Filed 10–1–21; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93162; File No. SR–PEARL–2021–45]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Fee Schedule To Adopt a Tiered-Pricing Structure for Certain Connectivity Fees

September 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 24, 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 MIAX Pearl Options Fee Schedule (the ''Fee Schedule'') to amend certain connectivity fees.

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 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 the MIAX Pearl Options Fee Schedule to adopt a tiered-pricing structure for the 10 gigabit (''Gb'') ultra-low latency (''ULL'') fiber connection available to Members[3] and non-Members. The Exchange believes a tiered-pricing structure will encourage Members and non-Members to be more efficient and economical when determining how to connect to the Exchange. This should also enable the Exchange to better monitor and provide access to the Exchange's network to ensure sufficient capacity and headroom in the System.[4]

The Exchange initially filed this proposal on July 30, 2021, with the proposed fee changes effective

[3] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[4] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

beginning August 1, 2021.[5] The First Proposed Rule Change was published for comment in the **Federal Register** on August 17, 2021.[6] The Commission received one comment letter on the First Proposed Rule Change.[7] The Exchange has withdrawn the First Proposed Rule Change and now submits this proposal, which is immediately effective. This proposal provides additional justification for the proposed fee changes and addresses certain points raised in the single comment letter that submitted on the First Proposed Rule Change.

10Gb ULL Tiered-Pricing Structure

The Exchange proposes to amend Sections (5)(a)–(b) of the Fee Schedule to provide for a tiered-pricing structure for 10Gb ULL connections for Members and non-Members. Currently, the Exchange assesses Members and non-Members a flat monthly fee of $10,000 per 10Gb ULL connection for access to the Exchange's primary and secondary facilities.

The Exchange now proposes to move from a flat monthly fee per connection to a tiered-pricing structure under which the monthly fee would vary depending on the number of 10Gb ULL connections each Member or non-Member elects to purchase per exchange. Specifically, the Exchange proposes to decrease the fee for the first and second 10Gb ULL connections for each Member and non-Member from the current flat monthly fee of $10,000 to $9,000 per connection. To encourage more efficient connectivity usage, the Exchange proposes to increase the per connection fee for Members and non-Members that purchase more than two 10Gb ULL connections. In particular, (i) the third and fourth 10Gb ULL connections for each Member or non-Member will increase from the current flat monthly fee of $10,000 to $11,000 per connection; and (ii) for the fifth 10Gb ULL connection, and each 10Gb ULL connection purchased by Members and non-Members thereafter, the fee will increase from the flat monthly fee of $10,000 to $13,000 per connection. The proposed 10Gb ULL tiered-pricing structure and fees are collectively referred to herein as the ''Proposed Access Fees.''

The Exchange will continue to assess monthly Member and non-Member network connectivity fees for connectivity to the primary and secondary facilities in any month the Member or non-Member is credentialed to use any of the MIAX Pearl APIs or market data feeds in the production environment. The Exchange proposes to pro-rate the fees when a Member or non-Member makes a change to the connectivity (by adding or deleting connections) with such pro-rated fees based on the number of trading days that the Member or non-Member has been credentialed to utilize any of the MIAX Pearl APIs or market data feeds in the production environment through such connection, divided by the total number of trading days in such month multiplied by the applicable monthly rate. The Exchange will continue to assess monthly Member and non-Member network connectivity fees for connectivity to the disaster recovery facility in each month during which the Member or non-Member has established connectivity with the disaster recovery facility.

The Exchange's MIAX Express Network Interconnect (''MENI'') can be configured to provide Members and non-Members of the Exchange network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facilities of both the Exchange and its affiliate, Miami International Securities Exchange, LLC (''MIAX''), via a single, shared connection. Members and non-Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX via a single, shared connection will continue to only be assessed one monthly connectivity fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.

Pursuant to the proposed tiered-pricing structure, any firm that is a Member of both MIAX Pearl Options and MIAX and purchases three or four total 10Gb ULL connections, can effectively allocate one or two 10Gb ULL connections to the Exchange at the lowest rate and the other one or two 10Gb ULL connections to MIAX at the lowest rate. This allocation will provide additional cost saving benefits to those Members and non-Members, due to the shared MENI infrastructure of MIAX Pearl and MIAX.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(4) of the Act[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among Exchange Members and issuers and other persons using any facility or system which the Exchange operates or controls. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act[10] in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees for services and products, in addition to order flow, to remain competitive with other exchanges. The Exchange believes that the proposed changes reflect this competitive environment.

The Exchange believes the proposal to move from a flat fee per month for the 10Gb ULL connection to a tiered-pricing structure is reasonable, equitably allocated and not unfairly discriminatory because the Exchange believes the proposed structure would encourage firms to be more economical and efficient in the number of connections they purchase. The Exchange believes this will enable the Exchange to better monitor and provide access to the Exchange's network to ensure sufficient capacity and headroom in the System.

The Exchange believes that the proposal to move to a tiered-pricing structure for its 10Gb ULL connections is reasonable, equitably allocated and not unfairly discriminatory because the majority of Members and non-Members that purchase 10Gb ULL connections will either save money or pay the same amount after the tiered-pricing structure is implemented. After the effective date of the First Proposed Rule Change on August 1, 2021, approximately 80% of the firms that purchased at least one 10Gb ULL connection experienced a decrease in their monthly connectivity fees, while only approximately 20% of firms experienced an increase in their

[5] *See* Securities Exchange Act Release No. 92644 (August 11, 2021), 86 FR 46055 (August 17, 2021) (SR–PEARL–2021–36) (the ''First Proposed Rule Change'').

[6] *Id.*

[7] *See* Letter from Richard J. McDonald, Susquehanna International Group, LLC (''SIG''), to Vanessa Countryman, Secretary, Commission, dated September 7, 2021 (''SIG Comment Letter'').

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78f(b)(5).

monthly connectivity fees as a result of the proposed tiered-pricing structure when compared to the flat monthly fee structure. To illustrate, firms that purchase only one 10Gb ULL connection per month used to pay the flat rate of $10,000 per month for that one 10Gb ULL connection. Pursuant to the proposed tiered-pricing structure, these firms will now pay $9,000 per month for that one 10Gb ULL connection, saving $1,000 per month or $12,000 annually. Further, firms that purchase two 10Gb ULL connections per month previously paid a flat rate of $20,000 per month ($10,000 × 2) for those two 10Gb ULL connections. Pursuant to the proposed tiered-pricing structure, these firms now pay $18,000 per month ($9,000 × 2) for those two 10Gb ULL connections, saving $2,000 per month or $24,000 annually. Additionally, any firm that is a Member of both MIAX Pearl Options and MIAX and purchases four total 10Gb ULL connections, can allocate two 10Gb ULL connections to MIAX Pearl Options at the $9,000 rate (saving $2,000 per month as compared to the flat fee) and two 10Gb ULL connections to MIAX at the $9,000 rate (saving an additional $2,000 per month as compared to the flat fee), for a total savings of $4,000 per month, or $48,000 annually, due to the shared MENI infrastructure of MIAX Pearl Options and MIAX.

The Exchange also notes that firms that primarily route orders seeking best-execution generally only need a limited number of connections to fulfill that obligation. Therefore, the connectivity costs will likely be lower for these firms based on the proposed tiered-pricing structure. The firms that engage in advanced trading strategies typically require multiple connections and, therefore, generate higher costs by utilizing more of the Exchange's resources. These firms experienced increased connectivity costs based on the proposed tiered-pricing structure, as shown by the 20% of firms that may have experienced an increase in their monthly connectivity fees. Additionally, the firms that purchase a higher amount of 10Gb ULL connections tend to have specific business-driven trading strategies, as opposed to firms engaging solely in order routing as part of their best-execution obligations.

The Exchange also notes that, for firms that are primarily order routers seeking best-execution, a limited number of connections are needed. Therefore, the connectivity costs will likely be lower for these firms based on the proposed tiered-pricing structure. The firms that engage in advanced trading strategies typically require multiple connections and, therefore, generate higher costs by utilizing more of the Exchange's resources. These firms will absorb the increased connectivity cost based on the proposed tiered-pricing structure, as shown by the 20% of firms that will likely see an increase in their monthly fees. Additionally, the firms that purchase a higher amount of 10Gb ULL connections tend to have specific business oriented market making and taking strategies, as opposed to firms simply engaging in best-execution order routing business.

The Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the requirements of the Act that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among market participants. The Exchange believes this high standard is especially important when an exchange imposes various access fees for market participants to access an exchange's marketplace. The Exchange deems connectivity to be access fees. It records these fees as part of its ''Access Fees'' revenue in its financial statements. The Exchange believes that it is important to demonstrate that these fees are based on its costs and reasonable business needs. The Exchange believes the Proposed Access Fees will allow the Exchange to offset expense the Exchange has and will incur, and that the Exchange is providing sufficient transparency (as described below) into how the Exchange determined to charge such fees. Accordingly, the Exchange is providing an analysis of its revenues, costs, and profitability associated with the Proposed Access Fees. This analysis includes information regarding its methodology for determining the costs and revenues associated with the Proposed Access Fees.

In order to determine the Exchange's costs to provide the access services associated with the Proposed Access Fees, the Exchange conducted an extensive cost review in which the Exchange analyzed nearly every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the access services. The sum of all such portions of expenses represents the total cost to the Exchange to provide the access services associated with the Proposed Access Fees. For the avoidance of doubt, no expense amount was allocated twice. The Exchange is also providing detailed information regarding the Exchange's cost allocation methodology—namely, information that explains the Exchange's rationale for determining that it was reasonable to allocate certain expenses described in this filing towards the cost to the Exchange to provide the access services associated with the Proposed Access Fees.

In order to determine the Exchange's projected revenue associated with the Proposed Access Fees, the Exchange analyzed the number of Members and non-Members currently utilizing the 10Gb ULL fiber connection, and, utilizing a recent monthly billing cycle representative of 2021 monthly revenue, extrapolated annualized revenue on a going-forward basis. The Exchange does not believe it is appropriate to factor into its analysis future revenue growth or decline into its projections for purposes of these calculations, given the uncertainty of such projections due to the continually changing access needs of market participants, discounts that can be achieved due to lower trading volume and vice versa, market participant consolidation, etc. Additionally, the Exchange similarly does not factor into its analysis future cost growth or decline. The Exchange is presenting its revenue and expense associated with the Proposed Access Fees in this filing in a manner that is consistent with how the Exchange presents its revenue and expense in its Audited Unconsolidated Financial Statements. The Exchange's most recent Audited Unconsolidated Financial Statement is for 2020. However, since the revenue and expense associated with the Proposed Access Fees were not in place in 2020 or for the first seven months of 2021, the Exchange believes its 2020 Audited Unconsolidated Financial Statement is not representative of its current total annualized revenue and costs associated with the Proposed Access Fees. Accordingly, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2021 revenue and costs, as described herein, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited Unconsolidated Financial Statements. Based on this analysis, the Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit when comparing the Exchange's total annual expense associated with providing the services associated with the Proposed Access Fees versus the total projected annual

revenue the Exchange will collect for providing those services.

* * * * *

On March 29, 2019, the Commission issued its Order Disapproving Proposed Rule Changes to Amend the Fee Schedule on the BOX Market LLC Options Facility to Establish BOX Connectivity Fees for Participants and Non-Participants Who Connect to the BOX Network (the ''BOX Order'').[11] On May 21, 2019, the Commission issued the Staff Guidance on SRO Rule Filings Relating to Fees.[12] Accordingly, the Exchange believes that the Proposed Access Fees are consistent with the Act because they (i) are reasonable, equitably allocated, not unfairly discriminatory, and not an undue burden on competition; (ii) comply with the BOX Order and the Guidance; (iii) are supported by evidence (including comprehensive revenue and cost data and analysis) that they are fair and reasonable because they will not result in excessive pricing or supra-competitive profit; and (iv) utilize a cost-based justification framework that is substantially similar to a framework previously used by the Exchange, and its affiliates MIAX and MIAX Emerald, LLC (''MIAX Emerald''), to establish or increase other non-transaction fees.[13] Accordingly, the Exchange believes that the Proposed Access Fees are consistent with the Act.

* * * * *

As of September 23, 2021, the Exchange had a market share of only 3.86% of the U.S. equity options industry for the month of September 2021.[14] The Exchange is not aware of any evidence that a market share of approximately 3–4% provides the Exchange with anti-competitive pricing power. If the Exchange were to attempt to establish unreasonable pricing for any of its means provided to access the Exchange, market participants may look to access the Exchange via other means such as through a third party service provider, or look to connect to the Exchange via a competing exchange with cheaper access alternatives that also provides routing services to the Exchange. In addition, existing market participants that are connected to the Exchange may choose to disconnect from the Exchange or reduce their number of connections to the Exchange as a means to reduce their overall costs.

The Exchange believes the proposed tiered-pricing structure for 10Gb ULL connections is equitable and reasonable because the proposed highest tier is still less than fees charged for similar connectivity provided by other options exchanges with comparable market shares. For example, The Nasdaq Stock Market LLC (''NASDAQ'') (equity options market share of 7.79% as of September 22, 2021 for the month of September)[15] charges a monthly fee of $10,000 per 10Gb fiber connection and $15,000 per 10Gb Ultra fiber connection.[16] The highest tier of the Exchange's proposed fee structure for a 10Gb ULL connection is $2,000 per month less than NASDAQ and, unlike NASDAQ, the Exchange does not charge installation fees. The Exchange notes that the same connectivity fees described above for NASDAQ also apply to its affiliates, Nasdaq ISE, LLC (''ISE'') (equity options market share of 6.47% as of September 22, 2021 for the month of September)[17] and NASDAQ PHLX LLC (''PHLX'') (equity options market share of 11.25% as of September 22, 2021 for the month of September).[18] NYSE American LLC (''Amex'') (equity options market share of 7.89% as of September 22, 2021 for the month of September)[19] charges $15,000 per connection initially plus $22,000 monthly per 10Gb LX LCN circuit connection.[20] Again, the highest tier of the Exchange's proposed fee structure for a 10Gb ULL connection is $9,000 per month lower than the Amex connectivity fee after the first month.

In the each of the above cases, the Exchange's highest tier in the proposed tiered-pricing structure is significantly lower than that of competing options exchanges with similar market share. Further, as described in more detail below, those exchanges generate higher overall operating profit margins and higher ''access fees'' than the Exchange, even with this proposed fee change. Despite proposing lower or similar fees to that of competing options exchanges with similar market share, the Exchange believes that it provides a premium network experience to its Members and non-Members via a highly deterministic system, enhanced network monitoring and customer reporting, and a superior network infrastructure than markets with higher market shares and more expensive connectivity alternatives. Each of the connectivity rates in place at competing options exchanges were filed with the Commission for immediate effectiveness and remain in place today.

The Exchange also notes that the higher connectivity fees described above for competing exchanges have been in place for years (over 8 years in some cases), allowing those exchanges to derive significantly more revenue from their access fees. For example, in 2013, Amex adopted the pricing for its 10Gb LX LCN connection of $15,000 as an initial charge per connection and then a monthly fee of $20,000 per connection. The initial fee per connection is higher than the Exchange's highest proposed tier of $13,000 per connection, notwithstanding the fact that the monthly fee is $7,000 more than the Exchange's highest proposed tier and Amex's fees have been in place for nearly 8 years.[21] NYSE Arca, Inc. (''Arca'') also adopted the exact same fees as Amex in 2013 and has been collecting higher fees than the Exchange's current proposal for nearly 8 years as well (initial charge of $15,000 per connection and then a monthly fee of $20,000 per connection).[22] Not only were the fees that Amex and Arca adopted in 2013 significantly higher than the fees the Exchange currently proposes, in 2016, Amex and Arca raised the monthly fees even higher to $22,000 per connection.[23] Similarly, in 2013, NASDAQ adopted the pricing for its 10Gb Ultra connection of $1,500 per connection as a one-time installation fee and then a monthly fee of $15,000 per

[11] *See* Securities Exchange Act Release No. 85459 (March 29, 2019), 84 FR 13363 (April 4, 2019) (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04).

[12] *See* Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019), at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees* (the ''Guidance'').

[13] See Securities Exchange Act Release Nos. 91460 (April 2, 2021), 86 FR 18349 (SR–EMERALD–2021–11) (proposal to adopt port fees, increase connectivity fees, and increase additional limited service ports); 91033 (February 1, 2021), 86 FR 8455 (February 5, 2021) (SR–EMERALD–2021–03) (proposal to adopt trading permit fees); 90980 (January 25, 2021), 86 FR 7602 (January 29, 2021) (SR–MIAX–2021–02) (proposal to increase connectivity fees).

[14] *See* ''The market at a glance,'' available at *https://www.miaxoptions.com/* (last visited September 23, 2021).

[15] *See* ''The market at a glance,'' available at *https://www.miaxoptions.com/* (last visited September 22, 2021).

[16] *See* Nasdaq Stock Market LLC Rules, General 8: Connectivity, Section 1. Co-Location Services; Nasdaq ISE Rules, General 8: Connectivity.

[17] *See id.*

[18] *See id. See also* PHLX Rules, General 8: Connectivity.

[19] *See supra note 15.*

[20] *See* NYSE American Options Fee Schedule, Section IV.

[21] *See* Securities Exchange Act Release No. 70982 (December 4, 2013), 78 FR 74197 (December 10, 2013) (SR–NYSEMKT–2013–97).

[22] *See* Securities Exchange Act Release No. 70981 (December 4, 2013), 78 FR 74203 (December 10, 2013) (SR–NYSEARCA–2013–131).

[23] *See* Securities Exchange Act Release Nos. 79729 (January 4, 2017), 82 FR 3061 (January 10, 2017) (SR–NYSEARCA–2016–172); 79728 (January 4, 2017), 82 FR 3035 (January 10, 2017) (SR–NYSEMKT–2016–126).

connection.[24] The Exchange's current proposal does not contemplate any sort of installation fee or one-time fee and the monthly fee for the Exchange's highest connectivity tier ($13,000) is $2,000 lower than the fees adopted 8 years ago by Amex, Arca and NASDAQ.

Separately, the Exchange is not aware of any reason why market participants could not simply drop their access (or not initially access an exchange) if an exchange were to establish prices for its non-transaction fees that, in the determination of such market participant, did not make business or economic sense for such market participant to access such exchange. No options market participant is required by rule, regulation, or competitive forces to be a Member of the Exchange. As evidence of the fact that market participants can and do drop their access to exchanges based on non-transaction fee pricing, R2G Services LLC (''R2G'') filed a comment letter after BOX's proposed rule changes to increase its connectivity fees (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04). The R2G Letter stated, ''[w]hen BOX instituted a $10,000/month price increase for connectivity; we had no choice but to terminate connectivity into them as well as terminate our market data relationship. The cost benefit analysis just didn't make any sense for us at those new levels.'' Similarly, the Exchange's affiliate, MIAX Emerald, noted in a recent filing that once MIAX Emerald issued a notice that it was instituting MEI Port fees, among other non-transaction fees, one MIAX Emerald Member dropped its access to MIAX Emerald as a result of those fees.[25] Accordingly, these examples show that if a market participant believes, based on its business model, that an exchange charges too high of a fee for connectivity and/or other non-transaction fees for its relevant marketplace, market participants can choose to drop their access to such exchange.

In order to provide more detail and to quantify the Exchange's costs associated with providing access to the Exchange in general, the Exchange notes that there are material costs associated with providing the infrastructure and headcount to fully-support access to the Exchange. The Exchange incurs technology expense related to establishing and maintaining Information Security services, enhanced network monitoring and customer reporting, as well as Regulation SCI mandated processes, associated with its network technology. While some of the expense is fixed, much of the expense is not fixed, and thus increases as the services associated with the Proposed Access Fees increase. For example, new Members to the Exchange may require the purchase of additional hardware to support those Members as well as enhanced monitoring and reporting of customer performance that the Exchange and its affiliates provide. Further, as the total number Members increases, the Exchange and its affiliates may need to increase their data center footprint and consume more power, resulting in increased costs charged by their third-party data center provider. Accordingly, the cost to the Exchange and its affiliates to provide access to its Members is not fixed. The Exchange believes the Proposed Access Fees are a reasonable attempt to offset a portion of the costs to the Exchange associated with providing access to its network infrastructure.

The Exchange only has four primary sources of revenue: Transaction fees, access fees (which includes the Proposed Access Fees), regulatory fees, and market data fees. Accordingly, the Exchange must cover all of its expenses from these four primary sources of revenue.

The Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total annual expense that the Exchange and MIAX project to incur in connection with providing these access services versus the total annual revenue that the Exchange projects to collect in connection with services associated with the Proposed Access Fees. For 2021,[26] the total annual expense for providing the access services associated with the Proposed Access Fees (that is, the shared network connectivity of the Exchange and MIAX, but excluding MIAX Emerald) is projected to be approximately $15.9 million. The approximately $15.9 million in projected total annual expense is comprised of the following, all of which are directly related to the access services associated with the Proposed Access Fees: (1) Third-party expense, relating to fees paid by the Exchange to third-parties for certain products and services; and (2) internal expense, relating to the internal costs of the Exchange and MIAX to provide the services associated with the Proposed Access Fees.[27] As noted above, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2021 revenue and costs, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited Unconsolidated Financial Statements.[28] The $15.9 million in projected total annual expense is directly related to the access services associated with the Proposed Access Fees, and not any other product or service offered by the Exchange. It does not include general costs of operating matching systems and other trading technology, and no expense amount was allocated twice.

As discussed, the Exchange conducted an extensive cost review in which the Exchange analyzed every expense item in the Exchange's general expense ledger (this includes over 150 separate and distinct expense items) to determine whether each such expense relates to the access services associated with the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports those services, and thus bears a relationship that is, ''in nature and closeness,'' directly related to those services. The sum of all such portions of expenses represents the total cost of the Exchange to provide access services associated with the Proposed Access Fees.

For 2021, total third-party expense, relating to fees paid by the Exchange and MIAX to third-parties for certain products and services for the Exchange to be able to provide the access services associated with the Proposed Access Fees, is projected to be $3.9 million.

[24] *See* Securities Exchange Act Release No. 70129 (August 7, 2013), 78 FR 49308 (August 13, 2013 (SR–NASDAQ–2013–099).

[25] *See* Securities Exchange Act Release No. 91460 (April 2, 2021), 86 FR 18349 (April 8, 2021) (SR–EMERALD–2021–11) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Port Fees, Increase Certain Network Connectivity Fees, and Increase the Number of Additional Limited Service MIAX Emerald Express Interface Ports Available to Market Makers) (adopting tiered MEI Port fee structure ranging from $5,000 to $20,500 per month).

[26] The Exchange has not yet finalized its 2021 year end results.

[27] The percentage allocations used in this proposed rule change may differ from past filings from the Exchange or its affiliates due to, among other things, changes in expenses charged by third-parties, adjustments to internal resource allocations, and different system architecture of the Exchange as compared to its affiliates.

[28] For example, the Exchange previously noted that all third-party expense described in its prior fee filing was contained in the information technology and communication costs line item under the section titled ''Operating Expenses Incurred Directly or Allocated From Parent,'' in the Exchange's 2019 Form 1 Amendment containing its financial statements for 2018. *See* 87876 (December 31, 2019), 85 FR 757 (January 7, 2020) (SR–PEARL–2019–36). Accordingly, the third-party expense described in this filing is attributed to the same line item for the Exchange's 2021 Form 1 Amendment, which will be filed in 2022.

This includes, but is not limited to, a portion of the fees paid to: (1) Equinix, for data center services, for the primary, secondary, and disaster recovery locations of the Exchange's trading system infrastructure; (2) Zayo Group Holdings, Inc. (''Zayo'') for network services (fiber and bandwidth products and services) linking the Exchange's and MIAX's office locations in Princeton, New Jersey and Miami, Florida, to all data center locations; (3) Secure Financial Transaction Infrastructure (''SFTI''),[29] which supports connectivity and feeds for the entire U.S. options industry; (4) various other services providers (including Thomson Reuters, NYSE, Nasdaq, and Internap), which provide content, connectivity services, and infrastructure services for critical components of options connectivity and network services; and (5) various other hardware and software providers (including Dell and Cisco, which support the production environment in which Members connect to the network to trade, receive market data, etc.).

For clarity, only a portion of all fees paid to such third-parties is included in the third-party expense herein, and no expense amount is allocated twice. Accordingly, the Exchange and MIAX do not allocate their entire information technology and communication costs to the access services associated with the Proposed Access Fees. Further, the Exchange notes that, with respect to the MIAX Pearl expenses included herein, those expenses only cover the MIAX Pearl options market; expenses associated with MIAX Pearl Equities are accounted for separately and are not included within the scope of this filing. As noted above, the percentage allocations used in this proposed rule change may differ from past filings from the Exchange or its affiliates due to, among other things, changes in expenses charged by third-parties, adjustments to internal resource allocations, and different system architecture of the Exchange as compared to its affiliates. Further, as part its ongoing assessment of costs and expenses, the Exchange recently conducted a periodic thorough review of its expenses and resource allocations which, in turn, resulted in a revised percentage allocations in this filing.

The Exchange believes it is reasonable to allocate such third-party expense described above towards the total cost to the Exchange and MIAX to provide the access services associated with the Proposed Access Fees. In particular, the Exchange believes it is reasonable to allocate the identified portion of the Equinix expense because Equinix operates the data centers (primary, secondary, and disaster recovery) that host the Exchange's network infrastructure. This includes, among other things, the necessary storage space, which continues to expand and increase in cost, power to operate the network infrastructure, and cooling apparatuses to ensure the Exchange's network infrastructure maintains stability. Without these services from Equinix, the Exchange would not be able to operate and support the network and provide the access services associated with the Proposed Access Fees to its Members and their customers. The Exchange did not allocate all of the Equinix expense toward the cost of providing the access services associated with the Proposed Access Fees, only that portion which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 62% of the total applicable Equinix expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[30]

The Exchange believes it is reasonable to allocate the identified portion of the Zayo expense because Zayo provides the internet, fiber and bandwidth connections with respect to the network, linking the Exchange with its affiliates, MIAX and MIAX Emerald, as well as the data center and disaster recovery locations. As such, all of the trade data, including the billions of messages each day per exchange, flow through Zayo's infrastructure over the Exchange's network. Without these services from Zayo, the Exchange would not be able to operate and support the network and provide the access services associated with the Proposed Access Fees. The Exchange did not allocate all of the Zayo expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portion which the Exchange identified as being specifically mapped to providing the Proposed Access Fees, approximately 62% of the total applicable Zayo expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[31]

The Exchange believes it is reasonable to allocate the identified portions of the SFTI expense and various other service providers' (including Thompson Reuters, NYSE, Nasdaq, and Internap) expense because those entities provide connectivity and feeds for the entire U.S. options industry, as well as the content, connectivity services, and infrastructure services for critical components of the network. Without these services from SFTI and various other service providers, the Exchange would not be able to operate and support the network and provide access to its Members and their customers. The Exchange did not allocate all of the SFTI and other service providers' expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portions which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 75% of the total applicable SFTI and other service providers' expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees.[32]

The Exchange believes it is reasonable to allocate the identified portion of the other hardware and software provider expense because this includes costs for dedicated hardware licenses for switches and servers, as well as dedicated software licenses for security monitoring and reporting across the network. Without this hardware and software, the Exchange would not be able to operate and support the network and provide access to its Members and their customers. The Exchange did not allocate all of the hardware and software provider expense toward the cost of providing the access services associated

[29] In fact, on October 22, 2019, the Exchange was notified by SFTI that it is again raising its fees charged to the Exchange by approximately 11%, without having to show that such fee change complies with the Act by being reasonable, equitably allocated, and not unfairly discriminatory. It is unfathomable to the Exchange that, given the critical nature of the infrastructure services provided by SFTI, that its fees are not required to be rule-filed with the Commission pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder. *See* 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively.

[30] As noted above, the percentage allocations used in this proposed rule change may differ from past filings from the Exchange or its affiliates due to, among other things, changes in expenses charged by third-parties, adjustments to internal resource allocations, and different system architecture of the Exchange as compared to its affiliates. Again, as part its ongoing assessment of costs and expenses, the Exchange recently conducted a periodic thorough review of its expenses and resource allocations which, in turn, resulted in a revised percentage allocations in this filing.

[31] *Id.*

[32] *Id.*

with the Proposed Access Fees, only the portions which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 51% of the total applicable hardware and software provider expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees.[33]

For 2021, total projected internal expense, relating to the internal costs of the Exchange and MIAX to provide the access services associated with the Proposed Access Fees, is projected to be approximately $12 million. This includes, but is not limited to, costs associated with: (1) Employee compensation and benefits for full-time employees that support the access services associated with the Proposed Access Fees, including staff in network operations, trading operations, development, system operations, business, as well as staff in general corporate departments (such as legal, regulatory, and finance) that support those employees and functions (including an increase as a result of the higher determinism project); (2) depreciation and amortization of hardware and software used to provide the access services associated with the Proposed Access Fees, including equipment, servers, cabling, purchased software and internally developed software used in the production environment to support the network for trading; and (3) occupancy costs for leased office space for staff that provide the access services associated with the Proposed Access Fees. The breakdown of these costs is more fully-described below. For clarity, only a portion of all such internal expenses are included in the internal expense herein, and no expense amount is allocated twice. Accordingly, the Exchange and MIAX do not allocate their entire costs contained in those items to the access services associated with the Proposed Access Fees.

The Exchange believes it is reasonable to allocate such internal expense described above towards the total cost to the Exchange to provide the access services associated with the Proposed Access Fees. In particular, the Exchange's and MIAX's combined employee compensation and benefits expense relating to providing the access services associated with the Proposed Access Fees is projected to be approximately $6.1 million, which is only a portion of the approximately $12.6 million (for MIAX) and $9.2 million (for MIAX Pearl) total projected expense for employee compensation and benefits. The Exchange believes it is reasonable to allocate the identified portion of such expense because this includes the time spent by employees of several departments, including Technology, Back Office, Systems Operations, Networking, Business Strategy Development (who create the business requirement documents that the Technology staff use to develop network features and enhancements), Trade Operations, Finance (who provide billing and accounting services relating to the network), and Legal (who provide legal services relating to the network, such as rule filings and various license agreements and other contracts). As part of the extensive cost review conducted by the Exchange, the Exchange reviewed the amount of time spent by each employee on matters relating to the provision of access services associated with the Proposed Access Fees. Without these employees, the Exchange would not be able to provide the access services associated with the Proposed Access Fees to its Members and their customers. The Exchange did not allocate all of the employee compensation and benefits expense toward the cost of the access services associated with the Proposed Access Fees, only the portions which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 28% of the total applicable employee compensation and benefits expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[34]

The Exchange's and MIAX's combined depreciation and amortization expense relating to providing the services associated with the Proposed Access Fees is projected to be $5.3 million, which is only a portion of the $4.8 million (for MIAX) and $2.9 million (for MIAX Pearl) total projected expense for depreciation and amortization. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense includes the actual cost of the computer equipment, such as dedicated servers, computers, laptops, monitors, information security appliances and storage, and network switching infrastructure equipment, including switches and taps that were purchased to operate and support the network and provide the access services associated with the Proposed Access Fees. Without this equipment, the Exchange would not be able to operate the network and provide the access services associated with the Proposed Access Fees to its Members and their customers. The Exchange did not allocate all of the depreciation and amortization expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portion which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 70% of the total applicable depreciation and amortization expense, as these access services would not be possible without relying on such. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[35]

The Exchange's and MIAX's combined occupancy expense relating to providing the services associated with the Proposed Access Fees is projected to be approximately $0.6 million, which is only a portion of the $0.6 million (for MIAX) and $0.5 million (for MIAX Pearl) total projected expense for occupancy. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense represents the portion of the Exchange's cost to rent and maintain a physical location for the Exchange's staff who operate and support the network, including providing the access services associated with the Proposed Access Fees. This amount consists primarily of rent for the Exchange's Princeton, NJ office, as well as various related costs, such as physical security, property management fees, property taxes, and utilities. The Exchange operates its Network Operations Center (''NOC'') and Security Operations Center (''SOC'') from its Princeton, New Jersey office location. A centralized office space is required to house the staff that operates and supports the network. The Exchange currently has approximately 150 employees. Approximately two-thirds of the Exchange's staff are in the Technology department, and the majority of those staff have some role in the operation and performance of the access services associated with the Proposed Access Fees. Without this

[33] *Id.*

[34] *Id.*

[35] *Id.*

office space, the Exchange would not be able to operate and support the network and provide the access services associated with the Proposed Access Fees to its Members and their customers. Accordingly, the Exchange believes it is reasonable to allocate the identified portion of its occupancy expense because such amount represents the Exchange's actual cost to house the equipment and personnel who operate and support the Exchange's network infrastructure and the access services associated with the Proposed Access Fees. The Exchange did not allocate all of the occupancy expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portion which the Exchange identified as being specifically mapped to operating and supporting the network, approximately 53% of the total applicable occupancy expense. The Exchange believes this allocation is reasonable because it represents the Exchange's cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[36]

The Exchange notes that a material portion of its total overall expense is allocated to the provision of access services (including connectivity, ports, and trading permits). The Exchange believes this is reasonable and in line, as the Exchange operates a technology-based business that differentiates itself from its competitors based on its trading systems that rely on access to a high performance network, resulting in significant technology expense. Over two-thirds of Exchange staff are technology-related employees. The majority of the Exchange's expense is technology-based. As described above, the Exchange and MIAX have only four primary sources of fees to recover their costs; thus, the Exchange and MIAX believe it is reasonable to allocate a material portion of their total overall expense towards access fees.

Accordingly, based on the facts and circumstances presented, the Exchange believes that its provision of the access services associated with the Proposed Access Fees will not result in excessive pricing or supra-competitive profit. To illustrate, on a going-forward, fully-annualized basis, the Exchange and MIAX project that annualized revenue for providing the access services associated with the Proposed Access Fees would be approximately $22 million per annum, based on a recent billing cycle.[37] The Exchange and MIAX project that their annualized revenue for providing network connectivity services (all connectivity alternatives) to be approximately $22.8 million per annum. The Exchange and MIAX project that their annualized expense for providing network connectivity services (all connectivity alternatives) to be approximately $15.9 million per annum. Accordingly, on a fully-annualized basis, the Exchange and MIAX believe their total projected revenue for the providing the access services associated with the Proposed Access Fees will not result in excessive pricing or supra-competitive profit, as the Exchange and MIAX will make a profit margin of only approximately 30% inclusive of the Proposed Access Fees and all other connectivity alternatives ($22.8 million in total connectivity revenue minus $15.9 million in expense = $6.9 million in profit per annum). Additionally, this profit margin does not take into account the cost of capital expenditures (''CapEx'') the Exchange and MIAX historically spent or are projected to spend each year on CapEx going forward.

For the avoidance of doubt, none of the expenses included herein relating to the access services associated with the Proposed Access Fees relate to the provision of any other services offered by the Exchange or MIAX. Stated differently, no expense amount of the Exchange is allocated twice. The Exchange notes that, with respect to the MIAX Pearl expenses included herein, those expenses only cover the MIAX Pearl options market; expenses associated with the MIAX Pearl equities market and the Exchange's affiliate, MIAX Emerald, are accounted for separately and are not included within the scope of this filing. Stated differently, no expense amount of the Exchange is also allocated to MIAX Pearl Equities or MIAX Emerald.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to allocate the respective percentages of each expense category described above towards the total cost to the Exchange of operating and supporting the network, including providing the access services associated with the Proposed Access Fees because the Exchange performed a line-by-line item analysis of nearly every expenses of the Exchange, and has determined the expenses that directly relate to providing access to the Exchange and MIAX. Further, the Exchange notes that, without the specific third-party and internal items listed above, the Exchange would not be able to provide the access services associated with the Proposed Access Fees to its Members and their customers. Each of these expense items, including physical hardware, software, employee compensation and benefits, occupancy costs, and the depreciation and amortization of equipment, have been identified through a line-by-line item analysis to be integral to providing access services. The Proposed Access Fees are intended to recover the Exchange's and MIAX's costs of providing access to their Systems. Accordingly, the Exchange believes that the Proposed Access Fees are fair and reasonable because they do not result in excessive pricing or supra-competitive profit, when comparing the actual costs to the Exchange versus the projected annual revenue from the Proposed Access Fees.

The Exchange believes the proposed changes are reasonable, equitably allocated and not unfairly discriminatory, and do not result in a ''supra-competitive'' [38] profit. Of note, the Guidance defines ''supra-competitive profit'' as profits that exceed the profits that can be obtained in a competitive market.[39] With the proposed changes, the Exchange and MIAX anticipate that their collective connectivity profit margin will be approximately 30%, inclusive of the Proposed Access Fees and all other connectivity alternatives. In order to achieve a consistent, premium network performance, the Exchange must build out and continue to maintain a network that has the capacity to handle the message rate requirements of not only firms that consume minimal Exchange connectivity resources, but also those firms that most heavily consume Exchange connectivity resources, network consumers, and purchasers of 10Gb ULL connectivity, which generate billions of messages per day across the Exchange and MIAX Pearl. These billions of messages per day consume the Exchange's resources and significantly contribute to the overall network connectivity expense for storage and network transport capabilities. Given that 10Gb ULL purchasers utilize the most resources across the network, the Exchange believes that it is reasonable to operate at a profit margin of approximately 30% for connectivity, inclusive of the Proposed Access Fees and all other

[36] *Id.*

[37] The Exchange and MIAX also continue to project approximately $69,550 in monthly revenue through 1Gb connections; however, the Exchange and MIAX do not propose to adjust the fees for those connections at this time.

[38] *See supra* note 12.

[39] *See id.*

connectivity alternatives. Such profit margin should enable the Exchange to continue to invest in its network and systems, maintain its current infrastructure, support future enhancements to network connectivity, and continue to offer enhanced customer reporting and monitoring services.

While the proposed fees are similar to or less than that of other options exchanges,[40] as discussed above, the incremental increase in revenue generated from the 30% profit margin for connectivity will allow the Exchange and MIAX Pearl to further invest in their system architecture and matching engine functionality to the benefit of all market participants. The ability to continue to invest in technology and systems will also enable the Exchange to improve the determinism and overall performance of not only its system connectivity, but overall performance including the resiliency and efficiency of its matching engines. The revenue generated under the proposed rule change would also provide the exchange with the resources necessary to further innovate and enhance its systems and seek additional improvements or functionality to offer market participants generally. The Exchange believes that these investments, in turn, will benefit all investors by encouraging other exchanges to further invest, innovate, and improve their own systems in response.

Based on the 2020 Audited Financial Statements of competing options exchanges (since the 2021 Audited Financial Statements will likely not become publicly available until early July 2022, after the Exchange has submitted this filing), the Exchange's revenue that is derived from its access fees is in line with the revenue that is derived from access fees of competing exchanges. For example, the total revenue from ''access fees'' [41] for 2020 for MIAX was $15,805,000. MIAX projects that the total revenue from ''access fees'' for 2021 for MIAX will be $21,727,396, inclusive of the Proposed Access Fees described herein. Similarly, the total revenue from ''access fees'' [42] for 2020 for MIAX Pearl was $11,422,000. MIAX Pearl projects that the total revenue from ''access fees'' for 2021 for MIAX Pearl will be $20,001,243, inclusive of the Proposed Access Fees described herein.

The Exchange's projected revenue from access fees is still less than, or similar to, the access fee revenues generated by access fees charged by other U.S. options exchanges. For example, the Cboe Exchange, Inc. (''Cboe'') reported $70,893,000 in ''access and capacity fee'' [43] revenue for 2020. Cboe C2 Exchange, Inc. (''C2'') reported $19,016,000 in ''access and capacity fee'' revenue for 2020.[44] Cboe BZX Exchange, Inc. (''BZX'') reported $38,387,000 in ''access and capacity fee'' revenue for 2020.[45] Cboe EDGX Exchange, Inc. (''EDGX'') reported $26,126,000 in ''access and capacity fee'' revenue for 2020.[46] PHLX reported $20,817,000 in ''Trade Management Services'' revenue for 2019.[47] The Exchange notes it is unable to compare ''access fee'' revenues with PHLX (or other affiliated NASDAQ exchanges) because after 2019, the ''Trade Management Services'' line item was bundled into a much larger line item in PHLX's Form 1, simply titled ''Market services.'' [48]

The Exchange also believes that, based on the 2020 Audited Financial Statements of competing options exchanges, the Exchange's overall operating margin is in line with or less than the operating margins of competing options exchanges, including the revenue and expense associated with the Proposed Access Fees. For example, the 2020 operating margin for MIAX was 46%. The 2020 operating margin for MIAX Pearl was −18%.[49] Based on competing exchanges' Form 1 Amendments, ISE's operating profit margin for 2020 was approximately 85%; PHLX's operating profit margin for 2020 was approximately 49%; NASDAQ's operating profit margin for 2020 was approximately 62%; Arca's operating profit margin for 2020 was approximately 55%; Amex's operating profit margin for 2020 was approximately 59%; Cboe's operating profit margin for 2020 was approximately 74%; and BZX's operating profit margin for 2020 was approximately 52%.

The Exchange believes that the Proposed Access Fees are reasonable, equitably allocated and not unfairly discriminatory because, for one 10Gb ULL connection, the Exchange provides each Member or non-Member access to all twelve (12) matching engines on MIAX Pearl and a vast majority choose to connect to all twelve (12) matching engines. The Exchange believes that other exchanges require firms to connect to multiple matching engines.[50] Further, the Exchange notes that no Member or non-Member has altered its use of 10Gb ULL connectivity since the proposed fee changes went into effect on August 1, 2021 via the First Proposed Rule Change.

The Exchange further believes its proposed fees are reasonable, equitably allocated and not unfairly discriminatory because the Exchange believes that it benefits overall competition in the marketplace to allow relatively new entrants like the Exchange and its affiliates, MIAX and MIAX Emerald, to propose fees that may help these new entrants recoup their substantial investment in building out costly infrastructure. The Exchange and its affiliates have historically set their fees purposefully low in order to attract business and market share, and the proposed tiered-pricing structure will help make the rates consistent with other exchanges while not raising costs for a majority of the Exchange's Members and non-Members.

The Guidance provides that in determining whether a proposed fee is constrained by significant competitive forces, the Commission will consider whether there are reasonable substitutes

[40] *See supra* notes 16, 18 and 20.

[41] As described in MIAX's Audited Financial Statements, fees for ''access services'' are assessed to exchange members for the opportunity to trade and use other related functions of the exchanges. *See https://www.sec.gov/Archives/edgar/vprr/2100/21000461.pdf.*

[42] As described in MIAX Pearl's Audited Financial Statements, fees for ''access services'' are assessed to exchange members for the opportunity to trade and use other related functions of the exchanges. *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2100/21000460.pdf.*

[43] According to Cboe, access and capacity fees represent fees assessed for the opportunity to trade, including fees for trading-related functionality. *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2100/21000465.pdf.*

[44] *See id.*

[45] *See id.*

[46] *See id.*

[47] According to PHLX, ''Trade Management Services'' includes ''a wide variety of alternatives for connectivity to and accessing [the PHLX] markets for a fee. These participants are charged monthly fees for connectivity and support in accordance with [PHLX's] published fee schedules.'' *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2001/20012246.pdf.*

[48] *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2100/21000475.pdf.*

[49] This information is provided in response to the SIG Comment Letter. *See supra* note 7.

[50] *See* Specialized Quote Interface Specification, Nasdaq PHLX, Nasdaq Options Market, Nasdaq BX Options, Version 6.5a, Section 2, Architecture (revised August 16, 2019), available at *http://www.nasdaqtrader.com/content/technicalsupport/specifications/TradingProducts/SQF6.5a-2019-Aug.pdf.* The Exchange notes that it is unclear whether the NASDAQ exchanges include connectivity to each matching engine for the single fee or charge per connection, per matching engine. *See also* NYSE Technology FAQ and Best Practices: Options, Section 5.1 (How many matching engines are used by each exchange?) (September 2020). The Exchange notes that NYSE provides a link to an Excel file detailing the number of matching engines per options exchange, with Arca and Amex having 19 and 17 matching engines, respectively.

for the product or service that is the subject of a proposed fee. As described below, the Exchange believes substitute products and services are available to market participants, including, among other things, other options exchanges that market participants may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller.

There is also no regulatory requirement that any market participant connect to any one options exchange, that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. A market participant may submit orders to the Exchange via a Sponsored User.[51] Indeed, the Exchange is unaware of any one options exchange whose membership includes every registered broker-dealer. Based on a recent analysis conducted by the Cboe Exchange, Inc. (''Cboe''), as of October 21, 2020, only three (3) of the broker-dealers, out of approximately 250 broker-dealers, were members of at least one exchange that lists options for trading and were members of all 16 options exchanges.[52] Additionally, the Cboe Fee Filing found that several broker-dealers were members of only a single exchange that lists options for trading and that the number of members at each exchange that trades options varies greatly.[53]

The Exchange notes that non-Member third-parties, such as Service Bureaus and Extranets, resell the Exchange's connectivity. This indirect connectivity is another viable alternative for market participants to trade on the Exchange without connecting directly to the Exchange (and thus not pay the Exchange's connectivity fees), which alternative is already being used by non-Members and further constrains the price that the Exchange is able to charge for connectivity and other access fees to its market. The Exchange notes that it could, but chooses not to, preclude market participants from reselling its connectivity. The Exchange also chooses not to adopt fees that would be assessed to third-party resellers on a per customer basis (*i.e.,* fees based on the number of firms that connect to the Exchange indirectly via the third-party). Indeed, the Exchange does not receive any connectivity revenue when connectivity is resold by a third-party, which often is resold to multiple customers, some of whom are agency broker-dealers that have numerous customers of their own.[54] In sum, the Exchange believes this creates and fosters a competitive environment and subjects the Exchange to competitive forces in pricing its connectivity and access fees. Particularly, in the event that a market participant views the Exchange's direct connectivity and access fees as more or less attractive than competing markets, that market participant can choose to connect to the Exchange indirectly or may choose not to connect to the Exchange and connect instead to one or more of the other 15 options markets. Accordingly, the Exchange believes that the Proposed Access Fees are fair and reasonable and do not result in excessive pricing or supra-competitive profit.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

With respect to intra-market competition, the Exchange does not believe that the proposed rule change would place certain market participants at the Exchange at a relative disadvantage compared to other market participants or affect the ability of such market participants to compete. As stated above, the Exchange does not believe its proposed pricing will impose a barrier to entry to smaller participants and notes that its proposed connectivity pricing structure for its 10Gb ULL connections is associated with relative usage of the various market participants. Further, the majority of firms that purchase 10Gb ULL connections may either save money or pay the same amount after the tiered-pricing structure is implemented. While total cost may be increased for market participants with larger capacity needs or for business/technical preferences, such options provide far more capacity and are purchased by those that consume more resources from the network. Accordingly, the proposed tiered-pricing structure does not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation reflects the network resources consumed by the various usage of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pays the most, particularly since higher bandwidth consumption translates to higher costs to the Exchange.

The Exchange also does not believe that the proposed rule change will result in any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, options market participants are not forced to connect to all options exchanges. The Exchange operates in a highly competitive environment, and as discussed above, its ability to price access and connectivity is constrained by competition among exchanges and third parties. There are other options markets of which market participants may connect to trade options. There is also a possible range of alternative strategies, including routing to the exchange through another participant or market center or accessing the Exchange indirectly. For example, there are 15 other U.S. options exchanges, which the Exchange must consider in its pricing discipline in order to compete for market participants. In this competitive environment, market participants are free to choose which competing exchange or reseller to use to satisfy their business needs. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange received one comment on the proposed rule change.[55] The Exchange notes that the Exchange, and its affiliates MIAX and MIAX Emerald, justified similar fee changes in the past with similar, if not identical,

[51] *See* Exchange Rule 210. The Sponsored User is subject to the fees, if any, of the Sponsoring Member. The Exchange notes that the Sponsoring Member is not required to publicize, let alone justify or file with the Commission its fees, and as such could charge the Sponsored User any fees it deems appropriate, even if such fees would otherwise be considered supra-competitive, or otherwise potentially unreasonable or uncompetitive.

[52] *See* Securities Exchange Act Release No. 90333 (November 4, 2020), 85 FR 71666 (November 10, 2020) (SR–CBOE–2020–105) (the ''Cboe Fee Filing''). The Cboe Fee Filing cited to the October 2020 Active Broker Dealer Report, provided by the Commission's Office of Managing Executive, on October 8, 2020.

[53] *Id.*

[54] The Exchange notes that resellers are not required to publicize, let alone justify or file with the Commission their fees, and as such could charge the market participant any fees it deems appropriate (including connectivity fees higher than the Exchange's connectivity fees), even if such fees would otherwise be considered potentially unreasonable or uncompetitive fees.

[55] *See* the SIG Comment Letter, *supra* note 7.

justifications in previous filings that have been noticed by the Commission for public comment and are currently in effect.[56] Nonetheless, the Exchange has sought to address the commenters concerns via the enhanced justification and additional information included in this proposal.

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,[57] and Rule 19b–4(f)(2)[58] 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.* Please include File Number SR–PEARL–2021–45 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–2021–45. 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–2021–45 and should be submitted on or before October 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

J. Matthew DeLesDernier,

Assistant Secretary.

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[56] *See* Securities Exchange Act Release Nos. 90980 (January 25, 2021), 86 FR 7602 (January 29, 2021) (SR–MIAX–2021–02); 90981 (January 25, 2021), 86 FR 7582 (January 29, 2021) (SR–PEARL–2021–01); 91033 (February 1, 2021), 86 FR 8455 (February 5, 2021) (SR–EMERALD–2021–03); 91460 (April 2, 2021), 86 FR 18349 (April 8, 2021) (SR–EMERALD–2021–11).

[57] 15 U.S.C. 78s(b)(3)(A)(ii).

[58] 17 CFR 240.19b–4(f)(2).

[59] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93157; File No. SR–Phlx–2021–43]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Order Approving a Proposed Rule Change To Permit Monday and Wednesday Expirations for Options Listed Pursuant to the Short Term Options Program on the iShares Russell 2000 ETF (IWM)

September 28, 2021.

I. Introduction

On August 6, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Phlx Options 4, Section 5 at Supplementary Material .03 to permit Monday and Wednesday expirations for options listed pursuant to the Short Term Option Series Program (''Program'') on the iShares Russell 2000 ETF (''IWM''). The proposed rule change was published for comment in the **Federal Register** on August 18, 2021.[3] The Commission received comment on the proposal.[4] This order approves the proposed rule change.

II. Description of the Proposal

Under the terms of the current Program, after an option class has been approved for listing and trading on the Exchange, the Exchange may open for trading, on any Thursday or Friday that is a business day, series of options on that class that expire on each of the next five consecutive Fridays that are business days,[5] provided that such Friday does not occur in the same week in which monthly options series on the same class expire or is not a Friday on which Quarterly Options Series on the same class expire.[6] If the Exchange is not open for business on the Friday of the following business week, the series will expire on the first business day immediately prior to that Friday.[7] In addition, the Exchange may open for trading, on any Friday or Monday that is a business day, series of options on the SPDR S&P 500 ETF Trust (''SPY'') and Invesco QQQ Trust Series (''QQQ'') ETF Trust to expire on any Monday of the month that is a business day and is not a Monday in which Quarterly Options Series expire, provided that expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration.[8] The Exchange also may open for trading, on any Tuesday or Wednesday that is a business day, series of options on SPY and QQQ to expire on any Wednesday of the month that is a business day and is not a Wednesday in which Quarterly Options Series expire.[9]

The Exchange proposes to expand the Program to permit Phlx to open for trading, on any Monday or Friday that is a business day, series of options on IWM that expire on any Monday of the month that is a business day and is not

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92655 (August 12, 2021), 86 FR 46304 (''Notice'').

[4] Comment on the proposed rule change can be found at: *https://www.sec.gov/comments/sr-phlx-2021-43/srphlx202143.htm.*

[5] *See* Supplementary Material .03 to Options 4, Section 5.

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] *Id.*

a Monday in which Quarterly Options Series on the same class expire (''Monday IWM Expirations''). In the case of a series that is listed on a Friday and expires on a Monday, it must be listed at least one business week and one business day prior to that Monday expiration. If the Monday IWM Expiration falls on a Monday that is not a business day, the series shall expire on the first business day immediately following that Monday.

Similarly, the Exchange also proposes to expand the Program to permit Phlx to open for trading, on any Tuesday or Wednesday that is a business day, series of options on IWM to expire on any Wednesday of the month that is a business day and is not a Wednesday in which Quarterly Options Series on the same class expire (''Wednesday IWM Expirations''). If the Wednesday IWM Expiration falls on a Wednesday that is not a business day, the series shall expire on the first business day immediately prior to that Wednesday.

In addition, the Exchange proposes to amend Supplementary Material .03(b) to Options 4, Section 5, to state that it may list up to five consecutive Monday IWM Expirations at one time and up to five consecutive Wednesday IWM Expirations at one time, and that there may be no more than a total of five Monday IWM Expirations and no more than a total of five Wednesday IWM Expirations.[10] The Exchange also proposes to amend Supplementary Material .03(b) to Options 4, Section 5 to permit Monday IWM Expirations and Wednesday IWM Expirations to expire in the same week in which monthly options series on the same class expire. Otherwise, Monday IWM Expirations and Wednesday IWM Expirations will be subject to the same rules as standard Short Term Option Series.[11]

III. Discussion and Commission's Findings

The Commission has carefully reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Commission finds that the proposal is consistent with the requirements of Sections 6(b)(5) of the Act,[13] which requires, among other things, that a national securities exchange have rules designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

One commenter expressed support for the proposal, stating that it permits market participants ''to manage a more tailored and cost effective hedge for a specific event date'' [14] and asserting that the demand for Monday and Wednesday expirations on SPY and QQQ indicates their utility for market participants.[15] The Commission believes that the proposed rule change may provide the investing public and other market participants more flexibility to closely tailor their investment and hedging decisions in IWM options, thus allowing them to better manage their risk exposure. The Commission notes that the proposed rule change is also similar to the Exchange's existing rules permitting the listing and trading of Monday and Wednesday expirations on SPY and QQQ.[16]

In approving the proposal, the Commission notes that the Exchange has represented that it has an adequate surveillance program in place to detect manipulative trading in Monday IWM Expirations and Wednesday IWM Expirations.[17] The Exchange further states that it has the necessary systems capacity to support the new options series.[18]

IV. Conclusion

It is therefore ordered that pursuant to Section 19(b)(2) of the Act [19] that the proposed rule change (SR–Phlx–2021–43) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

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[10] The Exchange also proposes a non-substantive technical change to the punctuation after the title ''Short Term Options Series Program'' within Supplementary Material .03 to Options 4, Section 5.

[11] For example, the Monday IWM Expirations and Wednesday IWM Expirations would be subject to the same series limitations and strike interval rules as standard Short Term Option Series. *See* Notice, *supra* note 3, at 46305.

[12] 15 U.S.C. 78f. In approving this proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* Letter from Michael Golding, Head of Trading, Optiver US LLC, to Vanessa Countryman, Secretary, Commission, dated September 8, 2021, at 1.

[15] *See id.,* at 2.

[16] *See* Supplementary Material .03 to Options 4, Section 5.

[17] *See* Notice, *supra* note 3, at 46305–06.

[18] *Id.*

[19] 15 U.S.C. 78s(b)(2).

[20] 17 CFR 200.300–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93165; File No. SR–MIAX–2021–41]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Fee Schedule To Adopt a Tiered-Pricing Structure for Certain Connectivity Fees

September 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 24, 2021, Miami International Securities Exchange LLC (''MIAX'' 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 MIAX Options Fee Schedule (the ''Fee Schedule'') to amend certain connectivity fees.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX'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 statements may be examined at the places specified in Item IV below. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 the Fee Schedule to adopt a tiered-pricing structure for the 10 gigabit (''Gb'') ultra-low latency (''ULL'') fiber connection available to Members [3] and non-Members. The Exchange believes a tiered-pricing structure will encourage Members and non-Members to be more efficient and economical when determining how to connect to the Exchange. This should also enable the Exchange to better monitor and provide access to the Exchange's network to ensure sufficient capacity and headroom in the System.[4]

The Exchange initially filed this proposal on July 30, 2021, with the proposed fee changes effective beginning August 1, 2021.[5] The First Proposed Rule Change was published for comment in the **Federal Register** on August 17, 2021.[6] The Commission received one comment letter on the First Proposed Rule Change.[7] The Exchange has withdrawn the First Proposed Rule Change and now submits this proposal, which is immediately effective. This proposal provides additional justification for the proposed fee changes and addresses certain points raised in the single comment letter that submitted on the First Proposed Rule Change.

10Gb ULL Tiered-Pricing Structure

The Exchange proposes to amend Sections (5)(a)–(b) of the Fee Schedule to provide for a tiered-pricing structure for 10Gb ULL connections for Members and non-Members. Currently, the Exchange assesses Members and non-Members a flat monthly fee of $10,000 per 10Gb ULL connection for access to the Exchange's primary and secondary facilities.

The Exchange now proposes to move from a flat monthly fee per connection to a tiered-pricing structure under which the monthly fee would vary depending on the number of 10Gb ULL connections each Member or non-Member elects to purchase per exchange. Specifically, the Exchange proposes to decrease the fee for the first and second 10Gb ULL connections for each Member and non-Member from the current flat monthly fee of $10,000 to $9,000 per connection. To encourage more efficient connectivity usage, the Exchange proposes to increase the per connection fee for Members and non-Members that purchase more than two 10Gb ULL connections. In particular, (i) the third and fourth 10Gb ULL connections for each Member or non-Member will increase from the current flat monthly fee of $10,000 to $11,000 per connection; and (ii) for the fifth 10Gb ULL connection, and each 10Gb ULL connection purchased by Members and non-Members thereafter, the fee will increase from the flat monthly fee of $10,000 to $13,000 per connection. The proposed 10Gb ULL tiered-pricing structure and fees are collectively referred to herein as the ''Proposed Access Fees.''

The Exchange will continue to assess monthly Member and non-Member network connectivity fees for connectivity to the primary and secondary facilities in any month the Member or non-Member is credentialed to use any of the MIAX APIs or market data feeds in the production environment. The Exchange proposes to pro-rate the fees when a Member or non-Member makes a change to the connectivity (by adding or deleting connections) with such pro-rated fees based on the number of trading days that the Member or non-Member has been credentialed to utilize any of the MIAX APIs or market data feeds in the production environment through such connection, divided by the total number of trading days in such month multiplied by the applicable monthly rate. The Exchange will continue to assess monthly Member and non-Member network connectivity fees for connectivity to the disaster recovery facility in each month during which the Member or non-Member has established connectivity with the disaster recovery facility.

The Exchange's MIAX Express Network Interconnect (''MENI'') can be configured to provide Members and non-Members of the Exchange network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facilities of both the Exchange and its affiliate, MIAX PEARL, LLC (''MIAX Pearl''), via a single, shared connection. Members and non-Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX Pearl via a single, shared connection will continue to only be assessed one monthly connectivity fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.

Pursuant to the proposed tiered-pricing structure, any firm that is a Member of both MIAX and MIAX Pearl Options and purchases three or four total 10Gb ULL connections, can effectively allocate one or two 10Gb ULL connections to MIAX at the lowest rate and the other one or two 10Gb ULL connections to MIAX Pearl Options at the lowest rate. This allocation will provide additional cost saving benefits to those Members and non-Members, due to the shared MENI infrastructure of MIAX and MIAX Pearl.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(4) of the Act [9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among Exchange Members and issuers and other persons using any facility or system which the Exchange operates or controls. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [10] in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees for services and products, in addition to order flow, to remain competitive with other exchanges. The Exchange believes that the proposed

[3] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[5] *See* Securities Exchange Act Release No. 92643 (August 11, 2021), 86 FR 46034 (August 17, 2021) (SR–MIAX–2021–35) (the ''First Proposed Rule Change'').

[6] *Id.*

[7] *See* Letter from Richard J. McDonald, Susquehanna International Group, LLC (''SIG''), to Vanessa Countryman, Secretary, Commission, dated September 7, 2021 (''SIG Comment Letter'').

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78f(b)(5).

changes reflect this competitive environment.

The Exchange believes the proposal to move from a flat fee per month for the 10Gb ULL connection to a tiered-pricing structure is reasonable, equitably allocated and not unfairly discriminatory because the Exchange believes the proposed structure would encourage firms to be more economical and efficient in the number of connections they purchase. The Exchange believes this will enable the Exchange to better monitor and provide access to the Exchange's network to ensure sufficient capacity and headroom in the System.

The Exchange believes that the proposal to move to a tiered-pricing structure for its 10Gb ULL connections is reasonable, equitably allocated and not unfairly discriminatory because the majority of Members and non-Members that purchase 10Gb ULL connections will either save money or pay the same amount after the tiered-pricing structure is implemented. After the effective date of the First Proposed Rule Change on August 1, 2021, approximately 80% of the firms that purchased at least one 10Gb ULL connection experienced a decrease in their monthly connectivity fees while only approximately 20% of firms experienced an increase in their monthly connectivity fees as a result of the proposed tiered-pricing structure when compared to the flat monthly fee structure. To illustrate, firms that purchase only one 10Gb ULL connection per month used to pay the flat rate of $10,000 per month for that one 10Gb ULL connection. Pursuant to the proposed tiered-pricing structure, these firms now pay $9,000 per month for that one 10Gb ULL connection, saving $1,000 per month or $12,000 annually. Further, firms that purchase two 10Gb ULL connections per month previously paid a flat rate of $20,000 per month ($10,000 × 2) for those two 10Gb ULL connections. Pursuant to the proposed tiered-pricing structure, these firms now pay $18,000 per month ($9,000 × 2) for those two 10Gb ULL connections, saving $2,000 per month or $24,000 annually. Additionally, any firm that is a Member of both MIAX and MIAX Pearl Options and purchases four total 10Gb ULL connections, can allocate two 10Gb ULL connections to MIAX at the $9,000 rate (saving $2,000 per month as compared to the flat fee) and two 10Gb ULL connections to MIAX Pearl Options at the $9,000 rate (saving an additional $2,000 per month as compared to the flat fee), for a total savings of $4,000 per month, or $48,000 annually, due to the shared MENI infrastructure of MIAX and MIAX Pearl.

The Exchange also notes that firms that primarily route orders seeking best-execution generally only need a limited number of connections to fulfill that obligation. Therefore, the connectivity costs will likely be lower for these firms based on the proposed tiered-pricing structure. The firms that engage in advanced trading strategies typically require multiple connections and, therefore, generate higher costs by utilizing more of the Exchange's resources. These firms experienced increased connectivity costs based on the proposed tiered-pricing structure, as shown by the 20% of firms that may have experienced an increase in their monthly connectivity fees. Additionally, the firms that purchase a higher amount of 10Gb ULL connections tend to have specific business-driven trading strategies, as opposed to firms engaging solely in order routing as part of their best-execution obligations.

The Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the requirements of the Act that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among market participants. The Exchange believes this high standard is especially important when an exchange imposes various access fees for market participants to access an exchange's marketplace. The Exchange deems connectivity to be access fees. It records these fees as part of its ''Access Fees'' revenue in its financial statements. The Exchange believes that it is important to demonstrate that these fees are based on its costs and reasonable business needs. The Exchange believes the Proposed Access Fees will allow the Exchange to offset expense the Exchange has and will incur, and that the Exchange is providing sufficient transparency (as described below) into how the Exchange determined to charge such fees. Accordingly, the Exchange is providing an analysis of its revenues, costs, and profitability associated with the Proposed Access Fees. This analysis includes information regarding its methodology for determining the costs and revenues associated with the Proposed Access Fees.

In order to determine the Exchange's costs to provide the access services associated with the Proposed Access Fees, the Exchange conducted an extensive cost review in which the Exchange analyzed nearly every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the access services. The sum of all such portions of expenses represents the total cost to the Exchange to provide the access services associated with the Proposed Access Fees. For the avoidance of doubt, no expense amount was allocated twice. The Exchange is also providing detailed information regarding the Exchange's cost allocation methodology—namely, information that explains the Exchange's rationale for determining that it was reasonable to allocate certain expenses described in this filing towards the cost to the Exchange to provide the access services associated with the Proposed Access Fees.

In order to determine the Exchange's projected revenue associated with the Proposed Access Fees, the Exchange analyzed the number of Members and non-Members currently utilizing the 10Gb ULL fiber connection, and, utilizing a recent monthly billing cycle representative of 2021 monthly revenue, extrapolated annualized revenue on a going-forward basis. The Exchange does not believe it is appropriate to factor into its analysis future revenue growth or decline into its projections for purposes of these calculations, given the uncertainty of such projections due to the continually changing access needs of market participants, discounts that can be achieved due to lower trading volume and vice versa, market participant consolidation, etc. Additionally, the Exchange similarly does not factor into its analysis future cost growth or decline. The Exchange is presenting its revenue and expense associated with the Proposed Access Fees in this filing in a manner that is consistent with how the Exchange presents its revenue and expense in its Audited Unconsolidated Financial Statements. The Exchange's most recent Audited Unconsolidated Financial Statement is for 2020. However, since the revenue and expense associated with the Proposed Access Fees were not in place in 2020 or for the first seven months of 2021, the Exchange believes its 2020 Audited Unconsolidated Financial Statement is not representative of its current total annualized revenue and costs associated with the Proposed Access Fees. Accordingly, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2021 revenue and costs, as described herein, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited

Unconsolidated Financial Statements. Based on this analysis, the Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit when comparing the Exchange's total annual expense associated with providing the services associated with the Proposed Access Fees versus the total projected annual revenue the Exchange will collect for providing those services.

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On March 29, 2019, the Commission issued its Order Disapproving Proposed Rule Changes to Amend the Fee Schedule on the BOX Market LLC Options Facility to Establish BOX Connectivity Fees for Participants and Non-Participants Who Connect to the BOX Network (the ''BOX Order'').[11] On May 21, 2019, the Commission issued the Staff Guidance on SRO Rule Filings Relating to Fees.[12] Accordingly, the Exchange believes that the Proposed Access Fees are consistent with the Act because they (i) are reasonable, equitably allocated, not unfairly discriminatory, and not an undue burden on competition; (ii) comply with the BOX Order and the Guidance; (iii) are supported by evidence (including comprehensive revenue and cost data and analysis) that they are fair and reasonable because they will not result in excessive pricing or supra-competitive profit; and (iv) utilize a cost-based justification framework that is substantially similar to a framework previously used by the Exchange, and its affiliates, MIAX Pearl and MIAX Emerald, LLC (''MIAX Emerald''), to establish or increase other non-transaction fees.[13] Accordingly, the Exchange believes that the Proposed Access Fees are consistent with the Act.

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As of September 20, 2021, the Exchange had a market share of only 5.47% of the U.S. equity options industry for the month of September 2021.[14] The Exchange is not aware of any evidence that a market share of approximately 5–6% provides the Exchange with anti-competitive pricing power. If the Exchange were to attempt to establish unreasonable pricing for any of its means provided to access the Exchange, market participants may look to access the Exchange via other means such as through a third party service provider, or look to connect to the Exchange via a competing exchange with cheaper access alternatives that also provides routing services to the Exchange. In addition, existing market participants that are connected to the Exchange may choose to disconnect from the Exchange or reduce their number of connections to the Exchange as a means to reduce their overall costs.

The Exchange believes the proposed tiered-pricing structure for 10Gb ULL connections is equitable and reasonable because the proposed highest tier is still less than fees charged for similar connectivity provided by other options exchanges with comparable market shares. For example, The Nasdaq Stock Market LLC (''NASDAQ'') (equity options market share of 7.79% as of September 22, 2021 for the month of September) [15] charges a monthly fee of $10,000 per 10Gb fiber connection and $15,000 per 10Gb Ultra fiber connection.[16] The highest tier of the Exchange's proposed fee structure for a 10Gb ULL connection is $2,000 per month less than NASDAQ and, unlike NASDAQ, the Exchange does not charge installation fees. The Exchange notes that the same connectivity fees described above for NASDAQ also apply to its affiliates, Nasdaq ISE, LLC (''ISE'') (equity options market share of 6.47% as of September 22, 2021 for the month of September) [17] and NASDAQ PHLX LLC (''PHLX'') (equity options market share of 11.25% as of September 22, 2021 for the month of September).[18] NYSE American LLC (''Amex'') (equity options market share of 7.89% as of September 22, 2021 for the month of September) [19] charges $15,000 per connection initially plus $22,000 monthly per 10Gb LX LCN circuit connection.[20] Again, the highest tier of the Exchange's proposed fee structure for a 10Gb ULL connection is $9,000 per month lower than the Amex connectivity fee after the first month.

In the each of the above cases, the Exchange's highest tier in the proposed tiered-pricing structure is significantly lower than that of competing options exchanges with similar market share. Further, as described in more detail below, those exchanges generate higher overall operating profit margins and higher ''access fees'' than the Exchange, even with this proposed fee change. Despite proposing lower or similar fees to that of competing options exchanges with similar market share, the Exchange believes that it provides a premium network experiencer to its Members and non-Members via a highly deterministic system, enhanced network monitoring and customer reporting, and a superior network infrastructure than markets with higher market shares and more expensive connectivity alternatives. Each of the connectivity rates in place at competing options exchanges were filed with the Commission for immediate effectiveness and remain in place today.

The Exchange also notes that the higher connectivity fees described above for competing exchanges have been in place for years (over 8 years in some cases), allowing those exchanges to derive significantly more revenue from their access fees. For example, in 2013, Amex adopted the pricing for its 10Gb LX LCN connection of $15,000 as an initial charge per connection and then a monthly fee of $20,000 per connection. The initial fee per connection is higher than the Exchange's highest proposed tier of $13,000 per connection, notwithstanding the fact that the monthly fee is $7,000 more than the Exchange's highest proposed tier and Amex's fees have been in place for nearly 8 years.[21] NYSE Arca, Inc. (''Arca'') also adopted the exact same fees as Amex in 2013 and has been collecting higher fees than the Exchange's current proposal for nearly 8 years as well (initial charge of $15,000 per connection and then a monthly fee of $20,000 per connection).[22] Not only were the fees that Amex and Arca adopted in 2013 significantly higher than the fees the Exchange currently proposes, in 2016, Amex and Arca

[11] *See* Securities Exchange Act Release No. 85459 (March 29, 2019), 84 FR 13363 (April 4, 2019) (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04).

[12] *See* Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019), at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees* (the ''Guidance'').

[13] See Securities Exchange Act Release Nos. 90981 (January 25, 2021), 86 FR 7582 (January 29, 2021) (SR–PEARL–2021–01) (proposal to increase connectivity fees); 91460 (April 2, 2021), 86 FR 18349 (SR–EMERALD–2021–11) (proposal to adopt port fees, increase connectivity fees, and increase additional limited service ports); 91033 (February 1, 2021), 86 FR 8455 (February 5, 2021) (SR–EMERALD–2021–03) (proposal to adopt trading permit fees).

[14] *See* ''The market at a glance,'' available at *https://www.miaxoptions.com/* (last visited September 20, 2021).

[15] *See* ''The market at a glance,'' available at *https://www.miaxoptions.com/* (last visited September 22, 2021).

[16] *See* Nasdaq Stock Market LLC Rules, General 8: Connectivity, Section 1. Co-Location Services; Nasdaq ISE Rules, General 8: Connectivity.

[17] *See* id.

[18] *See* id. See also PHLX Rules, General 8: Connectivity.

[19] *See* supra note 15.

[20] *See* NYSE American Options Fee Schedule, Section IV.

[21] *See* Securities Exchange Act Release No. 70982 (December 4, 2013), 78 FR 74197 (December 10, 2013) (SR–NYSEMKT–2013–97).

[22] *See* Securities Exchange Act Release No. 70981 (December 4, 2013), 78 FR 74203 (December 10, 2013) (SR–NYSEARCA–2013–131).

raised the monthly fees even higher to $22,000 per connection.[23] Similarly, in 2013, NASDAQ adopted the pricing for its 10Gb Ultra connection of $1,500 per connection as a one-time installation fee and then a monthly fee of $15,000 per connection.[24] The Exchange's current proposal does not contemplate any sort of installation fee or one-time fee and the monthly fee for the Exchange's highest connectivity tier ($13,000) is $2,000 lower than the fees adopted 8 years ago by Amex, Arca and NASDAQ. Separately, the Exchange is not aware of any reason why market participants could not simply drop their access (or not initially access an exchange) if an exchange were to establish prices for its non-transaction fees that, in the determination of such market participant, did not make business or economic sense for such market participant to access such exchange. No options market participant is required by rule, regulation, or competitive forces to be a Member of the Exchange. As evidence of the fact that market participants can and do drop their access to exchanges based on non-transaction fee pricing, R2G Services LLC (''R2G'') filed a comment letter after BOX's proposed rule changes to increase its connectivity fees (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04). The R2G Letter stated, ''[w]hen BOX instituted a $10,000/month price increase for connectivity; we had no choice but to terminate connectivity into them as well as terminate our market data relationship. The cost benefit analysis just didn't make any sense for us at those new levels.'' Similarly, the Exchange's affiliate, MIAX Emerald, noted in a recent filing that once MIAX Emerald issued a notice that it was instituting MEI Port fees, among other non-transaction fees, one MIAX Emerald Member dropped its access to MIAX Emerald as a result of those fees.[25] Accordingly, these examples show that if a market participant believes, based on its business model, that an exchange charges too high of a fee for connectivity and/or other non-transaction fees for its relevant marketplace, market participants can choose to drop their access to such exchange.

In order to provide more detail and to quantify the Exchange's costs associated with providing access to the Exchange in general, the Exchange notes that there are material costs associated with providing the infrastructure and headcount to fully-support access to the Exchange. The Exchange incurs technology expense related to establishing and maintaining Information Security services, enhanced network monitoring and customer reporting, as well as Regulation SCI mandated processes, associated with its network technology. While some of the expense is fixed, much of the expense is not fixed, and thus increases as the services associated with the Proposed Access Fees increase. For example, new Members to the Exchange may require the purchase of additional hardware to support those Members as well as enhanced monitoring and reporting of customer performance that the Exchange and its affiliates provide. Further, as the total number Members increases, the Exchange and its affiliates may need to increase their data center footprint and consume more power, resulting in increased costs charged by their third-party data center provider. Accordingly, the cost to the Exchange and its affiliates to provide access to its Members is not fixed. The Exchange believes the Proposed Access Fees are a reasonable attempt to offset a portion of the costs to the Exchange associated with providing access to its network infrastructure.

The Exchange only has four primary sources of revenue: Transaction fees, access fees (which includes the Proposed Access Fees), regulatory fees, and market data fees. Accordingly, the Exchange must cover all of its expenses from these four primary sources of revenue.

The Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total annual expense that the Exchange and MIAX Pearl project to incur in connection with providing these access services versus the total annual revenue that the Exchange projects to collect in connection with services associated with the Proposed Access Fees. For 2021,[26] the total annual expense for providing the access services associated with the Proposed Access Fees (that is, the shared network connectivity of the Exchange and MIAX Pearl, but excluding MIAX Emerald) is projected to be approximately $15.9 million. The approximately $15.9 million in projected total annual expense is comprised of the following, all of which are directly related to the access services associated with the Proposed Access Fees: (1) Third-party expense, relating to fees paid by the Exchange to third-parties for certain products and services; and (2) internal expense, relating to the internal costs of the Exchange and MIAX Pearl to provide the services associated with the Proposed Access Fees.[27] As noted above, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2021 revenue and costs, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited Unconsolidated Financial Statements.[28] The $15.9 million in projected total annual expense is directly related to the access services associated with the Proposed Access Fees, and not any other product or service offered by the Exchange. It does not include general costs of operating matching systems and other trading technology, and no expense amount was allocated twice.

As discussed, the Exchange conducted an extensive cost review in which the Exchange analyzed nearly every expense item in the Exchange's general expense ledger (this includes over 150 separate and distinct expense items) to determine whether each such expense relates to the access services associated with the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports those services, and thus bears a relationship that is, ''in nature and closeness,'' directly related to those services. The sum of all such portions of expenses

[23] *See* Securities Exchange Act Release Nos. 79729 (January 4, 2017), 82 FR 3061 (January 10, 2017) (SR–NYSEARCA–2016–172); 79728 (January 4, 2017), 82 FR 3035 (January 10, 2017) (SR–NYSEMKT–2016–126).

[24] *See* Securities Exchange Act Release No. 70129 (August 7, 2013), 78 FR 49308 (August 13, 2013 (SR–NASDAQ–2013–099).

[25] *See* Securities Exchange Act Release No. 91460 (April 2, 2021), 86 FR 18349 (April 8, 2021) (SR–EMERALD–2021–11) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Port Fees, Increase Certain Network Connectivity Fees, and Increase the Number of Additional Limited Service MIAX Emerald Express Interface Ports Available to Market Makers) (adopting tiered MEI Port fee structure ranging from $5,000 to $20,500 per month).

[26] The Exchange has not yet finalized its 2021 year end results.

[27] The percentage allocations used in this proposed rule change may differ from past filings from the Exchange or its affiliates due to, among other things, changes in expenses charged by third-parties, adjustments to internal resource allocations, and different system architecture of the Exchange as compared to its affiliates.

[28] For example, the Exchange previously noted that all third-party expense described in its prior fee filing was contained in the information technology and communication costs line item under the section titled ''Operating Expenses Incurred Directly or Allocated From Parent,'' in the Exchange's 2019 Form 1 Amendment containing its financial statements for 2018. *See* Securities Exchange Act Release No. 87875 (December 31, 2019), 85 FR 770 (January 7, 2020) (SR–MIAX–2019–51). Accordingly, the third-party expense described in this filing is attributed to the same line item for the Exchange's 2021 Form 1 Amendment, which will be filed in 2022.

represents the total cost of the Exchange to provide access services associated with the Proposed Access Fees.

For 2021, total third-party expense, relating to fees paid by the Exchange and MIAX Pearl to third-parties for certain products and services for the Exchange to be able to provide the access services associated with the Proposed Access Fees, is projected to be $3.9 million. This includes, but is not limited to, a portion of the fees paid to: (1) Equinix, for data center services, for the primary, secondary, and disaster recovery locations of the Exchange's trading system infrastructure; (2) Zayo Group Holdings, Inc. (''Zayo'') for network services (fiber and bandwidth products and services) linking the Exchange's and MIAX Pearl's office locations in Princeton, New Jersey and Miami, Florida, to all data center locations; (3) Secure Financial Transaction Infrastructure (''SFTI''),[29] which supports connectivity and feeds for the entire U.S. options industry; (4) various other services providers (including Thompson Reuters, NYSE, Nasdaq, and Internap), which provide content, connectivity services, and infrastructure services for critical components of options connectivity and network services; and (5) various other hardware and software providers (including Dell and Cisco, which support the production environment in which Members connect to the network to trade, receive market data, etc.).

For clarity, only a portion of all fees paid to such third-parties is included in the third-party expense herein, and no expense amount is allocated twice. Accordingly, the Exchange and MIAX Pearl do not allocate their entire information technology and communication costs to the access services associated with the Proposed Access Fees. Further, the Exchange notes that, with respect to the MIAX Pearl expenses included herein, those expenses only cover the MIAX Pearl options market; expenses associated with MIAX Pearl Equities are accounted for separately and are not included within the scope of this filing. As noted above, the percentage allocations used in this proposed rule change may differ from past filings from the Exchange or its affiliates due to, among other things, changes in expenses charged by third-parties, adjustments to internal resource allocations, and different system architecture of the Exchange as compared to its affiliates. Further, as part its ongoing assessment of costs and expenses, the Exchange recently conducted a periodic thorough review of its expenses and resource allocations which, in turn, resulted in a revised percentage allocations in this filing.

The Exchange believes it is reasonable to allocate such third-party expense described above towards the total cost to the Exchange and MIAX Pearl to provide the access services associated with the Proposed Access Fees. In particular, the Exchange believes it is reasonable to allocate the identified portion of the Equinix expense because Equinix operates the data centers (primary, secondary, and disaster recovery) that host the Exchange's network infrastructure. This includes, among other things, the necessary storage space, which continues to expand and increase in cost, power to operate the network infrastructure, and cooling apparatuses to ensure the Exchange's network infrastructure maintains stability. Without these services from Equinix, the Exchange would not be able to operate and support the network and provide the access services associated with the Proposed Access Fees to its Members and their customers. The Exchange did not allocate all of the Equinix expense toward the cost of providing the access services associated with the Proposed Access Fees, only that portion which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 62% of the total applicable Equinix expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[30]

The Exchange believes it is reasonable to allocate the identified portion of the Zayo expense because Zayo provides the internet, fiber and bandwidth connections with respect to the network, linking the Exchange with its affiliates, MIAX Pearl and MIAX Emerald, as well as the data center and disaster recovery locations. As such, all of the trade data, including the billions of messages each day per exchange, flow through Zayo's infrastructure over the Exchange's network. Without these services from Zayo, the Exchange would not be able to operate and support the network and provide the access services associated with the Proposed Access Fees. The Exchange did not allocate all of the Zayo expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portion which the Exchange identified as being specifically mapped to providing the Proposed Access Fees, approximately 62% of the total applicable Zayo expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[31]

The Exchange believes it is reasonable to allocate the identified portions of the SFTI expense and various other service providers' (including Thompson Reuters, NYSE, Nasdaq, and Internap) expense because those entities provide connectivity and feeds for the entire U.S. options industry, as well as the content, connectivity services, and infrastructure services for critical components of the network. Without these services from SFTI and various other service providers, the Exchange would not be able to operate and support the network and provide access to its Members and their customers. The Exchange did not allocate all of the SFTI and other service providers' expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portions which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 75% of the total applicable SFTI and other service providers' expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees.[32]

The Exchange believes it is reasonable to allocate the identified portion of the other hardware and software provider expense because this includes costs for dedicated hardware licenses for

[29] In fact, on October 22, 2019, the Exchange was notified by SFTI that it is again raising its fees charged to the Exchange by approximately 11%, without having to show that such fee change complies with the Act by being reasonable, equitably allocated, and not unfairly discriminatory. It is unfathomable to the Exchange that, given the critical nature of the infrastructure services provided by SFTI, that its fees are not required to be rule-filed with the Commission pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder. *See* 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively.

[30] As noted above, the percentage allocations used in this proposed rule change may differ from past filings from the Exchange or its affiliates due to, among other things, changes in expenses charged by third-parties, adjustments to internal resource allocations, and different system architecture of the Exchange as compared to its affiliates. Again, as part its ongoing assessment of costs and expenses, the Exchange recently conducted a periodic thorough review of its expenses and resource allocations which, in turn, resulted in a revised percentage allocations in this filing.

[31] *Id.*

[32] *Id.*

switches and servers, as well as dedicated software licenses for security monitoring and reporting across the network. Without this hardware and software, the Exchange would not be able to operate and support the network and provide access to its Members and their customers. The Exchange did not allocate all of the hardware and software provider expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portions which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 51% of the total applicable hardware and software provider expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees.[33]

For 2021, total projected internal expense, relating to the internal costs of the Exchange and MIAX Pearl to provide the access services associated with the Proposed Access Fees, is projected to be approximately $12 million. This includes, but is not limited to, costs associated with: (1) Employee compensation and benefits for full-time employees that support the access services associated with the Proposed Access Fees, including staff in network operations, trading operations, development, system operations, business, as well as staff in general corporate departments (such as legal, regulatory, and finance) that support those employees and functions (including an increase as a result of the higher determinism project); (2) depreciation and amortization of hardware and software used to provide the access services associated with the Proposed Access Fees, including equipment, servers, cabling, purchased software and internally developed software used in the production environment to support the network for trading; and (3) occupancy costs for leased office space for staff that provide the access services associated with the Proposed Access Fees. The breakdown of these costs is more fully-described below. For clarity, only a portion of all such internal expenses are included in the internal expense herein, and no expense amount is allocated twice. Accordingly, the Exchange and MIAX Pearl do not allocate their entire costs contained in those items to the access services associated with the Proposed Access Fees.

The Exchange believes it is reasonable to allocate such internal expense described above towards the total cost to the Exchange to provide the access services associated with the Proposed Access Fees. In particular, the Exchange's and MIAX Pearl's combined employee compensation and benefits expense relating to providing the access services associated with the Proposed Access Fees is projected to be approximately $6.1 million, which is only a portion of the approximately $12.6 million (for MIAX) and $9.2 million (for MIAX Pearl) total projected expense for employee compensation and benefits. The Exchange believes it is reasonable to allocate the identified portion of such expense because this includes the time spent by employees of several departments, including Technology, Back Office, Systems Operations, Networking, Business Strategy Development (who create the business requirement documents that the Technology staff use to develop network features and enhancements), Trade Operations, Finance (who provide billing and accounting services relating to the network), and Legal (who provide legal services relating to the network, such as rule filings and various license agreements and other contracts). As part of the extensive cost review conducted by the Exchange, the Exchange reviewed the amount of time spent by each employee on matters relating to the provision of access services associated with the Proposed Access Fees. Without these employees, the Exchange would not be able to provide the access services associated with the Proposed Access Fees to its Members and their customers. The Exchange did not allocate all of the employee compensation and benefits expense toward the cost of the access services associated with the Proposed Access Fees, only the portions which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 28% of the total applicable employee compensation and benefits expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[34]

The Exchange's and MIAX Pearl's combined depreciation and amortization expense relating to providing the services associated with the Proposed Access Fees is projected to be $5.3 million, which is only a portion of the $4.8 million (for MIAX) and $2.9 million (for MIAX Pearl) total projected expense for depreciation and amortization. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense includes the actual cost of the computer equipment, such as dedicated servers, computers, laptops, monitors, information security appliances and storage, and network switching infrastructure equipment, including switches and taps that were purchased to operate and support the network and provide the access services associated with the Proposed Access Fees. Without this equipment, the Exchange would not be able to operate the network and provide the access services associated with the Proposed Access Fees to its Members and their customers. The Exchange did not allocate all of the depreciation and amortization expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portion which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 70% of the total applicable depreciation and amortization expense, as these access services would not be possible without relying on such. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[35]

The Exchange's and MIAX Pearl's combined occupancy expense relating to providing the services associated with the Proposed Access Fees is projected to be approximately $0.6 million, which is only a portion of the $0.6 million (for MIAX) and $0.5 million (for MIAX Pearl) total projected expense for occupancy. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense represents the portion of the Exchange's cost to rent and maintain a physical location for the Exchange's staff who operate and support the network, including providing the access services associated with the Proposed Access Fees. This amount consists primarily of rent for the Exchange's Princeton, NJ office, as well as various related costs, such as physical security, property management fees, property taxes, and utilities. The Exchange operates its Network Operations Center (''NOC'') and Security Operations Center (''SOC'')

[33] *Id.*

[34] *Id.*

[35] *Id.*

from its Princeton, New Jersey office location. A centralized office space is required to house the staff that operates and supports the network. The Exchange currently has approximately 150 employees. Approximately two-thirds of the Exchange's staff are in the Technology department, and the majority of those staff have some role in the operation and performance of the access services associated with the Proposed Access Fees. Without this office space, the Exchange would not be able to operate and support the network and provide the access services associated with the Proposed Access Fees to its Members and their customers. Accordingly, the Exchange believes it is reasonable to allocate the identified portion of its occupancy expense because such amount represents the Exchange's actual cost to house the equipment and personnel who operate and support the Exchange's network infrastructure and the access services associated with the Proposed Access Fees. The Exchange did not allocate all of the occupancy expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portion which the Exchange identified as being specifically mapped to operating and supporting the network, approximately 53% of the total applicable occupancy expense. The Exchange believes this allocation is reasonable because it represents the Exchange's cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[36]

The Exchange notes that a material portion of its total overall expense is allocated to the provision of access services (including connectivity, ports, and trading permits). The Exchange believes this is reasonable and in line, as the Exchange operates a technology-based business that differentiates itself from its competitors based on its trading systems that rely on access to a high performance network, resulting in significant technology expense. Over two-thirds of Exchange staff are technology-related employees. The majority of the Exchange's expense is technology-based. As described above, the Exchange and MIAX Pearl have only four primary sources of fees to recover their costs; thus, the Exchange and MIAX Pearl believe it is reasonable to allocate a material portion of their total overall expense towards access fees.

Accordingly, based on the facts and circumstances presented, the Exchange believes that its provision of the access services associated with the Proposed Access Fees will not result in excessive pricing or supra-competitive profit. To illustrate, on a going-forward, fully-annualized basis, the Exchange and MIAX Pearl project that annualized revenue for providing the access services associated with the Proposed Access Fees would be approximately $22 million per annum, based on a recent billing cycle.[37] The Exchange and MIAX Pearl project that their annualized revenue for providing network connectivity services (all connectivity alternatives) to be approximately $22.8 million per annum. The Exchange and MIAX Pearl project that their annualized expense for providing network connectivity services (all connectivity alternatives) to be approximately $15.9 million per annum. Accordingly, on a fully-annualized basis, the Exchange and MIAX Pearl believe their total projected revenue for the providing the access services associated with the Proposed Access Fees will not result in excessive pricing or supra-competitive profit, as the Exchange and MIAX Pearl will make a profit margin of only approximately 30% inclusive of the Proposed Access Fees and all other connectivity alternatives ($22.8 million in total connectivity revenue minus $15.9 million in expense = $6.9 million in profit per annum). Additionally, this profit margin does not take into account the cost of capital expenditures (''CapEx'') the Exchange and MIAX Pearl historically spent or are projected to spend each year on CapEx going forward.

For the avoidance of doubt, none of the expenses included herein relating to the access services associated with the Proposed Access Fees relate to the provision of any other services offered by the Exchange or MIAX Pearl. Stated differently, no expense amount of the Exchange is allocated twice. The Exchange notes that, with respect to the MIAX Pearl expenses included herein, those expenses only cover the MIAX Pearl options market; expenses associated with the MIAX Pearl equities market and the Exchange's affiliate, MIAX Emerald, are accounted for separately and are not included within the scope of this filing. Stated differently, no expense amount of the Exchange is also allocated to MIAX Pearl Equities or MIAX Emerald.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to allocate the respective percentages of each expense category described above towards the total cost to the Exchange of operating and supporting the network, including providing the access services associated with the Proposed Access Fees because the Exchange performed a line-by-line item analysis of nearly every expense of the Exchange, and has determined the expenses that directly relate to providing access to the Exchange and MIAX Pearl. Further, the Exchange notes that, without the specific third-party and internal items listed above, the Exchange would not be able to provide the access services associated with the Proposed Access Fees to its Members and their customers. Each of these expense items, including physical hardware, software, employee compensation and benefits, occupancy costs, and the depreciation and amortization of equipment, have been identified through a line-by-line item analysis to be integral to providing access services. The Proposed Access Fees are intended to recover the Exchange's and MIAX Pearl's costs of providing access to their Systems. Accordingly, the Exchange believes that the Proposed Access Fees are fair and reasonable because they do not result in excessive pricing or supra-competitive profit, when comparing the actual costs to the Exchange versus the projected annual revenue from the Proposed Access Fees.

The Exchange believes the proposed changes are reasonable, equitably allocated and not unfairly discriminatory, and do not result in a ''supra-competitive'' [38] profit. Of note, the Guidance defines ''supra-competitive profit'' as profits that exceed the profits that can be obtained in a competitive market.[39] With the proposed changes, the Exchange and MIAX Pearl anticipate that their collective connectivity profit margin will be approximately 30%, inclusive of the Proposed Access Fees and all other connectivity alternatives. In order to achieve a consistent, premium network performance, the Exchange must build out and continue to maintain a network that has the capacity to handle the message rate requirements of not only firms that consume minimal Exchange connectivity resources, but also those firms that most heavily consume Exchange connectivity resources, network consumers, and purchasers of 10Gb ULL connectivity, which generate billions of messages per day across the Exchange and MIAX Pearl. These

[36] *Id.*

[37] The Exchange and MIAX Pearl also continue to project approximately $69,550 in monthly revenue through 1Gb connections; however, the Exchange and MIAX Pearl do not propose to adjust the fees for those connections at this time.

[38] *See supra* note 12.

[39] *See id.*

billions of messages per day consume the Exchange's resources and significantly contribute to the overall network connectivity expense for storage and network transport capabilities. Given that 10Gb ULL purchasers utilize the most resources across the network, the Exchange believes that it is reasonable to operate at a profit margin of approximately 30% for connectivity, inclusive of the Proposed Access Fees and all other connectivity alternatives. Such profit margin should enable the Exchange to continue to invest in its network and systems, maintain its current infrastructure, support future enhancements to network connectivity, and continue to offer enhanced customer reporting and monitoring services.

While the proposed fees are similar to or less than that of other options exchanges,[40] as discussed above, the incremental increase in revenue generated from the 30% profit margin for connectivity will allow the Exchange and MIAX Pearl to further invest in their system architecture and matching engine functionality to the benefit of all market participants. The ability to continue to invest in technology and systems will also enable the Exchange to improve the determinism and overall performance of not only its system connectivity, but overall performance including the resiliency and efficiency of its matching engines. The revenue generated under the proposed rule change would also provide the exchange with the resources necessary to further innovate and enhance its systems and seek additional improvements or functionality to offer market participants generally. The Exchange believes that these investments, in turn, will benefit all investors by encouraging other exchanges to further invest, innovate, and improve their own systems in response.

Based on the 2020 Audited Financial Statements of competing options exchanges (since the 2021 Audited Financial Statements will likely not become publicly available until early July 2022, after the Exchange has submitted this filing), the Exchange's revenue that is derived from its access fees is in line with the revenue that is derived from access fees of competing exchanges. For example, the total revenue from ''access fees'' [41] for 2020 for MIAX was $15,805,000. MIAX projects that the total revenue from ''access fees'' for 2021 for MIAX will be $21,727,396, inclusive of the Proposed Access Fees described herein. Similarly, the total revenue from ''access fees'' [42] for 2020 for MIAX Pearl was $11,422,000. MIAX Pearl projects that the total revenue from ''access fees'' for 2021 for MIAX Pearl will be $20,001,243, inclusive of the Proposed Access Fees described herein.

The Exchange's projected revenue from access fees is still less than, or similar to, the access fee revenues generated by access fees charged by other U.S. options exchanges. For example, the Cboe Exchange, Inc. (''Cboe'') reported $70,893,000 in ''access and capacity fee'' [43] revenue for 2020. Cboe C2 Exchange, Inc. (''C2'') reported $19,016,000 in ''access and capacity fee'' revenue for 2020.[44] Cboe BZX Exchange, Inc. (''BZX'') reported $38,387,000 in ''access and capacity fee'' revenue for 2020.[45] Cboe EDGX Exchange, Inc. (''EDGX'') reported $26,126,000 in ''access and capacity fee'' revenue for 2020.[46] PHLX reported $20,817,000 in ''Trade Management Services'' revenue for 2019.[47] The Exchange notes it is unable to compare ''access fee'' revenues with PHLX (or other affiliated NASDAQ exchanges) because after 2019, the ''Trade Management Services'' line item was bundled into a much larger line item in PHLX's Form 1, simply titled ''Market services.'' [48]

The Exchange also believes that, based on the 2020 Audited Financial Statements of competing options exchanges, the Exchange's overall operating margin is in line with or less than the operating margins of competing options exchanges, including the revenue and expense associated with the Proposed Access Fees. For example, the 2020 operating margin for MIAX was 46%. The 2020 operating margin for MIAX Pearl was −18%.[49] Based on competing exchanges' Form 1 Amendments, ISE's operating profit margin for 2020 was approximately 85%; PHLX's operating profit margin for 2020 was approximately 49%; NASDAQ's operating profit margin for 2020 was approximately 62%; Arca's operating profit margin for 2020 was approximately 55%; Amex's operating profit margin for 2020 was approximately 59%; Cboe's operating profit margin for 2020 was approximately 74%; and BZX's operating profit margin for 2020 was approximately 52%.

The Exchange believes that the Proposed Access Fees are reasonable, equitably allocated and not unfairly discriminatory because, for one 10Gb ULL connection, the Exchange provides each Member or non-Member access to all twenty-four (24) matching engines on MIAX and a vast majority choose to connect to all twenty-four (24) matching engines. The Exchange believes that other exchanges require firms to connect to multiple matching engines.[50] Further, the Exchange notes that no Member or non-Member has altered its use of 10Gb ULL connectivity since the proposed fee changes went into effect on August 1, 2021 via the First Proposed Rule Change.

The Exchange further believes its proposed fees are reasonable, equitably allocated and not unfairly discriminatory because the Exchange believes that it benefits overall competition in the marketplace to allow relatively new entrants like the Exchange and its affiliates, MIAX Pearl and MIAX Emerald, to propose fees that may help these new entrants recoup their substantial investment in building out costly infrastructure. The Exchange and its affiliates have historically set

[40] *See supra* notes 16, 18 and 20.

[41] As described in the Exchange's Audited Financial Statements, fees for ''access services'' are assessed to exchange members for the opportunity to trade and use other related functions of the exchanges. *See https://www.sec.gov/Archives/edgar/vprr/2100/21000461.pdf.*

[42] As described in MIAX Pearl's Audited Financial Statements, fees for ''access services'' are assessed to exchange members for the opportunity to trade and use other related functions of the exchanges. *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2100/21000460.pdf.*

[43] According to Cboe, access and capacity fees represent fees assessed for the opportunity to trade, including fees for trading-related functionality. *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2100/21000465.pdf.*

[44] *See id.*

[45] *See id.*

[46] *See id.*

[47] According to PHLX, ''Trade Management Services'' includes ''a wide variety of alternatives for connectivity to and accessing [the PHLX] markets for a fee. These participants are charged monthly fees for connectivity and support in accordance with [PHLX's] published fee schedules.'' *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2001/20012246.pdf.*

[48] *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2100/21000475.pdf.*

[49] This information is provided in response to the SIG Comment Letter. *See supra* note 7.

[50] *See* Specialized Quote Interface Specification, Nasdaq PHLX, Nasdaq Options Market, Nasdaq BX Options, Version 6.5a, Section 2, Architecture (revised August 16, 2019), available at *http://www.nasdaqtrader.com/content/technicalsupport/specifications/TradingProducts/SQF6.5a-2019-Aug.pdf.* The Exchange notes that it is unclear whether the NASDAQ exchanges include connectivity to each matching engine for the single fee or charge per connection, per matching engine. *See also* NYSE Technology FAQ and Best Practices: Options, Section 5.1 (How many matching engines are used by each exchange?) (September 2020). The Exchange notes that NYSE provides a link to an Excel file detailing the number of matching engines per options exchange, with Arca and Amex having 19 and 17 matching engines, respectively.

their fees purposefully low in order to attract business and market share, and the proposed tiered-pricing structure will help make the rates consistent with other exchanges while not raising costs for a majority of the Exchange's Members and non-Members.

The Guidance provides that in determining whether a proposed fee is constrained by significant competitive forces, the Commission will consider whether there are reasonable substitutes for the product or service that is the subject of a proposed fee. As described below, the Exchange believes substitute products and services are available to market participants, including, among other things, other options exchanges that market participants may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller.

There is also no regulatory requirement that any market participant connect to any one options exchange, that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. A market participant may submit orders to the Exchange via a Sponsored User.[51] Indeed, the Exchange is unaware of any one options exchange whose membership includes every registered broker-dealer. Based on a recent analysis conducted by the Cboe Exchange, Inc. (''Cboe''), as of October 21, 2020, only three (3) of the broker-dealers, out of approximately 250 broker-dealers, were members of at least one exchange that lists options for trading and were members of all 16 options exchanges.[52] Additionally, the Cboe Fee Filing found that several broker-dealers were members of only a single exchange that lists options for trading and that the number of members at each exchange that trades options varies greatly.[53]

The Exchange notes that non-Member third-parties, such as Service Bureaus and Extranets, resell the Exchange's connectivity. This indirect connectivity is another viable alternative for market participants to trade on the Exchange without connecting directly to the Exchange (and thus not pay the Exchange's connectivity fees), which alternative is already being used by non-Members and further constrains the price that the Exchange is able to charge for connectivity and other access fees to its market. The Exchange notes that it could, but chooses not to, preclude market participants from reselling its connectivity. The Exchange also chooses not to adopt fees that would be assessed to third-party resellers on a per customer basis (*i.e.,* fees based on the number of firms that connect to the Exchange indirectly via the third-party). Indeed, the Exchange does not receive any connectivity revenue when connectivity is resold by a third-party, which often is resold to multiple customers, some of whom are agency broker-dealers that have numerous customers of their own.[54] In sum, the Exchange believes this creates and fosters a competitive environment and subjects the Exchange to competitive forces in pricing its connectivity and access fees. Particularly, in the event that a market participant views the Exchange's direct connectivity and access fees as more or less attractive than competing markets, that market participant can choose to connect to the Exchange indirectly or may choose not to connect to the Exchange and connect instead to one or more of the other 15 options markets. Accordingly, the Exchange believes that the Proposed Access Fees are fair and reasonable and do not result in excessive pricing or supra-competitive profit.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

With respect to intra-market competition, the Exchange does not believe that the proposed rule change would place certain market participants at the Exchange at a relative disadvantage compared to other market participants or affect the ability of such market participants to compete. As stated above, the Exchange does not believe its proposed pricing will impose a barrier to entry to smaller participants and notes that its proposed connectivity pricing structure for its 10Gb ULL connections is associated with relative usage of the various market participants. Further, the majority of firms that purchase 10Gb ULL connections may either save money or pay the same amount after the tiered-pricing structure is implemented. While total cost may be increased for market participants with larger capacity needs or for business/technical preferences, such options provide far more capacity and are purchased by those that consume more resources from the network. Accordingly, the proposed tiered-pricing structure does not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation reflects the network resources consumed by the various usage of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pays the most, particularly since higher bandwidth consumption translates to higher costs to the Exchange.

The Exchange also does not believe that the proposed rule change will result in any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, options market participants are not forced to connect to all options exchanges. The Exchange operates in a highly competitive environment, and as discussed above, its ability to price access and connectivity is constrained by competition among exchanges and third parties. There are other options markets of which market participants may connect to trade options. There is also a possible range of alternative strategies, including routing to the exchange through another participant or market center or accessing the Exchange indirectly. For example, there are 15 other U.S. options exchanges, which the Exchange must consider in its pricing discipline in order to compete for market participants. In this competitive environment, market participants are free to choose which competing exchange or reseller to use to satisfy their business needs. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[51] *See* Exchange Rule 210. The Sponsored User is subject to the fees, if any, of the Sponsoring Member. The Exchange notes that the Sponsoring Member is not required to publicize, let alone justify or file with the Commission its fees, and as such could charge the Sponsored User any fees it deems appropriate, even if such fees would otherwise be considered supra-competitive, or otherwise potentially unreasonable or uncompetitive.

[52] *See* Securities Exchange Act Release No. 90333 (November 4, 2020), 85 FR 71666 (November 10, 2020) (SR–CBOE–2020–105) (the ''Cboe Fee Filing''). The Cboe Fee Filing cited to the October 2020 Active Broker Dealer Report, provided by the Commission's Office of Managing Executive, on October 8, 2020.

[53] *Id.*

[54] The Exchange notes that resellers are not required to publicize, let alone justify or file with the Commission their fees, and as such could charge the market participant any fees it deems appropriate (including connectivity fees higher than the Exchange's connectivity fees), even if such fees would otherwise be considered potentially unreasonable or uncompetitive fees.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange received one comment on the proposed rule change.[55] The Exchange notes that the Exchange, and its affiliates MIAX Pearl and MIAX Emerald, justified similar fee changes in the past with similar, if not identical, justifications in previous filings that have been noticed by the Commission for public comment and are currently in effect.[56] Nonetheless, the Exchange has sought to address the commenters concerns via the enhanced justification and additional information included in this proposal.

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,[57] and Rule 19b–4(f)(2) [58] 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.* Please include File Number SR–MIAX–2021–41 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–MIAX–2021–41. 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–MIAX–2021–41 and should be submitted on or before October 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

J. Matthew DeLesDernier,

Assistant Secretary.

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[55] *See* the SIG Comment Letter, *supra* note 7.

[56] *See* Securities Exchange Act Release Nos. 90980 (January 25, 2021), 86 FR 7602 (January 29, 2021) (SR–MIAX–2021–02); 90981 (January 25, 2021), 86 FR 7582 (January 29, 2021) (SR–PEARL–2021–01); 91033 (February 1, 2021), 86 FR 8455 (February 5, 2021) (SR–EMERALD–2021–03); 91460 (April 2, 2021), 86 FR 18349 (April 8, 2021) (SR–EMERALD–2021–11).

[57] 15 U.S.C. 78s(b)(3)(A)(ii).

[58] 17 CFR 240.19b–4(f)(2).

[59] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93166; File No. SR–EMERALD–2021–29]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Emerald Fee Schedule To Adopt a Tiered-Pricing Structure for Certain Connectivity Fees

September 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 24, 2021, MIAX Emerald, LLC (''MIAX Emerald'' 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 MIAX Emerald Fee Schedule (the ''Fee Schedule'') to amend certain connectivity fees.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald,* at MIAX'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 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 the Fee Schedule to adopt a tiered-pricing structure for the 10 gigabit (''Gb'') ultra-low latency (''ULL'') fiber connection available to Members [3] and non-Members. The Exchange believes a tiered-pricing structure will encourage Members and non-Members to be more efficient and economical when determining how to connect to the Exchange. This should also enable the Exchange to better monitor and provide access to the Exchange's network to ensure sufficient capacity and headroom in the System.[4]

The Exchange initially filed this proposal on July 30, 2021, with the proposed fee changes effective beginning August 1, 2021.[5] The First Proposed Rule Change was published for comment in the **Federal Register** on August 17, 2021.[6] The Commission received one comment letter on the First Proposed Rule Change.[7] The Exchange has withdrawn the First Proposed Rule Change and now submits this proposal, which is immediately effective. This proposal provides additional justification for the proposed fee changes and addresses certain points raised in the single comment letter that submitted on the First Proposed Rule Change.

10Gb ULL Tiered-Pricing Structure

The Exchange proposes to amend Sections 5)a)–b) of the Fee Schedule to provide for a tiered-pricing structure for 10Gb ULL connections for Members and non-Members. Currently, the Exchange assesses Members and non-Members a flat monthly fee of $10,000 per 10Gb ULL connection for access to the Exchange's primary and secondary facilities.

The Exchange now proposes to move from a flat monthly fee per connection to a tiered-pricing structure under which the monthly fee would vary depending on the number of 10Gb ULL connections each Member or non-Member elects to purchase per exchange. Specifically, the Exchange proposes to decrease the fee for the first and second 10Gb ULL connections for each Member and non-Member from the current flat monthly fee of $10,000 to $9,000 per connection. To encourage more efficient connectivity usage, the Exchange proposes to increase the per connection fee for Members and non-Members that purchase more than two 10Gb ULL connections. In particular, (i) the third and fourth 10Gb ULL connections for each Member or non-Member will increase from the current flat monthly fee of $10,000 to $11,000 per connection; and (ii) for the fifth 10Gb ULL connection, and each 10Gb ULL connection purchased by Members and non-Members thereafter, the fee will increase from the flat monthly fee of $10,000 to $13,000 per connection. The proposed 10Gb ULL tiered-pricing structure and fees are collectively referred to herein as the ''Proposed Access Fees.''

The Exchange will continue to assess monthly Member and non-Member network connectivity fees for connectivity to the primary and secondary facilities in any month the Member or non-Member is credentialed to use any of the MIAX Emerald APIs or market data feeds in the production environment. The Exchange proposes to pro-rate the fees when a Member or non-Member makes a change to the connectivity (by adding or deleting connections) with such pro-rated fees based on the number of trading days that the Member or non-Member has been credentialed to utilize any of the MIAX Emerald APIs or market data feeds in the production environment through such connection, divided by the total number of trading days in such month multiplied by the applicable monthly rate. The Exchange will continue to assess monthly Member and non-Member network connectivity fees for connectivity to the disaster recovery facility in each month during which the Member or non-Member has established connectivity with the disaster recovery facility.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(4) of the Act [9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among Exchange Members and issuers and other persons using any facility or system which the Exchange operates or controls. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [10] in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees for services and products, in addition to order flow, to remain competitive with other exchanges. The Exchange believes that the proposed changes reflect this competitive environment.

The Exchange believes the proposal to move from a flat fee per month for the 10Gb ULL connection to a tiered-pricing structure is reasonable, equitably allocated and not unfairly discriminatory because the Exchange believes the proposed structure would encourage firms to be more economical and efficient in the number of connections they purchase. The Exchange believes this will enable the Exchange to better monitor and provide access to the Exchange's network to ensure sufficient capacity and headroom in the System.

The Exchange believes that the proposal to move to a tiered-pricing structure for its 10Gb ULL connections is reasonable, equitably allocated and not unfairly discriminatory because the majority of Members and non-Members that purchase 10Gb ULL connections will either save money or pay the same amount after the tiered-pricing structure is implemented. After the effective date of the First Proposed Rule Change on August 1, 2021, approximately 60% of the firms that purchased at least one 10Gb ULL connection experienced a decrease in their monthly connectivity fees while only approximately 40% of firms experienced an increase in their monthly connectivity fees as a result of the proposed tiered-pricing structure when compared to the flat monthly fee structure. To illustrate, firms that purchase only one 10Gb ULL connection per month used to pay the

[3] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[5] *See* Securities Exchange Act Release No. 92645 (August 11, 2021), 86 FR 46048 (August 17, 2021) (SR–EMERALD–2021–23) (the ''First Proposed Rule Change'').

[6] *Id.*

[7] *See* Letter from Richard J. McDonald, Susquehanna International Group, LLC (''SIG''), to Vanessa Countryman, Secretary, Commission, dated September 7, 2021 (''SIG Comment Letter'').

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78f(b)(5).

flat rate of $10,000 per month for that one 10Gb ULL connection. Pursuant to the proposed tiered-pricing structure, these firms now pay $9,000 per month for that one 10Gb ULL connection, saving $1,000 per month or $12,000 annually. Further, firms that purchase two 10Gb ULL connections per month previously paid a flat rate of $20,000 per month ($10,000 × 2) for those two 10Gb ULL connections. Pursuant to the proposed tiered-pricing structure, these firms now pay $18,000 per month ($9,000 × 2) for those two 10Gb ULL connections, saving $2,000 per month or $24,000 annually.

The Exchange also notes that firms that primarily route orders seeking best-execution generally only need a limited number of connections to fulfill that obligation. Therefore, the connectivity costs will likely be lower for these firms based on the proposed tiered-pricing structure. The firms that engage in advanced trading strategies typically require multiple connections and, therefore, generate higher costs by utilizing more of the Exchange's resources. These firms experienced increased connectivity costs based on the proposed tiered-pricing structure, as shown by the 40% of firms that may have experienced an increase in their monthly connectivity fees. Additionally, the firms that purchase a higher amount of 10Gb ULL connections tend to have specific business-drive trading strategies, as opposed to firms engaging solely in order routing as part of their best-execution obligations.

The Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the requirements of the Act that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among market participants. The Exchange believes this high standard is especially important when an exchange imposes various access fees for market participants to access an exchange's marketplace. The Exchange deems connectivity to be access fees. It records these fees as part of its ''Access Fees'' revenue in its financial statements. The Exchange believes that it is important to demonstrate that these fees are based on its costs and reasonable business needs. The Exchange believes the Proposed Access Fees will allow the Exchange to offset expense the Exchange has and will incur, and that the Exchange is providing sufficient transparency (as described below) into how the Exchange determined to charge such fees. Accordingly, the Exchange is providing an analysis of its revenues, costs, and profitability associated with the Proposed Access Fees. This analysis includes information regarding its methodology for determining the costs and revenues associated with the Proposed Access Fees.

In order to determine the Exchange's costs to provide the access services associated with the Proposed Access Fees, the Exchange conducted an extensive cost review in which the Exchange analyzed nearly every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the access services. The sum of all such portions of expenses represents the total cost to the Exchange to provide the access services associated with the Proposed Access Fees. For the avoidance of doubt, no expense amount was allocated twice. The Exchange is also providing detailed information regarding the Exchange's cost allocation methodology—namely, information that explains the Exchange's rationale for determining that it was reasonable to allocate certain expenses described in this filing towards the cost to the Exchange to provide the access services associated with the Proposed Access Fees.

In order to determine the Exchange's projected revenue associated with the Proposed Access Fees, the Exchange analyzed the number of Members and non-Members currently utilizing the 10Gb ULL fiber connection, and, utilizing a recent monthly billing cycle representative of 2021 monthly revenue, extrapolated annualized revenue on a going-forward basis. The Exchange does not believe it is appropriate to factor into its analysis future revenue growth or decline into its projections for purposes of these calculations, given the uncertainty of such projections due to the continually changing access needs of market participants, discounts that can be achieved due to lower trading volume and vice versa, market participant consolidation, etc. Additionally, the Exchange similarly does not factor into its analysis future cost growth or decline. The Exchange is presenting its revenue and expense associated with the Proposed Access Fees in this filing in a manner that is consistent with how the Exchange presents its revenue and expense in its Audited Unconsolidated Financial Statements. The Exchange's most recent Audited Unconsolidated Financial Statement is for 2020. However, since the revenue and expense associated with the Proposed Access Fees were not in place in 2020 or for the first seven months of 2021, the Exchange believes its 2020 Audited Unconsolidated Financial Statement is not representative of its current total annualized revenue and costs associated with the Proposed Access Fees. Accordingly, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2021 revenue and costs, as described herein, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited Unconsolidated Financial Statements. Based on this analysis, the Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit when comparing the Exchange's total annual expense associated with providing the services associated with the Proposed Access Fees versus the total projected annual revenue the Exchange will collect for providing those services.

* * * * *

On March 29, 2019, the Commission issued its Order Disapproving Proposed Rule Changes to Amend the Fee Schedule on the BOX Market LLC Options Facility to Establish BOX Connectivity Fees for Participants and Non-Participants Who Connect to the BOX Network (the ''BOX Order'').[11] On May 21, 2019, the Commission issued the Staff Guidance on SRO Rule Filings Relating to Fees.[12] Accordingly, the Exchange believes that the Proposed Access Fees are consistent with the Act because they (i) are reasonable, equitably allocated, not unfairly discriminatory, and not an undue burden on competition; (ii) comply with the BOX Order and the Guidance; (iii) are supported by evidence (including comprehensive revenue and cost data and analysis) that they are fair and reasonable because they will not result in excessive pricing or supra-competitive profit; and (iv) utilize a cost-based justification framework that is substantially similar to a framework previously used by the Exchange, and its affiliates Miami International Securities Exchange, LLC (''MIAX'') and MIAX PEARL, LLC (''MIAX Pearl''), to establish or increase other non-

[11] *See* Securities Exchange Act Release No. 85459 (March 29, 2019), 84 FR 13363 (April 4, 2019) (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04).

[12] *See* Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019), at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees* (the ''Guidance'').

transaction fees.[13] Accordingly, the Exchange believes that the Proposed Access Fees are consistent with the Act.

* * * * *

As of September 23, 2021, the Exchange had a market share of only 5.01% of the U.S. equity options industry for the month of September 2021.[14] The Exchange is not aware of any evidence that a market share of approximately 5–6% provides the Exchange with anti-competitive pricing power. If the Exchange were to attempt to establish unreasonable pricing for any of its means provided to access the Exchange, market participants may look to access the Exchange via other means such as through a third party service provider, or look to connect to the Exchange via a competing exchange with cheaper access alternatives that also provides routing services to the Exchange. In addition, existing market participants that are connected to the Exchange may choose to disconnect from the Exchange or reduce their number of connections to the Exchange as a means to reduce their overall costs.

The Exchange believes the proposed tiered-pricing structure for 10Gb ULL connections is equitable and reasonable because the proposed highest tier is still less than fees charged for similar connectivity provided by other options exchanges with comparable market shares. For example, The Nasdaq Stock Market LLC (''NASDAQ'') (equity options market share of 7.79% as of September 22, 2021 for the month of September) [15] charges a monthly fee of $10,000 per 10Gb fiber connection and $15,000 per 10Gb Ultra fiber connection.[16] The highest tier of the Exchange's proposed fee structure for a 10Gb ULL connection is $2,000 per month less than NASDAQ and, unlike NASDAQ, the Exchange does not charge installation fees. The Exchange notes that the same connectivity fees described above for NASDAQ also apply to its affiliates, Nasdaq ISE, LLC (''ISE'') (equity options market share of 6.47% as of September 22, 2021 for the month of September) [17] and NASDAQ PHLX LLC (''PHLX'') (equity options market share of 11.25% as of September 22, 2021 for the month of September).[18] NYSE American LLC (''Amex'') (equity options market share of 7.89% as of September 22, 2021 for the month of September) [19] charges $15,000 per connection initially plus $22,000 monthly per 10Gb LX LCN circuit connection.[20] Again, the highest tier of the Exchange's proposed fee structure for a 10Gb ULL connection is $9,000 per month lower than the Amex connectivity fee after the first month.

In each of the above cases, the Exchange's highest tier in the proposed tiered-pricing structure is significantly lower than that of competing options exchanges with similar market share. Further, as described in more detail below, those exchanges generate higher operating profit margins and higher ''access fees'' than the Exchange, even with this proposed fee change. Despite proposing lower or similar fees to that of competing options exchanges with similar market share, the Exchange believes that it provides a premium network experiencer to its Members and non-Members via a highly deterministic system, enhanced network monitoring and customer reporting, and a superior network infrastructure than markets with higher market shares and more expensive connectivity alternatives. Each of the connectivity rates in place at competing options exchanges were filed with the Commission for immediate effectiveness and remain in place today.

The Exchange also notes that the higher connectivity fees described above for competing exchanges have been in place for years (over 8 years in some cases), allowing those exchanges to derive significantly more revenue from their access fees. For example, in 2013, Amex adopted the pricing for its 10Gb LX LCN connection of $15,000 as an initial charge per connection and then a monthly fee of $20,000 per connection. The initial fee per connection is higher than the Exchange's highest proposed tier of $13,000 per connection, notwithstanding the fact that the monthly fee is $7,000 more than the Exchange's highest proposed tier and Amex's fees have been in place for nearly 8 years.[21] NYSE Arca, Inc. (''Arca'') also adopted the exact same fees as Amex in 2013 and has been collecting higher fees than the Exchange's current proposal for nearly 8 years as well (initial charge of $15,000 per connection and then a monthly fee of $20,000 per connection).[22] Not only were the fees that Amex and Arca adopted in 2013 significantly higher than the fees the Exchange currently proposes, in 2016, Amex and Arca raised the monthly fees even higher to $22,000 per connection.[23] Similarly, in 2013, NASDAQ adopted the pricing for its 10Gb Ultra connection of $1,500 per connection as a one-time installation fee and then a monthly fee of $15,000 per connection.[24] The Exchange's current proposal does not contemplate any sort of installation fee or one-time fee and the monthly fee for the Exchange's highest connectivity tier ($13,000) is $2,000 lower than the fees adopted 8 years ago by Amex, Arca and NASDAQ.

Separately, the Exchange is not aware of any reason why market participants could not simply drop their access (or not initially access an exchange) if an exchange were to establish prices for its non-transaction fees that, in the determination of such market participant, did not make business or economic sense for such market participant to access such exchange. No options market participant is required by rule, regulation, or competitive forces to be a Member of the Exchange. As evidence of the fact that market participants can and do drop their access to exchanges based on non-transaction fee pricing, R2G Services LLC (''R2G'') filed a comment letter after BOX's proposed rule changes to increase its connectivity fees (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04). The R2G Letter stated, ''[w]hen BOX instituted a $10,000/month price increase for connectivity; we had no choice but to terminate connectivity into them as well as terminate our market data relationship. The cost benefit analysis just didn't make any sense for us at those new levels.'' Similarly, the Exchange noted in a recent filing that once MIAX Emerald issued a notice that it was instituting MEI Port fees, among other non-transaction fees, one MIAX Emerald Member dropped its access to MIAX

[13] See Securities Exchange Act Release Nos. 90981 (January 25, 2021), 86 FR 7582 (January 29, 2021) (SR–PEARL–2021–01) (proposal to increase connectivity fees); 90980 (January 25, 2021), 86 FR 7602 (January 29, 2021) (SR–MIAX–2021–02) (proposal to increase connectivity fees).

[14] *See* ''The market at a glance,'' *available at https://www.miaxoptions.com/* (last visited September 23, 2021).

[15] *See* ''The market at a glance,'' *available at https://www.miaxoptions.com/* (last visited September 22, 2021).

[16] *See* Nasdaq Stock Market LLC Rules, General 8: Connectivity, Section 1. Co-Location Services; Nasdaq ISE Rules, General 8: Connectivity.

[17] *See supra* note 15.

[18] *See id. See also* PHLX Rules, General 8: Connectivity.

[19] *See supra* note 15.

[20] *See* NYSE American Options Fee Schedule, Section IV.

[21] *See* Securities Exchange Act Release No. 70982 (December 4, 2013), 78 FR 74197 (December 10, 2013) (SR–NYSEMKT–2013–97).

[22] *See* Securities Exchange Act Release No. 70981 (December 4, 2013), 78 FR 74203 (December 10, 2013) (SR–NYSEARCA–2013–131).

[23] *See* Securities Exchange Act Release Nos. 79729 (January 4, 2017), 82 FR 3061 (January 10, 2017) (SR–NYSEARCA–2016–172); 79728 (January 4, 2017), 82 FR 3035 (January 10, 2017) (SR–NYSEMKT–2016–126).

[24] *See* Securities Exchange Act Release No. 70129 (August 7, 2013), 78 FR 49308 (August 13, 2013) (SR–NASDAQ–2013–099).

Emerald as a result of those fees.[25] Accordingly, these examples show that if a market participant believes, based on its business model, that an exchange charges too high of a fee for connectivity and/or other non-transaction fees for its relevant marketplace, market participants can choose to drop their access to such exchange.

In order to provide more detail and to quantify the Exchange's costs associated with providing access to the Exchange in general, the Exchange notes that there are material costs associated with providing the infrastructure and headcount to fully-support access to the Exchange. The Exchange incurs technology expense related to establishing and maintaining Information Security services, enhanced network monitoring and customer reporting, as well as Regulation SCI mandated processes, associated with its network technology. While some of the expense is fixed, much of the expense is not fixed, and thus increases as the services associated with the Proposed Access Fees increase. For example, new Members to the Exchange may require the purchase of additional hardware to support those Members as well as enhanced monitoring and reporting of customer performance that the Exchange and its affiliates provide. Further, as the total number Members increases, the Exchange and its affiliates may need to increase their data center footprint and consume more power, resulting in increased costs charged by their third-party data center provider. Accordingly, the cost to the Exchange and its affiliates to provide access to its Members is not fixed. The Exchange believes the Proposed Access Fees are a reasonable attempt to offset a portion of the costs to the Exchange associated with providing access to its network infrastructure.

The Exchange only has four primary sources of revenue: Transaction fees, access fees (which includes the Proposed Access Fees), regulatory fees, and market data fees. Accordingly, the Exchange must cover all of its expenses from these four primary sources of revenue.

The Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total annual expense that the Exchange projects to incur in connection with providing these access services versus the total annual revenue that the Exchange projects to collect in connection with services associated with the Proposed Access Fees. For 2021,[26] the total annual expense for providing the access services associated with the Proposed Access Fees is projected to be approximately $7.2 million. The approximately $7.2 million in projected total annual expense is comprised of the following, all of which are directly related to the access services associated with the Proposed Access Fees: (1) Third-party expense, relating to fees paid by the Exchange to third-parties for certain products and services; and (2) internal expense, relating to the internal costs of the Exchange to provide the services associated with the Proposed Access Fees.[27] As noted above, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2021 revenue and costs, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited Unconsolidated Financial Statements.[28] The $7.2 million in projected total annual expense is directly related to the access services associated with the Proposed Access Fees, and not any other product or service offered by the Exchange. It does not include general costs of operating matching systems and other trading technology, and no expense amount was allocated twice.

As discussed, the Exchange conducted an extensive cost review in which the Exchange analyzed every expense item in the Exchange's general expense ledger (this includes over 150 separate and distinct expense items) to determine whether each such expense relates to the access services associated with the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports those services, and thus bears a relationship that is, ''in nature and closeness,'' directly related to those services. The sum of all such portions of expenses represents the total cost of the Exchange to provide access services associated with the Proposed Access Fees.

For 2021, total third-party expense, relating to fees paid by the Exchange to third-parties for certain products and services for the Exchange to be able to provide the access services associated with the Proposed Access Fees, is projected to be $1.7 million. This includes, but is not limited to, a portion of the fees paid to: (1) Equinix, for data center services, for the primary, secondary, and disaster recovery locations of the Exchange's trading system infrastructure; (2) Zayo Group Holdings, Inc. (''Zayo'') for network services (fiber and bandwidth products and services) linking the Exchange's and its affiliates' office locations in Princeton, New Jersey and Miami, Florida, to all data center locations; (3) Secure Financial Transaction Infrastructure (''SFTI''),[29] which supports connectivity and feeds for the entire U.S. options industry; (4) various other services providers (including Thomson Reuters, NYSE, Nasdaq, and Internap), which provide content, connectivity services, and infrastructure services for critical components of options connectivity and network services; and (5) various other hardware and software providers (including Dell and Cisco, which support the production environment in which Members connect to the network to trade, receive market data, etc.).

For clarity, only a portion of all fees paid to such third-parties is included in the third-party expense herein, and no expense amount is allocated twice. Accordingly, the Exchange does not allocate its entire information technology and communication costs to the access services associated with the Proposed Access Fees. Further, the Exchange notes that expenses associated

[25] *See* Securities Exchange Act Release No. 91460 (April 2, 2021), 86 FR 18349 (April 8, 2021) (SR–EMERALD–2021–11) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Port Fees, Increase Certain Network Connectivity Fees, and Increase the Number of Additional Limited Service MIAX Emerald Express Interface Ports Available to Market Makers) (adopting tiered MEI Port fee structure ranging from $5,000 to $20,500 per month).

[26] The Exchange has not yet finalized its 2021 year end results.

[27] The percentage allocations used in this proposed rule change may differ from past filings from the Exchange or its affiliates due to, among other things, changes in expenses charged by third-parties, adjustments to internal resource allocations, and different system architecture of the Exchange as compared to its affiliates.

[28] For example, the Exchange previously noted that all third-party expense described in its prior fee filing was contained in the information technology and communication costs line item under the section titled ''Operating Expenses Incurred Directly or Allocated From Parent,'' in the Exchange's 2019 Form 1 Amendment containing its financial statements for 2018. *See* Securities Exchange Act Release No. 87877 (December 31, 2019), 85 FR 738 (January 7, 2020) (SR–EMERALD–2019–39). Accordingly, the third-party expense described in this filing is attributed to the same line item for the Exchange's 2021 Form 1 Amendment, which will be filed in 2022.

[29] In fact, on October 22, 2019, the Exchange was notified by SFTI that it is again raising its fees charged to the Exchange by approximately 11%, without having to show that such fee change complies with the Act by being reasonable, equitably allocated, and not unfairly discriminatory. It is unfathomable to the Exchange that, given the critical nature of the infrastructure services provided by SFTI, that its fees are not required to be rule-filed with the Commission pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder. *See* 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively.

with its affiliates, MIAX and MIAX Pearl (the options and equities markets), are accounted for separately and are not included within the scope of this filing. As noted above, the percentage allocations used in this proposed rule change may differ from past filings from the Exchange or its affiliates due to, among other things, changes in expenses charged by third-parties, adjustments to internal resource allocations, and different system architecture of the Exchange as compared to its affiliates. Further, as part its ongoing assessment of costs and expenses, the Exchange recently conducted a periodic thorough review of its expenses and resource allocations which, in turn, resulted in a revised percentage allocations in this filing. The Exchange notes that the expense allocations differ from the Exchange's filing earlier this year, SR–EMERALD–2021–11, because that prior filing pertained to several different access fees, which the Exchange had not been charging for since the Exchange launched operations in March 2019.[30] In SR–EMERALD–2021–11, the Exchange sought to adopt fees for FIX Ports, MEI Ports, Purge Ports, Clearing Trade Drop Ports, and FIX Drop Copy Ports, all of which had been free for market participants for over two years.

The Exchange believes it is reasonable to allocate such third-party expense described above towards the total cost to the Exchange to provide the access services associated with the Proposed Access Fees. In particular, the Exchange believes it is reasonable to allocate the identified portion of the Equinix expense because Equinix operates the data centers (primary, secondary, and disaster recovery) that host the Exchange's network infrastructure. This includes, among other things, the necessary storage space, which continues to expand and increase in cost, power to operate the network infrastructure, and cooling apparatuses to ensure the Exchange's network infrastructure maintains stability. Without these services from Equinix, the Exchange would not be able to operate and support the network and provide the access services associated with the Proposed Access Fees to its Members and their customers. The Exchange did not allocate all of the Equinix expense toward the cost of providing the access services associated with the Proposed Access Fees, only that portion which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 62% of the total applicable Equinix expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[31]

The Exchange believes it is reasonable to allocate the identified portion of the Zayo expense because Zayo provides the internet, fiber and bandwidth connections with respect to the network, linking the Exchange with its affiliates, MIAX Pearl and MIAX, as well as the data center and disaster recovery locations. As such, all of the trade data, including the billions of messages each day per exchange, flow through Zayo's infrastructure over the Exchange's network. Without these services from Zayo, the Exchange would not be able to operate and support the network and provide the access services associated with the Proposed Access Fees. The Exchange did not allocate all of the Zayo expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portion which the Exchange identified as being specifically mapped to providing the Proposed Access Fees, approximately 62% of the total applicable Zayo expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[32]

The Exchange believes it is reasonable to allocate the identified portions of the SFTI expense and various other service providers' (including Thompson Reuters, NYSE, Nasdaq, and Internap) expense because those entities provide connectivity and feeds for the entire U.S. options industry, as well as the content, connectivity services, and infrastructure services for critical components of the network. Without these services from SFTI and various other service providers, the Exchange would not be able to operate and support the network and provide access to its Members and their customers. The Exchange did not allocate all of the SFTI and other service providers' expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portions which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 89% of the total applicable SFTI and other service providers' expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees.[33]

The Exchange believes it is reasonable to allocate the identified portion of the other hardware and software provider expense because this includes costs for dedicated hardware licenses for switches and servers, as well as dedicated software licenses for security monitoring and reporting across the network. Without this hardware and software, the Exchange would not be able to operate and support the network and provide access to its Members and their customers. The Exchange did not allocate all of the hardware and software provider expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portions which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 51% of the total applicable hardware and software provider expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees.[34]

For 2021, total projected internal expense, relating to the internal costs of the Exchange to provide the access services associated with the Proposed Access Fees, is projected to be approximately $5.5 million. This includes, but is not limited to, costs associated with: (1) Employee compensation and benefits for full-time employees that support the access services associated with the Proposed Access Fees, including staff in network operations, trading operations, development, system operations, business, as well as staff in general corporate departments (such as legal, regulatory, and finance) that support those employees and functions (including an increase as a result of the

[30] *See* Securities Exchange Act Release No. 91460 (April 2, 2021), 86 FR 18349 (April 8, 2021) (SR–EMERALD–2021–11).

[31] As noted above, the percentage allocations used in this proposed rule change may differ from past filings from the Exchange or its affiliates due to, among other things, changes in expenses charged by third-parties, adjustments to internal resource allocations, and different system architecture of the Exchange as compared to its affiliates. Again, as part its ongoing assessment of costs and expenses, the Exchange recently conducted a periodic thorough review of its expenses and resource allocations which, in turn, resulted in a revised percentage allocations in this filing.

[32] *Id.*

[33] *Id.*

[34] *Id.*

higher determinism project); (2) depreciation and amortization of hardware and software used to provide the access services associated with the Proposed Access Fees, including equipment, servers, cabling, purchased software and internally developed software used in the production environment to support the network for trading; and (3) occupancy costs for leased office space for staff that provide the access services associated with the Proposed Access Fees. The breakdown of these costs is more fully-described below. For clarity, only a portion of all such internal expenses are included in the internal expense herein, and no expense amount is allocated twice. Accordingly, the Exchange does not allocate its entire costs contained in those items to the access services associated with the Proposed Access Fees.

The Exchange believes it is reasonable to allocate such internal expense described above towards the total cost to the Exchange to provide the access services associated with the Proposed Access Fees. In particular, the Exchange's employee compensation and benefits expense relating to providing the access services associated with the Proposed Access Fees is projected to be approximately $3.2 million, which is only a portion of the approximately $9.7 million total projected expense for employee compensation and benefits. The Exchange believes it is reasonable to allocate the identified portion of such expense because this includes the time spent by employees of several departments, including Technology, Back Office, Systems Operations, Networking, Business Strategy Development (who create the business requirement documents that the Technology staff use to develop network features and enhancements), Trade Operations, Finance (who provide billing and accounting services relating to the network), and Legal (who provide legal services relating to the network, such as rule filings and various license agreements and other contracts). As part of the extensive cost review conducted by the Exchange, the Exchange reviewed the amount of time spent by each employee on matters relating to the provision of access services associated with the Proposed Access Fees. Without these employees, the Exchange would not be able to provide the access services associated with the Proposed Access Fees to its Members and their customers. The Exchange did not allocate all of the employee compensation and benefits expense toward the cost of the access services associated with the Proposed Access Fees, only the portions which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 33% of the total applicable employee compensation and benefits expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[35]

The Exchange's depreciation and amortization expense relating to providing the services associated with the Proposed Access Fees is projected to be $2 million, which is only a portion of the $3.1 million total projected expense for depreciation and amortization. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense includes the actual cost of the computer equipment, such as dedicated servers, computers, laptops, monitors, information security appliances and storage, and network switching infrastructure equipment, including switches and taps that were purchased to operate and support the network and provide the access services associated with the Proposed Access Fees. Without this equipment, the Exchange would not be able to operate the network and provide the access services associated with the Proposed Access Fees to its Members and their customers. The Exchange did not allocate all of the depreciation and amortization expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portion which the Exchange identified as being specifically mapped to providing the access services associated with the Proposed Access Fees, approximately 63% of the total applicable depreciation and amortization expense, as these access services would not be possible without relying on such. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[36]

The Exchange's occupancy expense relating to providing the services associated with the Proposed Access Fees is projected to be approximately $0.3 million, which is only a portion of the $0.5 million total projected expense for occupancy. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense represents the portion of the Exchange's cost to rent and maintain a physical location for the Exchange's staff who operate and support the network, including providing the access services associated with the Proposed Access Fees. This amount consists primarily of rent for the Exchange's Princeton, NJ office, as well as various related costs, such as physical security, property management fees, property taxes, and utilities. The Exchange operates its Network Operations Center (''NOC'') and Security Operations Center (''SOC'') from its Princeton, New Jersey office location. A centralized office space is required to house the staff that operates and supports the network. The Exchange currently has approximately 150 employees. Approximately two-thirds of the Exchange's staff are in the Technology department, and the majority of those staff have some role in the operation and performance of the access services associated with the Proposed Access Fees. Without this office space, the Exchange would not be able to operate and support the network and provide the access services associated with the Proposed Access Fees to its Members and their customers. Accordingly, the Exchange believes it is reasonable to allocate the identified portion of its occupancy expense because such amount represents the Exchange's actual cost to house the equipment and personnel who operate and support the Exchange's network infrastructure and the access services associated with the Proposed Access Fees. The Exchange did not allocate all of the occupancy expense toward the cost of providing the access services associated with the Proposed Access Fees, only the portion which the Exchange identified as being specifically mapped to operating and supporting the network, approximately 53% of the total applicable occupancy expense. The Exchange believes this allocation is reasonable because it represents the Exchange's cost to provide the access services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.[37]

The Exchange notes that a material portion of its total overall expense is allocated to the provision of access services (including connectivity, ports, and trading permits). The Exchange believes this is reasonable and in line, as the Exchange operates a technology-based business that differentiates itself from its competitors based on its trading

[35] *Id.*

[36] *Id.*

[37] *Id.*

systems that rely on access to a high performance network, resulting in significant technology expense. Over two-thirds of Exchange staff are technology-related employees. The majority of the Exchange's expense is technology-based. As described above, the Exchange has only four primary sources of fees to recover their costs; thus, the Exchange believes it is reasonable to allocate a material portion of their total overall expense towards access fees.

Accordingly, based on the facts and circumstances presented, the Exchange believes that its provision of the access services associated with the Proposed Access Fees will not result in excessive pricing or supra-competitive profit. To illustrate, on a going-forward, fully-annualized basis, the Exchange projects that annualized revenue for providing the access services associated with the Proposed Access Fees would be approximately $14.6 million per annum, based on a recent billing cycle.[38] The Exchange projects that their annualized revenue for providing network connectivity services (all connectivity alternatives) to be approximately $14.63 million per annum. The Exchange projects that their annualized expense for providing network connectivity services (all connectivity alternatives) to be approximately $7.2 million per annum. Accordingly, on a fully-annualized basis, the Exchange believes its total projected revenue for the providing the access services associated with the Proposed Access Fees will not result in excessive pricing or supra-competitive profit, as the Exchange will make a profit margin of only approximately 51% inclusive of the Proposed Access Fees and all other connectivity alternatives ($14.63 million in total connectivity revenue minus $7.2 million in expense = $7.43 million in profit per annum). Additionally, this profit margin does not take into account the cost of capital expenditures (''CapEx'') the Exchange historically spent or is projected to spend each year on CapEx going forward.

For the avoidance of doubt, none of the expenses included herein relating to the access services associated with the Proposed Access Fees relate to the provision of any other services offered by the Exchange. Stated differently, no expense amount of the Exchange is allocated twice. The Exchange notes that expenses associated with the Exchange's affiliates, MIAX and MIAX Pearl, are accounted for separately and are not included within the scope of this filing. Stated differently, no expense amount of the Exchange is also allocated to MIAX or MIAX Pearl.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to allocate the respective percentages of each expense category described above towards the total cost to the Exchange of operating and supporting the network, including providing the access services associated with the Proposed Access Fees because the Exchange performed a line-by-line item analysis of nearly every expense of the Exchange, and has determined the expenses that directly relate to providing access to the Exchange. Further, the Exchange notes that, without the specific third-party and internal items listed above, the Exchange would not be able to provide the access services associated with the Proposed Access Fees to its Members and their customers. Each of these expense items, including physical hardware, software, employee compensation and benefits, occupancy costs, and the depreciation and amortization of equipment, have been identified through a line-by-line item analysis to be integral to providing access services. The Proposed Access Fees are intended to recover the costs of providing access to its System. Accordingly, the Exchange believes that the Proposed Access Fees are fair and reasonable because they do not result in excessive pricing or supra-competitive profit, when comparing the actual costs to the Exchange versus the projected annual revenue from the Proposed Access Fees.

The Exchange believes the proposed changes are reasonable, equitably allocated and not unfairly discriminatory, and do not result in a ''supra-competitive'' [39] profit. Of note, the Guidance defines ''supra-competitive profit'' as profits that exceed the profits that can be obtained in a competitive market.[40]

With the proposed changes, the Exchange anticipates that its collective connectivity profit margin will be approximately 51%, inclusive of the Proposed Access Fees and all other connectivity alternatives. In order to achieve a consistent, premium network performance, the Exchange must build out and continue to maintain a network that has the capacity to handle the message rate requirements of not only firms that consume minimal Exchange connectivity resources, but also those firms that most heavily consume Exchange connectivity resources, network consumers, and purchasers of 10Gb ULL connectivity, which generate billions of messages per day across the Exchange. These billions of messages per day consume the Exchange's resources and significantly contribute to the overall network connectivity expense for storage and network transport capabilities. Given that 10Gb ULL purchasers utilize the most resources across the network, the Exchange believes that it is reasonable to operate at a profit margin of approximately 51% for connectivity, inclusive of the Proposed Access Fees and all other connectivity alternatives. Such profit margin should enable the Exchange to continue to invest in its network and systems, maintain its current infrastructure, support future enhancements to network connectivity, and continue to offer enhanced customer reporting and monitoring services.

While the proposed fees are similar to or less than that of other options exchanges,[41] as discussed above, the incremental increase in revenue generated from the 51% profit margin for connectivity will allow the Exchange to further invest in its system architecture and matching engine functionality to the benefit of all market participants. The ability to continue to invest in technology and systems will also enable the Exchange to improve the determinism and overall performance of not only its system connectivity, but overall performance including the resiliency and efficiency of its matching engines. The revenue generated under the proposed rule change would also provide the exchange with the resources necessary to further innovate and enhance its systems and seek additional improvements or functionality to offer market participants generally. The Exchange believes that these investments, in turn, will benefit all investors by encouraging other exchanges to further invest, innovate, and improve their own systems in response.

Based on the 2020 Audited Financial Statements of competing options exchanges (since the 2021 Audited Financial Statements will likely not become publicly available until early July 2022, after the Exchange has submitted this filing), the Exchange's revenue that is derived from its access fees is in line with the revenue that is derived from access fees of competing exchanges. For example, the total

[38] The Exchange also projects approximately $2,800 in monthly revenue through 1Gb connections; however, the Exchange does not propose to adjust the fees for those connections at this time.

[39] *See supra* note 12.

[40] *See id.*

[41] *See supra* notes 16, 18 and 20.

revenue from ''access fees'' [42] for 2020 for MIAX Emerald was $7,244,000. MIAX Emerald projects that the total revenue from ''access fees'' for 2021 for MIAX Emerald will be $20,910,179, inclusive of the Proposed Access Fees described herein.

The Exchange's projected revenue from access fees is still less than, or similar to, the access fee revenues generated by access fees charged by other U.S. options exchanges. For example, the Cboe Exchange, Inc. (''Cboe'') reported $70,893,000 in ''access and capacity fee'' [43] revenue for 2020. Cboe C2 Exchange, Inc. (''C2'') reported $19,016,000 in ''access and capacity fee'' revenue for 2020.[44] Cboe BZX Exchange, Inc. (''BZX'') reported $38,387,000 in ''access and capacity fee'' revenue for 2020.[45] Cboe EDGX Exchange, Inc. (''EDGX'') reported $26,126,000 in ''access and capacity fee'' revenue for 2020.[46] PHLX reported $20,817,000 in ''Trade Management Services'' revenue for 2019.[47] The Exchange notes it is unable to compare ''access fee'' revenues with PHLX (or other affiliated NASDAQ exchanges) because after 2019, the ''Trade Management Services'' line item was bundled into a much larger line item in PHLX's Form 1, simply titled ''Market services.'' [48]

The Exchange also believes that, based on the 2020 Audited Financial Statements of competing options exchanges, the Exchange's overall operating margin is in line with or less than the operating margins of competing options exchanges, including the revenue and expense associated with the Proposed Access Fees. For example, the 2020 operating margin for MIAX Emerald was −12%.[49] Based on competing exchanges' Form 1 Amendments, ISE's operating profit margin for 2020 was approximately 85%; PHLX's operating profit margin for 2020 was approximately 49%; NASDAQ's operating profit margin for 2020 was approximately 62%; Arca's operating profit margin for 2020 was approximately 55%; Amex's operating profit margin for 2020 was approximately 59%; Cboe's operating profit margin for 2020 was approximately 74%; and BZX's operating profit margin for 2020 was approximately 52%.

The Exchange believes that the Proposed Access Fees are reasonable, equitably allocated and not unfairly discriminatory because, for one 10Gb ULL connection, the Exchange provides each Member or non-Member access to all twelve (12) matching engines on MIAX Emerald and a vast majority choose to connect to all twelve (12) matching engines. The Exchange believes that other exchanges require firms to connect to multiple matching engines.[50] Further, the Exchange notes that no Member or non-Member has altered its use of 10Gb ULL connectivity since the proposed fee changes went into effect on August 1, 2021 via the First Proposed Rule Change.

The Exchange further believes its proposed fees are reasonable, equitably allocated and not unfairly discriminatory because the Exchange believes that it benefits overall competition in the marketplace to allow relatively new entrants like the Exchange and its affiliates, MIAX Pearl and MIAX, to propose fees that may help these new entrants recoup their substantial investment in building out costly infrastructure. The Exchange and its affiliates have historically set their fees purposefully low in order to attract business and market share, and the proposed tiered-pricing structure will help make the rates consistent with other exchanges while not raising costs for a majority of the Exchange's Members and non-Members.

The Guidance provides that in determining whether a proposed fee is constrained by significant competitive forces, the Commission will consider whether there are reasonable substitutes for the product or service that is the subject of a proposed fee. As described below, the Exchange believes substitute products and services are available to market participants, including, among other things, other options exchanges that market participants may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller.

There is also no regulatory requirement that any market participant connect to any one options exchange, that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. A market participant may submit orders to the Exchange via a Sponsored User.[51] Indeed, the Exchange is unaware of any one options exchange whose membership includes every registered broker-dealer. Based on a recent analysis conducted by the Cboe Exchange, Inc. (''Cboe''), as of October 21, 2020, only three (3) of the broker-dealers, out of approximately 250 broker-dealers, were members of at least one exchange that lists options for trading and were members of all 16 options exchanges.[52] Additionally, the Cboe Fee Filing found that several broker-dealers were members of only a single exchange that lists options for trading and that the number of members at each exchange that trades options varies greatly.[53]

The Exchange notes that non-Member third-parties, such as Service Bureaus and Extranets, resell the Exchange's connectivity. This indirect connectivity is another viable alternative for market participants to trade on the Exchange without connecting directly to the Exchange (and thus not pay the Exchange's connectivity fees), which

[42] As described in the Exchange's Audited Financial Statements, fees for ''access services'' are assessed to exchange members for the opportunity to trade and use other related functions of the exchanges. *See https://www.sec.gov/Archives/edgar/vprr/2100/21000461.pdf.*

[43] According to Cboe, access and capacity fees represent fees assessed for the opportunity to trade, including fees for trading-related functionality. *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2100/21000465.pdf.*

[44] *See id.*

[45] *See id.*

[46] *See id.*

[47] According to PHLX, ''Trade Management Services'' includes ''a wide variety of alternatives for connectivity to and accessing [the PHLX] markets for a fee. These participants are charged monthly fees for connectivity and support in accordance with [PHLX's] published fee schedules.'' *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2001/20012246.pdf.*

[48] *See* Form 1 Amendment, at *https://www.sec.gov/Archives/edgar/vprr/2100/21000475.pdf.*

[49] This information is provided in response to the SIG Comment Letter. *See supra* note 7.

[50] *See* Specialized Quote Interface Specification, Nasdaq PHLX, Nasdaq Options Market, Nasdaq BX Options, Version 6.5a, Section 2, Architecture (revised August 16, 2019), available at *http://www.nasdaqtrader.com/content/technicalsupport/specifications/TradingProducts/SQF6.5a-2019-Aug.pdf.* The Exchange notes that it is unclear whether the NASDAQ exchanges include connectivity to each matching engine for the single fee or charge per connection, per matching engine. *See also* NYSE Technology FAQ and Best Practices: Options, Section 5.1 (How many matching engines are used by each exchange?) (September 2020). The Exchange notes that NYSE provides a link to an Excel file detailing the number of matching engines per options exchange, with Arca and Amex having 19 and 17 matching engines, respectively.

[51] *See* Exchange Rule 210. The Sponsored User is subject to the fees, if any, of the Sponsoring Member. The Exchange notes that the Sponsoring Member is not required to publicize, let alone justify or file with the Commission its fees, and as such could charge the Sponsored User any fees it deems appropriate, even if such fees would otherwise be considered supra-competitive, or otherwise potentially unreasonable or uncompetitive.

[52] *See* Securities Exchange Act Release No. 90333 (November 4, 2020), 85 FR 71666 (November 10, 2020) (SR–CBOE–2020–105) (the ''Cboe Fee Filing''). The Cboe Fee Filing cited to the October 2020 Active Broker Dealer Report, provided by the Commission's Office of Managing Executive, on October 8, 2020.

[53] *Id.*

alternative is already being used by non-Members and further constrains the price that the Exchange is able to charge for connectivity and other access fees to its market. The Exchange notes that it could, but chooses not to, preclude market participants from reselling its connectivity. The Exchange also chooses not to adopt fees that would be assessed to third-party resellers on a per customer basis (*i.e.,* fees based on the number of firms that connect to the Exchange indirectly via the third-party). Indeed, the Exchange does not receive any connectivity revenue when connectivity is resold by a third-party, which often is resold to multiple customers, some of whom are agency broker-dealers that have numerous customers of their own.[54] In sum, the Exchange believes this creates and fosters a competitive environment and subjects the Exchange to competitive forces in pricing its connectivity and access fees. Particularly, in the event that a market participant views the Exchange's direct connectivity and access fees as more or less attractive than competing markets, that market participant can choose to connect to the Exchange indirectly or may choose not to connect to the Exchange and connect instead to one or more of the other 15 options markets. Accordingly, the Exchange believes that the Proposed Access Fees are fair and reasonable and do not result in excessive pricing or supra-competitive profit.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

With respect to intra-market competition, the Exchange does not believe that the proposed rule change would place certain market participants at the Exchange at a relative disadvantage compared to other market participants or affect the ability of such market participants to compete. As stated above, the Exchange does not believe its proposed pricing will impose a barrier to entry to smaller participants and notes that its proposed connectivity pricing structure for its 10Gb ULL connections is associated with relative usage of the various market participants. Further, the majority of firms that purchase 10Gb ULL connections may either save money or pay the same amount after the tiered-pricing structure is implemented. While total cost may be increased for market participants with larger capacity needs or for business/technical preferences, such options provide far more capacity and are purchased by those that consume more resources from the network. Accordingly, the proposed tiered-pricing structure does not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation reflects the network resources consumed by the various usage of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pays the most, particularly since higher bandwidth consumption translates to higher costs to the Exchange.

The Exchange also does not believe that the proposed rule change will result in any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, options market participants are not forced to connect to all options exchanges. The Exchange operates in a highly competitive environment, and as discussed above, its ability to price access and connectivity is constrained by competition among exchanges and third parties. There are other options markets of which market participants may connect to trade options. There is also a possible range of alternative strategies, including routing to the exchange through another participant or market center or accessing the Exchange indirectly. For example, there are 15 other U.S. options exchanges, which the Exchange must consider in its pricing discipline in order to compete for market participants. In this competitive environment, market participants are free to choose which competing exchange or reseller to use to satisfy their business needs. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange received one comment on the proposed rule change.[55] The Exchange notes that the Exchange, and its affiliates MIAX Pearl and MIAX, justified similar fee changes in the past with similar, if not identical, justifications in previous filings that have been noticed by the Commission for public comment and are currently in effect.[56] Nonetheless, the Exchange has sought to address the commenters concerns via the enhanced justification and additional information included in this proposal.

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,[57] and Rule 19b–4(f)(2)[58] 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.* Please include File Number SR–EMERALD–2021–29 on the subject line.

[54] The Exchange notes that resellers are not required to publicize, let alone justify or file with the Commission their fees, and as such could charge the market participant any fees it deems appropriate (including connectivity fees higher than the Exchange's connectivity fees), even if such fees would otherwise be considered potentially unreasonable or uncompetitive fees.

[55] *See* the SIG Comment Letter, *supra* note 7.

[56] *See* Securities Exchange Act Release Nos. 90980 (January 25, 2021), 86 FR 7602 (January 29, 2021) (SR–MIAX–2021–02); 90981 (January 25, 2021), 86 FR 7582 (January 29, 2021) (SR–PEARL–2021–01); 91033 (February 1, 2021), 86 FR 8455 (February 5, 2021) (SR–EMERALD–2021–03); 91460 (April 2, 2021), 86 FR 18349 (April 8, 2021) (SR–EMERALD–2021–11).

[57] 15 U.S.C. 78s(b)(3)(A)(ii).

[58] 17 CFR 240.19b–4(f)(2).

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–EMERALD–2021–29. 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–EMERALD–2021–29 and should be submitted on or before October 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–21492 Filed 10–1–21; 8:45 am]

BILLING CODE 8011–01–P

[59] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93160; File Nos. SR–NYSE–2021–25, SR–NYSEAMER–2021–21, SR–NYSEArca–2021–24, SR–NYSECHX–2021–07, SR–NYSENAT–2021–09]

Self-Regulatory Organizations; New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Changes To Amend the Fee Schedule To Add Meet-Me-Room Connectivity Services Available at the Mahwah Data Center

September 28, 2021.

On April 9, 2021, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. each filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the schedule of connectivity services available at the Mahwah data center to add services available to customers in the meet me rooms in the Mahwah data center and procedures for the allocation of cabinets and power to such customers. The proposed rule changes were published for comment in the **Federal Register** on April 22, 2021.[3] On June 2, 2021, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to either approve the proposed rule changes, disapprove the proposed rule changes, or institute proceedings to determine whether to approve or disapprove the proposed rule changes.[5] On July 9, 2021, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule changes.[6] The Commission has received no comment letters on the proposed rule changes.

Section 19(b)(2) of the Act [7] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule changes were published for notice and comment in the **Federal Register** on April 22, 2021.[8] October 19, 2021 is 180 days from that date, and December 18, 2021 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule changes so that it has sufficient time to consider the proposed rule changes. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates December 18, 2021 as the date by which the Commission should either approve or disapprove the proposed rule changes (File Nos. SR–NYSE–2021–25, SR–NYSEAMER–2021–21, SR–NYSEArca–2021–24, SR–NYSECHX–2021–07, SR–NYSENAT–2021–09).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–21489 Filed 10–1–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 91598 (April 16, 2021), 86 FR 21373 (April 22, 2021) (SR–NYSE–2021–25); 91599 (April 16, 2021), 86 FR 21365 (April 22, 2021) (SR–NYSEAMER–2021–21); 91600 (April 16, 2021), 86 FR 21384 (April 22, 2021) (SR–NYSEArca–2021–24); 91601 (April 16, 2021), 86 FR 21410 (April 22, 2021) (SR–NYSECHX–2021–07); and 91602 (April 16, 2021), 86 FR 21393 (April 22, 2021) (SR–NYSENAT–2021–09) (collectively, the ''Notices'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 92089 (June 2, 2021), 86 FR 30510 (June 8, 2021). The Commission designated July 21, 2021, as the date by which it should approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule changes.

[6] *See* Securities Exchange Act Release No. 92368 (July 9, 2021), 86 FR 37356 (July 15, 2021).

[7] 15 U.S.C. 78s(b)(2).

[8] *See* Notices, *supra* note 3.

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93143; File No. SR–BX–2021–042]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a New Rule Requiring Members To Input Accurate Information Into BX Systems

September 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 22, 2021, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to establish a new rule applicable to the Nasdaq BX Equities Market (the ''Equities Market'') that explicitly requires members to input accurate information into BX systems.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2009, The Nasdaq Stock Market LLC (''Nasdaq'') adopted provisions that required its members to input accurate information into the Nasdaq Market Center and Nasdaq Options Market.[3] The Exchange proposes to adopt a rule identical to Nasdaq Equity 2, Section 3(a)(6)[4] that makes clear its members' responsibility to input accurate quotation and order information into the Equities Market.[5] The Equities Market requires entry of certain information to post a quote or to enter an order. Such information, among other things, identifies the member, the size and price of the order or quote, and the member's capacity in placing an order. Accurate trade and quote information is fundamental to the operation of an efficient and fair market.

Moreover, the information input by members when posting a quote or placing an order is used for purposes of policing the Equities Market. For instance, the Financial Industry Regulatory Authority, Inc. (''FINRA'') conducts trade abuse surveillances of the Equities Market on the Exchange's behalf. The trade abuse surveillances use capacity information input by members. A member's capacity in a trade concerns whether the member is acting as an agent, principal, or ''riskless'' principal in the transaction. Accordingly, accurate input of capacity information is of fundamental regulatory importance. BX does not have a rule that makes an explicit statement regarding a member's obligation to input accurate information into the Equities Market. (That said, BX believes that disciplinary cases against members entering inaccurate or incomplete information may be brought appropriately under BX General 9, Section 1(a), which requires members to observe high standards of commercial honor and just and equitable principles of trade. BX General 9, Section 1(a) also protects the investing public and the securities industry from dishonest practices that are unfair to investors or hinder the functioning of a free and open market, even though those practices may not be illegal or violate a specific rule or regulation.) Because of the regulatory importance of accurate information input into the Equities Market, the Exchange believes rules that directly address members' obligation to provide accurate information are appropriate. The proposed rule makes clear the members' obligation to input accurate information into the Equities Market, and that failure to do so would be considered a violation of BX rules.

The Exchange notes that FINRA has rules that require the accurate entry of certain trade information into its systems. For example, FINRA Rule 7330(d) requires FINRA members to report to the OTC Reporting Facility certain specific trade-related information. A failure to provide such information represents a violation of FINRA rules, and may result in disciplinary action. FINRA has substantially similar requirements for other trade reporting systems it operates.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed amendments will serve to promote the accuracy of information input into the Equities Market. Accurate information is necessary for the efficient and fair operation of the Equities Market, and will assist the Exchange in surveilling the markets for fraudulent activity.

The Exchange also believes that the creation of this rule will bring greater transparency and will harmonize its rules with those of its affiliated exchange, Nasdaq, by giving its members the ability to compare the rules in their respective rulebooks.

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. The Exchange believes that the proposed amendments do not impose an undue burden on competition because the proposed rule will make clear the members' obligation to input accurate quotation and order information into the Equities Market. Moreover, the proposed rule will align the rules of the Exchange closer to the rules of The Nasdaq Stock Market, which previously adopted an identical provision.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 59547 (March 10, 2009), 74 FR 11386 (March 17, 2009) (SR–NASDAQ–2009–014).

[4] Nasdaq Equity 2, Section 3 was previously numbered Nasdaq Rule 4611; however, the rule was renumbered and relocated in 2020. See Securities Exchange Act Release No. 34–90577 (December 7, 2020), 85 FR 80202 (December 11, 2020) (SR–NASDAQ–2020–079).

[5] As defined in BX Equity 1, Section 1(a)(6).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [8] and Rule 19b–4(f)(6) thereunder.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2021–042 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–BX–2021–042. 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–BX–2021–042 and should be submitted on or before October 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–21481 Filed 10–1–21; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93147; File No. SR–CboeBZX–2021–053]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Granting Approval of a Proposed Rule Change To Amend Rule 14.11(m) (Tracking Fund Shares) To Provide for the Use of Custom Baskets Consistent With the Exemptive Relief Issued Pursuant to the Investment Company Act of 1940 Applicable to a Series of Tracking Fund Shares

September 28, 2021.

I. Introduction

On August 3, 2021, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend BZX Rule 14.11(m) (Tracking Fund Shares) to provide for the use of custom baskets consistent with the exemptive relief issued pursuant to the Investment Company Act of 1940 (''1940 Act'') [3] applicable to a series of Tracking Fund Shares. The proposed rule change was published for comment in the **Federal Register** on August 16, 2021.[4] The Commission has received no comments on the proposed rule change. The Commission is approving the proposed rule change.

II. Description

The Exchange proposes to amend BZX Rule 14.11(m), which permits the listing and trading of series of Tracking Fund Shares. BZX Rule 14.11(m) currently requires that Tracking Fund Shares be issued and redeemed in a specified aggregate minimum number in return for the Tracking Basket [5] and/or cash.[6] The Exchange proposes to amend

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 80a.

[4] *See* Securities Exchange Act Release No. 92626 (August 10, 2021), 86 FR 45792.

[5] The term ''Tracking Basket'' means the identities and quantities of the securities and other assets included in a basket that is designed to closely track the daily performance of the Fund Portfolio, as provided in the exemptive relief under the 1940 Act applicable to a series of Tracking Fund Shares. *See* BZX Rule 14.11(m)(3)(E). The term ''Fund Portfolio'' means the identities and quantities of the securities and other assets held by the investment company registered under the 1940 Act (''Investment Company'') that will form the basis for the Investment Company's calculation of net asset value (''NAV'') at the end of the business day. *See* BZX Rule 14.11(m)(3)(B).

[6] *See* BZX Rule 14.11(m)(3)(A) (defining the term ''Tracking Fund Share'').

the definition of ''Tracking Fund Share'' in BZX Rule 14.11(m)(3)(A) to permit creations and redemptions of shares in return for a Custom Basket in addition to the Tracking Basket, to the extent permitted by a fund's exemptive relief.[7] Further, the Exchange proposes to define the term ''Custom Basket'' as a portfolio of securities that is different from the Tracking Basket and is otherwise consistent with the exemptive relief issued pursuant to the 1940 Act applicable to a series of Tracking Fund Shares.[8] The Exchange also proposes to amend the definition of ''Reporting Authority'' in BZX Rule 14.11(m)(3)(C) to include Custom Baskets among the types of information for which the Reporting Authority designated for a particular series of Tracking Fund Shares will be the official source for calculating and reporting such information.[9]

The Exchange proposes to amend BZX Rule 14.11(m)(4) to incorporate specific initial and continued listing criteria relating to Custom Baskets. Specifically, the Exchange proposes to add a new initial listing requirement to stipulate that the Exchange will obtain a representation from the issuer of each series of Tracking Fund Shares that the issuer and any person acting on behalf of the series of Tracking Fund Shares will comply with Regulation Fair Disclosure under the Exchange Act (''Regulation FD''),[10] including with respect to any Custom Basket.[11] The Exchange also proposes to add a new continued listing requirement that, with respect to each Custom Basket utilized by a series of Tracking Fund Shares, each business day, before the opening of trading in Regular Trading Hours,[12] the Investment Company shall make publicly available on its website the composition of any Custom Basket transacted on the previous business day, except a Custom Basket that differs from the applicable Tracking Basket only with respect to cash.[13]

Finally, the Exchange proposes to amend BZX Rules 14.11(m)(2)(E) and (F), which contain requirements that specified parties must erect and maintain ''fire walls'' with respect to access to information concerning the Fund Portfolio and Tracking Basket and enact procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund Portfolio and Tracking Basket, so that these requirements would also cover information concerning Custom Baskets. As proposed to be amended, BZX Rule 14.11(m)(2)(E) would require that, if the investment adviser to the Investment Company issuing Tracking Fund Shares is registered as a broker-dealer or is affiliated with a broker-dealer, such investment adviser will erect and maintain a ''fire wall'' between the investment adviser and personnel of the broker-dealer or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition of and/or changes to the Fund Portfolio, the Tracking Basket, and/or the Custom Basket, as applicable. In addition, any person related to the investment adviser or Investment Company who makes decisions pertaining to the Investment Company's Fund Portfolio, the Tracking Basket, and/or the Custom Basket or has access to nonpublic information regarding the Fund Portfolio, the Tracking Basket, and/or the Custom Basket, as applicable, or changes thereto, must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund Portfolio, the Tracking Basket, and/or the Custom Basket, as applicable, or changes thereto. Proposed BZX Rule 14.11(m)(2)(F) would require that any person or entity, including a custodian, Reporting Authority, distributor, or administrator, who has access to nonpublic information regarding the Fund Portfolio, the Tracking Basket, or the Custom Basket, as applicable, or changes thereto, must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Fund Portfolio, the Tracking Basket, or the Custom Basket, as applicable, or changes thereto. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Fund Portfolio, Tracking Basket, or Custom Basket, as applicable.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the Exchange Act and rules and regulations thereunder applicable to a national securities exchange.[14] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[15] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission previously approved BZX Rule 14.11(m) to permit the listing and trading of Tracking Fund Shares.[16]

[7] *See* proposed BZX Rule 14.11(m)(3)(A) (defining ''Tracking Fund Share'' as a security that: (i) Represents an interest in an Investment Company organized as an open-end management investment company, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (ii) is issued in a specified aggregate minimum number in return for a deposit of a specified Tracking Basket or Custom Basket, as applicable, and/or a cash amount with a value equal to the next determined NAV; (iii) when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified Tracking Basket or Custom Basket, as applicable, and/or a cash amount with a value equal to the next determined NAV; and (iv) the portfolio holdings for which are disclosed within at least 60 days following the end of every fiscal quarter).

[8] *See* proposed BZX Rule 14.11(m)(3)(F).

[9] *See* proposed BZX Rule 14.11(m)(3)(C) (defining ''Reporting Authority'' in respect of a particular series of Tracking Fund Shares as the Exchange, an institution, or a reporting service designated by the Exchange or by the exchange that lists a particular series of Tracking Fund Shares (if the Exchange is trading such series pursuant to unlisted trading privileges) as the official source for calculating and reporting information relating to such series, including, but not limited to, the Tracking Basket; the Fund Portfolio; the Custom Basket; the amount of any cash distribution to holders of Tracking Fund Shares, NAV, or other information relating to the issuance, redemption or trading of Tracking Fund Shares).

[10] 17 CFR 243.100.

[11] *See* proposed BZX Rule 14.11(m)(4)(A)(ii)(c). BZX Rule 14.11(m)(4)(A)(ii) currently provides that the Exchange will obtain a representation from the issuer of each series of Tracking Fund Shares that the NAV per share for the series will be calculated daily and that the NAV, the Tracking Basket, and the Fund Portfolio will be made available to all market participants at the same time when disclosed. The current requirements would be designated as BZX Rule 14.11(m)(4)(A)(ii)(a) and (b).

[12] The term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time. *See* BZX Rule 1.5(w).

[13] *See* proposed BZX Rule 14.11(m)(4)(B)(ii). The Exchange also proposes to renumber the remainder of BZX Rule 14.11(m)(4)(B).

[14] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* Securities Exchange Act Release No. 88887 (May 15, 2020), 85 FR 30990 (May 21, 2020) (SR–CboeBZX–2019–107) (approving proposal to adopt Rule 14.11(m) to permit the listing and trading of Tracking Fund Shares and to list and trade shares of the Fidelity Blue Chip Value ETF, Fidelity Blue Chip Growth ETF, and Fidelity New Millennium ETF (''2020 Order'')). The Exchange must file a separate proposed rule change pursuant to Section

Continued

As discussed above, under the current rule, a series of Tracking Fund Shares must create or redeem shares in return for the Tracking Basket and/or cash. The Exchange is now proposing to amend BZX Rule 14.11(m) to allow a series of Tracking Fund Shares to create or redeem shares in return for a Custom Basket, which is a portfolio of securities that is different from the Tracking Basket, to the extent consistent with an issuer's exemptive relief under the 1940 Act.[17] For the reasons discussed below, the Commission finds that the proposed amendments to BZX Rule 14.11(m) to provide for the use of Custom Baskets for Tracking Fund Shares, to the extent permitted by an issuer's exemptive relief under the 1940 Act, are consistent with Section 6(b)(5) of the Exchange Act.

The Commission believes that the proposed changes to BZX Rules 14.11(m)(2)(E) and (F) are consistent with the Exchange Act and are reasonably designed to help prevent fraudulent and manipulative acts and practices. The Commission notes that, because Tracking Fund Shares do not publicly disclose on a daily basis information about the holdings of the Fund Portfolio, it is vital that key information relating to Tracking Fund Shares, including information relating to Custom Baskets, be kept confidential prior to its public disclosure and not be subject to misuse.[18] Accordingly, the Commission believes that the Exchange's proposal to amend BZX Rules 14.11(m)(2)(E) and (F)[19] to apply the current ''fire wall'' and other requirements contained therein to those that have access to information concerning, or make decisions pertaining to, the composition of and/or changes to the Custom Baskets, in addition to the existing requirements relating to the Fund Portfolio and the Tracking Basket, is designed to prevent fraud and manipulation with respect to Tracking Fund Shares.

The Commission also believes that the proposed amendments to the initial and continued listing requirements for Tracking Fund Shares are adequate to ensure transparency of information relating to Custom Baskets utilized by a fund and to ensure that such information is available to the rest of the market participants at the same time. Specifically, prior to the opening of trading on each business day, the Investment Company will make publicly available on its website the composition of any Custom Basket transacted on the previous business day, except a Custom Basket that differs from the applicable Tracking Basket only with respect to cash.[20] In addition, prior to the initial listing of the Tracking Fund Shares, the Exchange will be required to obtain a representation from the issuer of each series of Tracking Fund Shares that the issuer and any person acting on behalf of the series of Tracking Fund Shares will comply with Regulation FD, including with respect to any Custom Basket.[21] These measures help to mitigate concerns that certain information regarding the funds will be available only to select market participants and thereby helps to prevent fraud and manipulation.

The Commission notes that, as set forth in the definition of ''Custom Basket,'' a series of Tracking Fund Shares may only utilize Custom Baskets to the extent consistent with the exemptive relief issued pursuant to the 1940 Act applicable to such series.[22] The Commission further notes that all series of Tracking Fund Shares will continue to be subject to the existing rules and procedures that govern the listing and trading of Tracking Fund Shares and the trading of equity securities on the Exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act [23] that the proposed rule change (SR–CboeBZX–2021–053), be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

J. Matthew DeLesDernier,

Assistant Secretary.

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19(b) of the Exchange Act for each series of Tracking Fund Shares. *See* BZX Rule 14.11(m)(2)(A).

[17] The Commission has granted exemptive relief under the 1940 Act to certain series of Tracking Fund Shares to permit the creation or redemption of shares using a Custom Basket that includes instruments that are not included, or included with different weightings, in the fund's Tracking Basket. *See, e.g.,* Fidelity Beach Street Trust, et al., Investment Company Act Release No. 34350 (August 5, 2021).

[18] *See* 2020 Order, *supra* note 16, 85 FR at 31002–03.

[19] *See supra* Section II, describing proposed BZX Rules 14.11(m)(2)(E) and (F).

[20] *See* proposed BZX Rule 14.11(m)(4)(B)(ii).

[21] *See* proposed BZX Rule 14.11(m)(4)(A)(ii)(c). The Commission notes that a fund's use of, or conversations with authorized participants about, Creation Baskets that would result in selective disclosure of nonpublic information would effectively be limited by the fund's obligation to comply with Regulation FD. *See, e.g.,* Fidelity Beach Street Trust, et al., Investment Company Act Release No. 34326 (July 9, 2021).

[22] *See* proposed BZX Rule 14.11(m)(3)(F).

[23] 15 U.S.C. 78s(b)(2).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93144; File No. SR–CboeBZX–2021–056]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Allow the Invesco Focused Discovery Growth ETF and Invesco Select Growth ETF To Strike and Publish an Intra-Day NAV and an End-of-Day NAV

September 28, 2021.

On August 12, 2021, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to allow the Invesco Focused Discovery Growth ETF and Invesco Select Growth ETF to strike and publish an intra-day net asset value (''NAV'') and an end of-day NAV. The proposed rule change was published for comment in the **Federal Register** on August 24, 2021.[3]

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is October 8, 2021.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds it appropriate to designate a longer period within which

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92701 (August 18, 2021), 86 FR 47359.

[4] 15 U.S.C. 78s(b)(2).

to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates November 22, 2021, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2021–056).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–21482 Filed 10–1–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93149; File No. SR–CboeBZX–2021–064]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to the Exchange's Fee Schedule

September 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 21, 2021, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'' or ''BZX Equities'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''BZX Equities'') to modify the rebate associated with a certain routing fee code and eliminate certain routing fee codes.[3]

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[4] no single registered equities exchange has more than 14% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, discontinue, or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange assesses fees and provides rebates in connection with orders routed away to various exchanges. Now, the Exchange proposes to modify a particular routing fee code currently under the Fee Codes and Associated Fees section of the Fee Schedule. First, the Exchange proposes to modify fee code NX, which is appended to orders routed to NYSE National, Inc. (''NYSE National'') using the TRIM or SLIM routing strategy, and currently provides a rebate of $0.00200 per share. The Exchange proposes to reduce the rebate to $0.00050 per share.

Additionally, as a result of minimal use in the last months, the Exchange proposes to eliminate fee codes BO and SX in their entirety. Fee code BO is appended to orders routed using a destination specific routing strategy unless otherwise specified, and currently assesses a fee of $0.00300 per share. Fee code SX is appended to orders routed using the SLIM routing strategy (except to Cboe BYX Exchange, Inc. (''BYX Equities''), Cboe EDGA Exchange, Inc. (''EDGA Equities'') Nasdaq BX, Inc. (''Nasdaq BX''), NYSE American LLC (''NYSE American'') or NYSE National), and currently assesses a fee of $0.00290 per share. The Exchange believes that because so few users elect to route their orders with specifications to which fee code BO or SX is applicable, the current demand does not warrant the infrastructure and ongoing Systems maintenance required to support the separate fee codes. Therefore, the Exchange now proposes to delete fee code BO and SX in the Fee Schedule. The Exchange notes that users will continue to be able to choose to route their orders with the same specifications to which fee codes BO and SX currently applies —such orders will simply be assessed the fees currently in place for routed orders generally.[5] That is, if any of the routed orders to which fee code BO or SX currently apply fee code X will be appended to such orders, which assesses a fee of $0.00300 per share.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes September 1, 2021 (SR–CboeBZX–2021–061). On September 13, 2021, the Exchange withdrew that filing and re-submitted the proposed fee changes (SR–CboeBZX–2021–062). On September 21, 2021, the Exchange withdrew that filing and re-submitted this proposal.

[4] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (August 26, 2021), available at *https://markets.cboe.com/us/equities/market_statistics/.*

[5] The Exchange notes that there are other fee codes that apply to certain other routing specifications, however, those routed orders not otherwise specified in such other routing fee code descriptions yield the general routing fee code X.

the objectives of Section 6 of the Act,[6] in general, and furthers the objectives of Section 6(b)(4),[7] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to reduce the rebates applicable to fee code NX is fair, equitable, and reasonable because the proposed fees and rebate remain consistent with pricing offered by the Exchange's affiliates and competitors and does not represent a significant departure from the Exchange's general pricing structure. Specifically, the proposed rebates applicable to fee code NX are more than that offered by the Nasdaq Stock Market LLC (''Nasdaq''), which does not provide a standard rebate for similar orders.[9] Therefore, the Exchange believes the proposed rebates associated with fee code NX remains consistent with pricing previously offered by the Exchange's affiliates and other exchanges and does not represent a significant departure from such pricing.

The Exchange believes the proposed rule change to remove fee code BO and SX is reasonable as the Exchange has observed a minimal amount of volume in orders yielding the fee code and, therefore, the continuation of these fee codes does not warrant the infrastructure and ongoing Systems maintenance required to support separate fee codes for specific routed orders. As such, the Exchange also believes that is reasonable and equitable to assess routed orders which meet the specifications to which fee code BO and SX are currently applicable the standard routing fee currently in place for all other routed orders—via fee code X. The fee associated with fee code X is $0.00300, which is the same as the fee currently assessed for orders yielding fee code BO, and is only slightly higher than the fee currently assessed for fee code SX. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because Members will continue to have the option to elect to route their orders in the same manner and will be automatically and uniformly assessed the applicable standard rates in place for generally all other routed orders. Further, if members do not favor the Exchange's pricing for routed orders, they can send their routable orders directly to away markets instead of using routing functionality provided by the Exchange. Routing through the Exchange is optional, and the Exchange operates in a competitive environment where market participants can readily direct order flow to competing venues or providers of routing services if they deem fee levels to be excessive.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed modifications represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Further, while the Exchange is proposing to eliminate fee codes BO and SX orders that meet specifications of fee code BO or SX going forward will be assessed the rate for orders routed generally. Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed fee and rebate modifications will continue to apply to all Members equally, and as noted above, orders currently meeting the specifications of fee code BO or SX will be assessed the rate for orders routed generally under fee code X. The Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 14% of the market share.[10] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [11] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission*, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . ..''.[12] Accordingly, the

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78f.(b)(5).

[9] *See* ''Route Rates'' on the Nasdaq fee schedule at *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2*.

[10] *Supra* note 3.

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[12] *NetCoalition* v. *SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release

Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) [13] of the Act and paragraph (f)(2) of Rule 19b–4 [14] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange. 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 under Section 19(b)(2)(B) [15] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2021–064 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2021–064. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–064 and should be submitted on or before October 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

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No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f).

[15] 15 U.S.C. 78s(b)(2)(B).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93148; File No. SR–CboeBYX–2021–022]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule

September 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 21, 2021, Cboe BYX Exchange, Inc. (''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'' or ''BYX Equities'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''BYX Equities'') to modify the rebate associated with certain routing fee codes and eliminate certain routing fee codes.[3]

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes September 1, 2021 (SR–CboeBYX–2021–019). On September 13, 2021, the Exchange withdrew that filing and re-submitted the proposed fee changes (SR–CboeBZX–2021–021). On September 21, 2021, the Exchange withdrew that filing and re-submitted this proposal.

as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[4] no single registered equities exchange has more than 14% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, discontinue, or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange assesses fees and provides rebates in connection with orders routed away to various exchanges. Now, the Exchange proposes to modify certain routing fee codes currently under the Fee Codes and Associated Fees section of the Fee Schedule. First, the Exchange proposes to modify fee code C, which is appended to orders routed to Nasdaq BX, Inc. (''Nasdaq BX'') using destination specific, TRIM or SLIM routing strategies, and currently provides a rebate of $0.00100 per share. Specifically, the Exchange proposes to reduce the rebate to $0.00050 per share.

Second, the Exchange proposes to modify fee code NX, which is appended to orders routed to NYSE National, Inc. (''NYSE National'') using the TRIM or SLIM routing strategy, and currently provides a rebate of $0.00200 per share. The Exchange proposes to reduce the rebate to $0.00050 per share.

Finally, as a result of minimal use in the last months, the Exchange proposes to eliminate fee codes BO, IX, and SX in their entirety. Fee code BO is appended to orders routed using a destination specific routing strategy unless otherwise specified, and currently assesses a fee of $0.00300 per share. Fee code IX is appended to orders routed to the Investors Exchange LLC (''IEX'') using a destination specific routing strategy, and currently assesses a fee of $0.00300 per share. Fee code SX is appended to orders routed using the SLIM routing strategy (except to Cboe BZX Exchange, Inc. (''BZX Equities''), Cboe EDGA Exchange, Inc. (''EDGA Equities'') Nasdaq BX, NYSE American LLC (''NYSE American'') or NYSE National), and currently assesses a fee of $0.00290 per share. The Exchange believes that because so few users elect to route their orders with specifications to which fee code BO, IX, or SX is applicable, the current demand does not warrant the infrastructure and ongoing Systems maintenance required to support the separate fee codes. Therefore, the Exchange now proposes to delete fee code BO, IX, and SX in the Fee Schedule. The Exchange notes that users will continue to be able to choose to route their orders with the same specifications to which fee codes BO, IX, and SX currently applies—such orders will simply be assessed the fees currently in place for routed orders generally.[5] That is, if any of the routed orders to which fee code BO, IX, or SX currently apply fee code X will be appended to such orders, which assesses a fee of $0.00300 per share.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[6] in general, and furthers the objectives of Section 6(b)(4),[7] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to reduce the rebates applicable to fee codes C and NX is fair, equitable, and reasonable because the proposed fees and rebate remain consistent with pricing offered by the Exchange's affiliates and competitors and does not represent a significant departure from the Exchange's general pricing structure. Specifically, the proposed rebates applicable to fee codes C and NX are more than that offered by the Nasdaq Stock Market LLC (''Nasdaq''), which does not provide a standard rebate for similar orders.[9] Therefore, the Exchange believes the proposed rebates associated with fee codes C and NX remain consistent with pricing previously offered by the Exchange's affiliates and other exchanges and does not represent a significant departure from such pricing.

The Exchange believes the proposed rule change to remove fee code BO, IX, and SX is reasonable as the Exchange has observed a minimal amount of volume in orders yielding the fee code and, therefore, the continuation of these fee codes does not warrant the infrastructure and ongoing Systems maintenance required to support separate fee codes for specific routed orders. As such, the Exchange also believes that is reasonable and equitable to assess routed orders which meet the specifications to which fee code BO, IX, and SX are currently applicable the standard routing fee currently in place for all other routed orders—via fee code X. The fee associated with fee code X is $0.00300, which is the same as the fee currently assessed for orders yielding fee code BO and IX, and is only slightly higher than the fee currently assessed for fee code SX. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because Members will continue to have the option to elect to route their orders in the same manner and will be automatically and uniformly assessed the applicable standard rates in place for generally all other routed orders. Further, if members do not favor the Exchange's pricing for routed orders, they can send their routable orders directly to away markets instead of using routing functionality provided by the Exchange. Routing through the Exchange is optional, and the Exchange

[4] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (August 26, 2021), available at *https://markets.cboe.com/us/equities/market_statistics/*.

[5] The Exchange notes that there are other fee codes that apply to certain other routing specifications, however, those routed orders not otherwise specified in such other routing fee code descriptions yield the general routing fee code X.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78f(b)(5).

[9] *See* ''Route Rates'' on the Nasdaq fee schedule at *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2*.

operates in a competitive environment where market participants can readily direct order flow to competing venues or providers of routing services if they deem fee levels to be excessive.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed modifications represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Further, while the Exchange is proposing to eliminate fee codes BO, IX, and SX orders that meet specifications of fee code BO, IX, or SX going forward will be assessed the rate for orders routed generally. Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed fee and rebate modifications will continue to apply to all Members equally, and as noted above, orders currently meeting the specifications of fee code BO, IX, or SX will be assessed the rate for orders routed generally under fee code X. The Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 14% of the market share.[10] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [11] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[12] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) [13] of the Act and paragraph (f)(2) of Rule 19b–4 [14] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [15] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBYX–2021–022 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–CboeBYX–2021–022. 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 will also 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

[10] *Supra* note 3.

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[12] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f).

[15] 15 U.S.C. 78s(b)(2)(B).

comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBYX–2021–022 and should be submitted on or before October 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–21484 Filed 10–1–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93156; File No. SR–BOX–2021–19]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Related to BOX Exchange LLC and BOX Holdings Group LLC Ownership Transfer Transactions

September 28, 2021.

On August 27, 2021, BOX Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to accomplish ownership transfer transactions of the Exchange and BOX Holdings Group LLC, an affiliate of the Exchange (''BOX Holdings''). The proposed rule change was published for comment in the **Federal Register** on September 15, 2021.[3]

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is October 30, 2021. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and any comments received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates December 14, 2021 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–BOX–2021–19).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–21486 Filed 10–1–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93159; File No. SR–CBOE–2021–046]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Rule 5.4 and Make Corresponding Changes to Other Rules

September 28, 2021.

On August 6, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Rule 5.4 and make corresponding changes to other rules. The proposed rule change was published for comment in the **Federal Register** on August 25, 2021.[3] The Commission has received two comment letters regarding the proposed rule change.[4]

Section 19(b)(2) of the Act[5] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for the proposed rule change is October 9, 2021.

The Commission is extending the 45-day period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comments received. Accordingly, pursuant to Section 19(b)(2) of the Act,[6] the Commission designates November 23, 2021, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change (File No. SR–CBOE–2021–046).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–21488 Filed 10–1–21; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17198 and #17199; West Virginia Disaster Number WV–00056]

Administrative Declaration of a Disaster for the State of West Virginia

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of West Virginia dated 09/29/2021.

Incident: Flooding.

Incident Period: 07/29/2021.

DATES: Issued on 09/29/2021.

Physical Loan Application Deadline Date: 11/29/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 06/29/2022.

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92926 (September 9, 2021), 86 FR 51410. Comments on the proposed rule change can be found at *https://www.sec.gov/comments/sr-box-2021-19/srbox202119.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 92709 (August 19, 2021), 86 FR 47529 (August 25, 2021) (SR–CBOE–2021–046).

[4] Comments received on the proposed rule change are available at: *https://www.sec.gov/comments/sr-cboe-2021-046/srcboe2021046.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

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: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Monongalia.

Contiguous Counties:

West Virginia: Marion, Preston, Taylor, Wetzel.

Pennsylvania: Fayette, Greene.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.125
Homeowners without Credit Available Elsewhere	1.563
Businesses with Credit Available Elsewhere	5.710
Businesses without Credit Available Elsewhere	2.855
Non-Profit Organizations with Credit Available Elsewhere	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.855
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17198 6 and for economic injury is 17199 0.

The States which received an EIDL Declaration # are Pennsylvania, West Virginia.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2021–21555 Filed 10–1–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional ''peg'' rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 1.63 percent for the October–December quarter of FY 2022.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any third party lender's commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

John Wade,

Chief, Secondary Market Division.

[FR Doc. 2021–21465 Filed 10–1–21; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17129 and #17130; North Dakota Disaster Number ND–00100]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of North Dakota

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA–4613–DR), dated 09/01/2021.

Incident: Severe Storm, Straight-Line Winds, and Flooding.

Incident Period: 06/07/2021 through 06/11/2021.

DATES: Issued on 09/27/2021.

Physical Loan Application Deadline Date: 11/01/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 06/01/2022.

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 Private Non-Profit organizations in the State of North Dakota, dated 09/01/2021, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: McKenzie.

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. 2021–21553 Filed 10–1–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice: 11555]

Privacy Act of 1974; System of Records

ACTION: Rescindment of a system of records notice.

SUMMARY: The ''Overseas Records, State–25'', which is being rescinded, contains information used to provide services to individuals having reason to interact with a U.S. post overseas.

DATES: On September 8, 2016, the Department of State published a notice in the **Federal Register** (81 FR 62235) that records in State–25 were being consolidated with ''Overseas Citizens Services, State–05'' into a single modified State–05 (retitled ''Overseas Citizens Services Records and Other Overseas Records'') because the records and system purposes were substantially similar. Records not covered by State–05 either no longer exist or are covered by other SORNs. The consolidation of these two systems of records into State–05 became effective on October 18, 2016.

ADDRESSES: Questions can be submitted by mail, email, or by calling Eric F. Stein, the Senior Agency Official for Privacy on (202) 485–2051. If mail, please write to: U.S Department of State; Office of Global Information Systems, A/GIS; Room 1417, 2201 C St. NW; Washington, DC 20520. If email, please address the email to the Senior Agency Official for Privacy, Eric F. Stein, at *Privacy@state.gov*. Please write ''Overseas Records, State–25'' on the envelope or the subject line of your email.

FOR FURTHER INFORMATION CONTACT: Eric F. Stein, Senior Agency Official for Privacy; U.S. Department of State; Office

of Global Information Services, A/GIS; Room 1417, 2201 C St. NW; Washington, DC 20520 or by calling on (202) 485–2051.

SUPPLEMENTARY INFORMATION: The records in ''Overseas Records, State–25'' (originally published at 42 FR 49711) were consolidated with ''Overseas Citizens Services Records, State–05'' (previously published at 73 FR 24342). The new SORN reflecting the consolidated systems of records ''Overseas Citizens Services Records and Other Overseas Records, State–05'' was published at 81 FR 62235 on September 8, 2016.

SYSTEM NAME AND NUMBER:

Overseas Records, State–25.

HISTORY:

''Overseas Records, State–25'' was previously published at 42 FR 49711. ''Overseas Citizens Services Records, State–05'' was previously published at 73 FR 24342 before being modified and re-published at 81 FR 62235.

Eric F. Stein,

Acting Deputy Assistant Secretary, Bureau of Administration, Global Information Services, U.S. Department of State.

[FR Doc. 2021–21551 Filed 10–1–21; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Submission Deadline for Schedule Information for Chicago O'Hare International Airport, John F. Kennedy International Airport, Los Angeles International Airport, Newark Liberty International Airport, and San Francisco International Airport for the Summer 2022 Scheduling Season

AGENCY: Department of Transportation, Federal Aviation Administration (FAA).

ACTION: Notice of submission deadline.

SUMMARY: Under this notice, the FAA announces the submission deadline of October 7, 2021, for Summer 2022 flight schedules at Chicago O'Hare International Airport (ORD), John F. Kennedy International Airport (JFK), Los Angeles International Airport (LAX), Newark Liberty International Airport (EWR), and San Francisco International Airport (SFO).

DATES: Schedules should be submitted by October 7, 2021.

ADDRESSES: Schedules may be submitted to the Slot Administration Office by email to: *7-AWA-slotadmin@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Al Meilus, Manager, Slot Administration, AJR–G, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–2822; email *Al.Meilus@faa.gov.*

SUPPLEMENTARY INFORMATION: This document provides routine notice to carriers serving capacity-constrained airports in the United States, including Chicago O'Hare International Airport (ORD), John F. Kennedy International Airport (JFK), Los Angeles International Airport (LAX), Newark Liberty International Airport (EWR), and San Francisco International Airport (SFO). In particular, this notice announces the deadline for carriers to submit schedules for the Summer 2022 scheduling season. The FAA deadline coincides with the schedule submission deadline established in the International Air Transport Association (IATA) Calendar of Coordination Activities.

General Information for All Airports

The FAA has designated EWR, LAX, ORD, and SFO as IATA Level 2 airports [1] subject to a schedule review process premised upon voluntary cooperation. The FAA has designated JFK as an IATA Level 3 airport consistent with the Worldwide Slot Guidelines (WSG), now generally known as the Worldwide Airport Slot Guidelines (WASG).[2] The FAA currently limits scheduled operations at JFK by order that expires on October 29, 2022.[3] The Summer 2022 scheduling season is from March 27, 2022, through October 29, 2022, in recognition of the IATA summer scheduling period. Notwithstanding that carriers may presently face uncertainty about their international operations in light of coronavirus disease 2019 (COVID–19), carriers should plan and submit their schedules under the assumption that no relief will be granted at Level 2 and Level 3 airports during the Summer 2022 scheduling season.[4] The FAA and the Office of the Secretary will continue to monitor industry developments closely and will announce any possible COVID–19-related relief, if it is deemed necessary, in a separate notice. Any possible relief for the Summer 2022 scheduling season and any possible action to alter the established rules and policies for slot management and schedule facilitation in the United States are not within the scope of this notice. The FAA does, however, understand the need for carriers to plan in advance with as much certainty as possible regarding the applicable regulatory and procedural framework. As the industry gradually recovers, new entrant and other carriers have commenced some operations using capacity that was not being operated by the carriers having historic precedence to that capacity under the waiver policy. The DOT/FAA seeks to facilitate all segments of the industry's recovery from the pandemic and ensure that the transportation needs of the American people are efficiently met, especially during the economic recovery. Therefore, carriers should not assume further relief will be made available for the Summer 2022 scheduling season.

The FAA is primarily concerned about scheduled and other regularly conducted commercial operations during designated hours, but carriers may submit schedule plans for the entire day. The designated hours for the Summer 2022 scheduling season are: At EWR and JFK from 0600 to 2300 Eastern Time (1000 to 0300 UTC), at LAX and SFO from 0600 to 2300 Pacific Time (1300 to 0600 UTC), and at ORD from 0600 to 2100 Central Time (1100 to 0200 UTC). These hours are unchanged from previous scheduling seasons.

Carriers should submit schedule information in sufficient detail including, at minimum, the marketing or operating carrier, flight number, scheduled time of operation, frequency, aircraft equipment, and effective dates. IATA standard schedule information format and data elements for communications at Level 2 and Level 3 airports in the IATA Standard Schedules Information Manual (SSIM) Chapter 6 may be used. The WSG provides additional information on schedule submissions at Level 2 and Level 3 airports. Some carriers at JFK

[1] These designations remain effective until the FAA announces a change in the **Federal Register**.

[2] The FAA generally applies the WSG to the extent there is no conflict with U.S. law or regulation. The FAA is reviewing recent substantive amendments to the WSG adopted in edition 10. The FAA recognizes the WSG has been replaced by the WASG edition 1 effective June 1, 2020. While the FAA is considering whether to implement certain changes in the United States, it will continue to apply WSG edition 9.

[3] Operating Limitations at John F. Kennedy International Airport, 73 FR 3510 (Jan. 18, 2008), as most recently extended 85 FR 58258 (Sep. 18, 2020). The slot coordination parameters for JFK are set forth in this Order.

[4] For additional information on COVID–19 impacts at designated IATA Level 2 and 3 airports in the United States and actions taken by the FAA to preserve stability through the Summer 2021 scheduling season, *see* FAA Policy Statement: Limited, Conditional Extension of COVID–19 Related Relief for the Summer 2021 Scheduling Season, Docket No. FAA–2020–0862 (Jan. 14, 2021). *See also* Notice of proposed extension of a limited, conditional waiver of the minimum slot usage requirement for all international operations. 86 FR 52114 (Sep. 20, 2021).

manage and track slots through FAA-assigned Slot ID numbers corresponding to an arrival or departure slot in a particular half-hour on a particular day of week and date. The FAA has a similar voluntary process for tracking schedules at EWR with Reference IDs, and certain carriers are managing their schedules accordingly. These are primarily U.S. and Canadian carriers that have the highest frequencies and considerable schedule changes throughout the season and can benefit from a simplified exchange of information not dependent on full flight details. Carriers are encouraged to submit schedule requests at those airports using Slot or Reference IDs.

As stated in the WSG, schedule facilitation at a Level 2 airport is based on the following: (1) Schedule adjustments are mutually agreed upon between the carriers and the facilitator; (2) the intent is to avoid exceeding the airport's coordination parameters; (3) the concepts of historic precedence and series of slots do not apply at Level 2 airports; although WSG recommends giving priority to approved services that plan to operate unchanged from the previous equivalent season at Level 2 airports, and (4) the facilitator should adjust the smallest number of flights by the least amount of time necessary to avoid exceeding the airport's coordination parameters. Consistent with the WSG, the success of Level 2 in the United States depends on the voluntary cooperation of carriers.

The FAA considers several factors and priorities as it reviews schedule and slot requests at Level 2 and Level 3 airports, which are consistent with the WSG, including—historic slots or services from the previous equivalent season over new demand for the same timings, services that are unchanged over services that plan to change time or other capacity relevant parameters, introduction of year-round services, effective period of operation, regularly planned operations over *ad hoc* operations, and other operational factors that may limit a carrier's timing flexibility. In addition to applying these priorities from the WSG, the U.S. Government has adopted a number of measures and procedures to promote competition and new entry at U.S. slot-controlled and schedule-facilitated airports.

Consistent with the limited, conditional extension of COVID–19 related relief for the Summer 2021 scheduling season,[5] slots or schedules operated as approved on a non-historic or an *ad hoc* basis in Summer 2021 will be given priority over new requests for the same timings in Summer 2022, subject to capacity availability and consistent with established rules and policies in effect in the United States. This priority applies to slot or schedule requests for Summer 2022, which are comparable in timing, frequency, and duration to the *ad hoc* approvals made by the FAA for Summer 2021. This priority does not affect the historic precedence or priority of slot holders and carriers with schedule approvals, respectively, which met the conditions of the waiver during Summer 2021 and which seek to resume operating in Summer 2022. The FAA may consider this priority in the event that slots with historic precedence become available for permanent allocation by the FAA. Foreign air carriers seeking priority under this provision will be required to represent that their home jurisdiction will provide reciprocal priority to U.S. carrier requests of this nature.

At Level 2 airports, the FAA seeks to maintain close communications with carriers and terminal schedule facilitators on potential runway schedule issues or terminal and gate issues that may affect the runway times. As explained in prior notices, the FAA also seeks to reduce the time that carriers consider proposed offers on schedules. To allow the FAA to make informed decisions at airports where operations in some hours are at or near the desired scheduling limits, the FAA expects it will substantially complete the review process on initial submissions each scheduling season within 30 days of the end of the Slot Conference. After this time, the agency confirms the acceptance of proposed offers or informs carriers of available alternative times, as applicable.

Slot management in the United States differs in some respect from procedures in other countries. In the United States, the FAA is responsible for facilitation and coordination of runway access for takeoffs and landings at Level 2 and Level 3 airports; however, the airport authority or its designee is responsible for facilitation and coordination of terminal/gate/airport facility access. The process with the individual airports for terminal access and other airport services is separate from, and in addition to, the FAA schedule review based on runway capacity.

Generally, the FAA uses average hourly runway capacity throughput for airports and performance metrics in conducting its schedule review at Level 2 airports and determining the scheduling limits at Level 3 airports included in FAA rules or orders.[6] The FAA also considers other factors that can affect operations, such as capacity changes due to runway, taxiway, or other airport construction, air traffic control procedural changes, airport surface operations, and historical or projected flight delays and congestion.

Finally, the FAA notes that the schedule information submitted by carriers to the FAA may be subject to disclosure under the Freedom of Information Act (FOIA). The WSG also provides for release of information at certain stages of slot coordination and schedule facilitation. In general, once it acts on a schedule submission or slot request, the FAA may release information on slot allocation or similar slot transactions or schedule information reviewed as part of the schedule facilitation process. The FAA does not expect that practice to change and most slot and schedule information would not be exempt from release under FOIA. The FAA recognizes that some carriers may submit information on schedule plans that is both customarily and actually treated as private. Carriers that submit such confidential schedule information should clearly mark the information, or any relevant portions thereof, as proprietary information (''PROPIN''). The FAA will take the necessary steps to protect properly designated information to the extent allowable by law.

EWR General Information

Consistent with the WSG, carriers are asked for their voluntary cooperation to adjust schedules to meet the targeted scheduling limits in order to minimize potential congestion and delay. For the Summer 2022 season, the voluntary, targeted hourly scheduling limit remains at 79 operations and 43 operations per half-hour.[7] To help with a balance between arrivals and departures, the targeted maximum number of scheduled arrivals or departures, respectively, is 43 in an hour and 24 in a half-hour. These targets

[5] *See* FAA Policy Statement: Limited, Conditional Extension of COVID–19 Related Relief for the Summer 2021 Scheduling Season, Docket No. FAA–2020–0862 (Jan. 14, 2021).

[6] The FAA typically determines an airport's average adjusted runway capacity or typical throughput for Level 2 airports by reviewing hourly data on the arrival and departure rates that air traffic control indicates could be accepted for that hour, commonly known as ''called'' rates. The FAA also reviews the actual number of arrivals and departures that operated in the same hour. Generally, the FAA uses the higher of the two numbers, called or actual, for identifying trends and schedule review purposes. Some dates are excluded from analysis, such as during periods when extended airport closures or construction could affect capacity.

[7] 83 FR 21335 (May 9, 2018).

are expected to allow some higher levels of operations in certain periods (not to exceed the hourly limits) and some recovery from lower demand in adjacent periods. Consistent with general established practice at EWR, the FAA will accept flights above the limits if the flights were operated as approved, or treated as operated, by the same carrier on a regular basis in the previous corresponding season (*i.e.,* Summer 2021).

Notwithstanding the targeted limits at EWR previously described, OST and the FAA have announced the intent to reintroduce and reassign 16 peak afternoon and evening runway timings, which were historically approved for operation by Southwest Airlines, Inc. at EWR prior to the carrier's exit from the airport in November 2019. As proposed, these 16 timings would be reassigned for the benefit of a single low-cost carrier or ultra-low-cost carrier at EWR.[8] This proposed EWR reassignment process responds to the decision of the Court of Appeals for the D.C. Circuit in *Spirit Airlines* v. *DOT, et al.,* and furthers the whole of government approach to competition embodied in the President's Executive Order on Promoting Competition in the American Economy (E.O. 14036). This proposed reassignment of schedule timings at EWR is an independent process outside of the FAA's routine schedule review process. While the FAA would accommodate the reassignment of the 16 peak afternoon and evening operations as proposed in the September 20, 2021 notice, the FAA would continue to seek voluntary cooperation from all carriers to adjust schedules at EWR in an effort to manage the operation within the desired scheduling limits. Once the reassignment proceeding is complete, the FAA would seek to work in coordination with the awarded carrier to adjust schedules within the peak afternoon and evening period, including minor changes between adjacent half hours, in the interest of optimizing efficiency and accommodating the carrier's schedule plans, consistent with the usual Level 2 process.

Issued in Washington, DC, on September 30, 2021.

Virginia T. Boyle,

Vice President, System Operations Services.

[FR Doc. 2021–21675 Filed 9–30–21; 4:15 pm]

BILLING CODE 4910–13–P

[8] Reassignment of Schedules at Newark-Liberty International Airport, 86 FR 52285 (Sept. 20, 2021). The proposed reassignment process was subject to public comment. Comments were due in docket DOT–OST–2021–0103 no later than Monday, September 27, 2021.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 2120–0076]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Renewal of AVIATOR (Automated Vacancy Information Access Tool for Online Referral) Customer Satisfaction Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 2, 2021. Note, the publication is referenced under ''OMB–0076'' in error; it should have indicated ''OMB–2120–0699''. The collection involves on-line, electronic applicant (customer) answers to standard survey questions. The questions are presented as multiple-choice selections and free-form text areas where applicants can choose their desired answer and, if they wish, add additional comments. The information to be collected will be used to and is necessary to gage the level of user satisfaction with the AVIATOR (Automated Vacancy Information Access Tool for Online Referral) system. Additionally, the surveys are used to obtain benchmarking and feedback to ensure quality.

DATES: Written comments should be submitted by October 28, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Toni Main-Valentin by email at: *toni.main-valentin@faa.gov;* phone: 405–954–0870.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0699.

Title: AVIATOR (Automated Vacancy Information Access Tool for Online Referral) Customer Satisfaction Survey.

Form Numbers: N/A (electronic).

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 2, 2021 (86 FR 7919). The Government Performance and Results Act of 1993 (GPRA) Section 2(b)(3) requires agencies to ''improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction''. In addition, as stated in the White House ''Memorandum for Heads of Executive Departments and Agencies'' regarding Executive Order No. 12862, ''the actions the order prescribes, such as surveying customers, surveying employees, and benchmarking, shall be continuing agency activities''. This collection supports the Department of Transportation (DOT) strategic goal of Organizational Excellence.

In compliance with the Government Paperwork Elimination Act (GPEA), all of our data collection will be 100% electronic using an online form; Applicants will be asked to complete the survey just before they exit the system. The AVIATOR Customer Satisfaction Survey is designed to identify potential problems with FAA's automated staffing solutions as well as to evaluate customer satisfaction with the on-line application process. The information is not gathered by any other collection. It will be difficult, if not impossible, to improve the AVIATOR system's overall performance and customer satisfaction without utilizing the survey as a performance measurement tool.

Respondents: 138,953 U.S. citizens, identified as applicants (from January 1, 2019 to December 31, 2019) applying for employment with the Federal Aviation Administration, had the opportunity to complete a survey. 9% (13,019) of applicants completed surveys during this time frame.

Frequency: On occasion/as interested.

Estimated Average Burden per Response: 3 minutes per response.

Estimated Total Annual Burden: 13,019 respondents × 0.05 (3/60) = 651 hours.

Issued in Washington, DC, on September 28, 2021.

Alpha O. Woodson-Smith,

Computer Scientist, Program Manager, Finance and Management (AFN), Information and Technology Services (AIT), Enterprise Program Management Service (AEM–320).

[FR Doc. 2021–21476 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Interstate 495 Express Lanes Northern Extension Project in Fairfax County, Virginia

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and the National Park Service (NPS).

SUMMARY: This notice announces actions taken by the FHWA and the NPS that are final. The actions relate to the Interstate 495 Express Lanes Northern Extension Project from the Dulles Toll Road/Route 267 interchange to the George Washington Memorial Parkway in Fairfax County, Virginia. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 3, 2022. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: John Simkins, Planning, Environment, Realty, and Freight Team Leader, FHWA Virginia Division, 400 North 8th Street, Suite 750, Richmond, Virginia 23219; telephone: (804) 775–3347; email: *John.Simkins@dot.gov.* The FHWA Virginia Division's regular office hours are 8:00 a.m. to 5:00 p.m. (Eastern Time). For NPS: Tammy Stidham, Deputy Associate Area Director—Lands and Planning, 1100 Ohio Drive SW, Washington, DC 20242; telephone: (202) 619–7474; email: *Tammy_Stidham@nps.gov.* The National Park Service's regular office hours are 9:00 a.m. to 5:00 p.m. (Eastern Time). For the Virginia Department of Transportation: Abraham Lerner, Associate Manager of Special Projects Development, 4975 Alliance Drive, Fairfax, Virginia 22030; telephone: (804) 259–3345; email: *Abraham.Lerner@vdot.virginia.gov.* The Virginia Department of Transportation's regular office hours are 7:00 a.m. to 4:00 p.m. (Eastern Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and the NPS have taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following project in the State of Virginia: Interstate 495 Express Lanes Northern Extension Project in Fairfax County, Virginia. The project is an extension of the Interstate 495 (I–495) Express Lanes along approximately three miles of I–495, also referred to as the Capital Beltway, from their current northern terminus south of the Dulles Toll Road (DTR)/Route 267 interchange to the George Washington Memorial Parkway (GWMP). Although the I–495 Express Lanes would terminate at the GWMP, improvements would extend approximately 0.3 miles north of the GWMP to provide a tie-in to the existing road. The project also includes access ramp improvements and lane reconfigurations along portions of the DTR and the Dulles International Airport Access Highway, on either side of I–495, from the Spring Hill Road Interchange to the Route 123 interchange. The proposed improvements entail new and reconfigured I–495 Express Lane ramps and general-purpose lane ramps.

The actions taken by FHWA, and the laws under which such actions were taken, are described in the Revised Environmental Assessment (EA) for the project, approved on February 24, 2020, in the FHWA Finding of No Significant Impact (FONSI) issued on June 29, 2021, and in other documents in the FHWA project records. The FHWA Revised EA, FONSI, and other project records can be viewed and downloaded from the project website at *www.495northernextension.org* and are also available by contacting FHWA or the Virginia Department of Transportation at the phone numbers and addresses provided above. The NPS FONSI is available by contacting Tammy Stidham at the address provided above and can be viewed and downloaded from *www.495northernextension.org.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4347]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303 and 23 U.S.C. 138].

4. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 306108].

5. *Social and Economic:* Farmland Protection Policy Act [7 U.S.C. 4201–4209].

6. *Executive Orders:* Exec. Order. No. 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Exec. Order No. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Thomas Nelson, Jr.,

Division Administrator, Richmond, Virginia.

[FR Doc. 2021–21309 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2006–24647]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on September 3, 2021, the Hoosier Valley Railroad Museum (HVRM) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 219, Control of Alcohol and Drug Use. The relevant FRA Docket Number is FRA–2006–24647.

Specifically, HVRM requests an extension of existing relief from 49 CFR part 219, subpart E, Reasonable Cause Testing; subpart G, Random Alcohol and Drug Testing Programs; and subpart K, Referral Programs.[1] HVRM is a volunteer-operated, non-profit operating railroad museum, located in North

[1] By rule dated June 10, 2016 (81 FR 37894), portions of 49 CFR part 219 were revised, which slightly changes the regulations from which HVRM now seeks relief versus relief sought in the past.

Judson, Indiana. HVRM requests this extension due to its limited weekend operating schedule and Chesapeake & Indiana Railroad's (CKIN) weekday schedule. On those few occasions each year where local communities have festivals, HVRM and CKIN maintain communication regarding HVRM's operation times.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Communications received by November 18, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–21450 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2021–0069]

Pipeline Safety: Joint Meeting of the Gas and Liquid Pipeline Advisory Committees

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice of advisory committees meeting.

SUMMARY: This notice announces a virtual public meeting of the Technical Pipeline Safety Standards Committee also known as the Gas Pipeline Advisory Committee (GPAC), and the Technical Hazardous Liquid Pipeline Safety Standards Committee also known as the Liquid Pipeline Advisory Committee (LPAC), to discuss a variety of policy issues and topics relevant to both gas and liquid pipeline safety. In addition, the committees will discuss the notice of proposed rulemaking (NPRM) titled: ''Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments.''

DATES: PHMSA will hold a virtual public meeting on October 20–21, 2021. The GPAC and LPAC will meet from 10:30 a.m. to 6:00 p.m. ET on October 20, 2021, to discuss policy issues and topics, and on October 21, 2021, from 10:30 a.m. to 3:00 p.m. ET to discuss the NPRM. Members of the public who wish to attend are asked to register no later than [October 15, 2021. PHMSA requests that individuals who require accommodations because of a disability notify Tewabe Asebe prior to the meeting.

ADDRESSES: The meeting will be held virtually. The agenda and any additional information, including information on how to participate in the virtual meeting on policy issues (October 20, 2021) will be published on the meeting website at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=154.* The agenda and any additional information, including information on how to participate in the virtual meeting on the NPRM (October 21, 2021) will be published on the meeting website at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=155.* Presentations will be available on each meeting website and on *https://www.regulations.gov/,* in docket number PHMSA–2021–0069 no later than 30 days following the meeting. You may submit comments, identified by Docket No. PHMSA–2021–0069, by any of the following methods:

- *Web: https://www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.
- *Fax:* 1 (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m. ET Monday through Friday, except federal holidays.
- *Instructions:* Identify Docket No. PHMSA–2021–0069 at the beginning of your comments. If you submit your comments by mail, submit two copies. Internet users may submit comments at *https://www.regulations.gov.* If you would like confirmation that PHMSA received your comments, please include a self-addressed stamped postcard that is labeled ''Comments on PHMSA–2021–0069.'' The docket clerk will date stamp the postcard prior to returning it to you via the U.S. mail.
- *Note:* All comments received will be posted without edits to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading for more information. Anyone can use the site to search all comments by the name of the submitting individual or, if the comment was submitted on behalf of an association, business, labor union, etc., the name of the signing individual. Therefore, please review the complete U.S. Department of Transportation Privacy Act Statement in the **Federal Register** (65 FR 19477) or the Privacy Notice at *https://www.regulations.gov* before submitting comments.
- *Privacy Act Statement:* DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*
- *Confidential Business Information:* 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 (5 U.S.C. 552), CBI is exempt from public

disclosure. If your comments in response to this notice 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 notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential;'' (2) send PHMSA a copy of the original document with the CBI deleted along with the original, unaltered document; and (3) explain why the information you are submitting is CBI. Submissions containing CBI should be sent to Tewabe Asebe, DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001. Also, submission containing CBI can be emailed to Tewabe Asebe by encrypted email at *tewabe.asebe@dot.gov.* Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

- *Docket:* For access to the docket or to read background documents or comments, go to *https://www.regulations.gov.* Follow the online instructions for accessing the dockets. Alternatively, this information is available by visiting DOT at 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m. ET Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Tewabe Asebe, Office of Pipeline Safety, by phone at 202–366–5523 or by email at *tewabe.asebe@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Meeting Agenda

On October 20, 2021, the GPAC and LPAC will meet to discuss a variety of policy issues and topics relevant to both gas and liquid pipeline safety. On October 21, 2021, the GPAC and LPAC will meet to discuss the NPRM titled: ''Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments'' that PHMSA published in the **Federal Register** on January 15, 2021, (86 FR 3938). Comments that have been submitted on the NPRM can be found on *https://regulations.gov* in Docket No. PHMSA–2016–0002. The GPAC and LPAC will review the NPRM and its associated regulatory analysis. PHMSA will post additional details on the meeting website in advance of the meeting.

In the NPRM, PHMSA proposed to revise the Federal Pipeline Safety Regulations by updating over 25 consensus standards that are currently incorporated by reference. PHMSA also proposed to make non-substantive corrections to clarify regulatory language in certain provisions. The proposed editorial changes are minor and would not require pipeline operators to undertake new pipeline safety initiatives.

II. Background

The GPAC and LPAC are statutorily mandated advisory committees that provide PHMSA and the Secretary of Transportation with recommendations on proposed standards for the transportation of natural gas or hazardous liquids by pipeline. These committees were established in accordance with 49 U.S.C. 60115 and the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2), to review PHMSA's regulatory initiatives and determine their technical feasibility, reasonableness, cost-effectiveness, and practicability. Each committee consists of 15 members, with membership evenly divided among federal and state governments, regulated industry, and the general public.

III. Public Participation

The meeting will be open to the public. Members of the public who wish to virtually attend must register on the meeting website and include their names and affiliations. PHMSA will provide members of the public with opportunities to make a statement during the course of this meeting. Additionally, PHMSA will record the meeting and post a record to the public docket. PHMSA is committed to providing all participants with equal access to this meeting. If you need an accommodation because of a disability, please contact Tewabe Asebe by phone at 202–366–5523 or by email at *tewabe.asebe@dot.gov.*

PHMSA is not always able to publish a notice in the **Federal Register** quickly enough to provide timely notice regarding last-minute issues that impact a previously announced advisory committee meeting. Therefore, individuals should check the meeting website or contact Tewabe Asebe regarding any possible changes.

Issued in Washington, DC, on September 28, 2021, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2021–21477 Filed 10–1–21; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Information Collection and Request for Public Comment

ACTION: Notice and request for public comment.

SUMMARY: The U.S. Department of the Treasury, as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3506(c)(2)(A). Currently, the Community Development Financial Institutions Fund (CDFI Fund), Department of the Treasury, is soliciting comments concerning the Small Dollar Loan Program (SDL Program) Application (Application). The Application is an online form submitted through the CDFI Fund's Award Management Information System (AMIS).

DATES: Written comments must be received on or before December 3, 2021, to be assured of consideration.

ADDRESSES: Submit your comments via email to Tanya McInnis, Program Manager for the Depository Institutions Initiatives, CDFI Fund at *sdlp@cdfi.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Tanya McInnis, SDL Program, Program Manager, CDFI Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, (202) 653–0241 (not a toll-free number). Other information regarding the CDFI Fund and its programs may be obtained on the CDFI Fund website at *https://www.cdfifund.gov*. The SDL Program Application Template, which presents the questions that will comprise the online Application, may be obtained from the SDL Program page of the CDFI Fund website at *https://www.cdfifund.gov/sdlp*.

SUPPLEMENTARY INFORMATION:

Title: Small Dollar Loan Program Application.

OMB Number: 1559–0051.

Abstract: The Small Dollar Loan Program (SDL Program) is a new program, authorized by Title XII—Improving Access to Mainstream Financial Institutions Act of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Pub. L. 111–203), which amended The Community Development Banking and Financial

Institutions Act of 1994 to include the Small Dollar Loan Program (12 U.S.C. 4719). Through the SDL Program, the CDFI Fund provides grants for loan loss reserves and technical assistance to enable award recipients to establish and maintain small dollar loan programs to address the issues of expanding consumer access to mainstream financial institutions and providing alternatives to high-cost small dollar loans. The SDL Program is also intended to enable award recipients to help unbanked and underbanked populations build credit, access affordable capital, and allow greater access into the mainstream financial system.

Through the SDL Program, the CDFI Fund will provide:

Grants for Loan Loss Reserves (LLR): The awards will enable a Certified Community Development Financial Institution (CDFI) to establish a loan loss reserve fund in order to defray the costs of establishing or maintaining a small dollar loan program.

Grants for Technical Assistance (TA): The awards will support technology, staff support, and other eligible activities to enable a Certified CDFI to establish and maintain a small dollar loan program.

SDL Program Award Recipients are selected through a competitive process involving a careful review of their Application for program funding. The Application requires the submission of numeric data and narrative responses for two parts: Part 1: Business Strategy and Community Impact and Part 2: Organization Capacity, including Financial Analysis and Compliance Risk Evaluation. The Award selection process is described in the Notice of Funds Availability (NOFA) for each funding round.

This request for public comment relates to the SDL Program Application Form under OMB control number 1559–0051. Capitalized terms not defined in this Notice (other than titles) have the meaning set forth in the fiscal year (FY) 2021 SDL Program NOFA.

Estimated Number of Respondents: 100 (Application).

Estimated Annual Time per Respondent: 68 hours (Application).

Estimated Annual Burden Hours: 5,493 hours (Application).

Request for Comments: Comments submitted in response to this Notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record and may be published on the CDFI Fund website at *https://www.cdfifund.gov*.

The CDFI Fund is seeking input on the content of the Application with regard to the following: (a) Whether the collection of information as proposed is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility in evaluating Applications; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services required to provide information.

Additionally, the CDFI Fund specifically requests comments concerning the following questions:

1. What, if any, Application questions and tables are redundant or unnecessary?

2. What, if any, questions or tables should be added to ensure collection of relevant information?

3. Does the data and information requested in the Application allow an Applicant to adequately explain its business strategy, community impact and ability to meet the program objectives?

4. In the FY 2021 SDL Program Application, the CDFI Fund stated that LLR Awards may be made in amounts up to 20% of the Applicant's three-year projected total of Small Dollar Loans closed, not to exceed $350,000. Is the 20% cap too high or too low? If so, please describe and justify.

5. The FY 2021 SDL Program Application states that the Awards will not be made to organizations that engage in the Prohibited Practices listed in the NOFA. Are the Prohibited Practices reasonable? Should any of the listed Prohibited Practices be modified or removed? Are there Prohibited Practices that should be added to the list? Please describe and justify your responses to these sub-questions.

6. The CDFI Fund will prioritize funding for Applications that propose to offer small dollar loan programs that include any of the following prioritized lending practices and characteristics: (i) Offer small dollar loan terms that are at least ninety (90) days; (ii) use ability to repay underwriting that considers the borrower's ability to repay a loan based on both the borrower's income and expenses; (iii) make loan decisions within one business day (or twenty-four (24) hours) after receipt of required documents; (iv) offer a reduction in the borrower's loan rate if the borrower elects to use automatic debit payments; (v) offer automatic savings features that are built into the regularly-scheduled payments on a loan—provided that the resulting payment is still affordable—or, at a minimum, loans that can be structured so that, subject to the borrower's consent, payments continue for a period of time after the loan is repaid with all of the payments going into a savings vehicle; and (vi) offer access to financial education, including credit counseling. Are the prioritized lending practices and characteristics reasonable? Should any of the listed prioritized lending practices and characteristics be modified or removed? Are there prioritized lending practices and characteristics that should be added to the list? Please describe and justify your responses to these sub-questions.

7. Are any of the questions particularly burdensome or difficult to answer? If so, please be specific as to the type of CDFI (*e.g.,* regulated, non-profit) that finds it difficult.

8. Are the character limitations for narrative responses appropriate? Should certain questions allow additional or fewer characters? If so, please specify.

9. Are there questions that lack clarity as to intent or purpose? If so, which questions, and what needs to be clarified in order for Applicants to provide a comprehensive response?

10. The Application includes questions about the intended impact of an Applicant's small dollar lending strategy. (a) How should the CDFI Fund assess the impact of SDL Program Awards on Low-Income Families and communities? (b) The CDFI Fund has identified a set of impacts for Applicants to choose in the Application (see FY 2021 SDL Program Application Question 7. (c). Are the current impact choices sufficiently comprehensive? Are there impacts that should be added or modified?

11. The statute governing the SDL Program states that there are three eligible Applicant types. Per the Statute, Applicants can be either (a) a Certified CDFI that applies individually for an LLR Award *or* for a TA Award *or* for a combination of an LLR Award and TA Award; or (b) a Certified CDFI that applies as a partnership with a federally insured depository institution that has a primary mission to serve targeted Investment Areas (FIDI) for an LLR Award or (c) a Certified CDFI that applies as a partnership with two or more Certified CDFIs for a TA Award. The CDFI Fund has two questions related to these different Applicant types: (i) Are additional questions or revisions to existing questions needed in the Application to further clarify and differentiate the three eligible Applicant

types? If so, please describe and justify. (ii) The Application currently asks Applicants that apply as a partnership with a FIDI for an LLR Award to submit an attestation form that is signed by the FIDI that the FIDI has a mission to serve targeted Investment Areas. Should the CDFI Fund make revisions to the attestation form that the FIDI must sign? If yes, what are the revisions? Should the CDFI Fund request any other documentation that the FIDI must submit in order to demonstrate its primary mission to serve targeted Investment Areas? If so, please describe and justify.

12. In future funding rounds, new priorities may emerge, such as disaster response, an economic downturn, or new initiatives. How should the CDFI Fund address changing priorities on a round-by-round basis? What approaches would be preferred?

Authority: Pub. L. 110–289, 12 CFR 1807.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2021–21433 Filed 9–30–21; 8:45 am]

BILLING CODE 4810–05–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Appraisal Management Companies

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Appraisal Management Companies.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: You should submit written comments by November 3, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0324, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0324'' in your comment. In general, the OCC will publish comments *on www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet. On July 29, 2021, the OCC published a 60-day notice for this information collection, 86 FR 40898.

- Viewing Comments Electronically: Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on the ''Information Collection Review'' dropdown. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0324'' or ''Appraisal Management Companies.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR § 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the information collection in this document.

Title: Appraisal Management Companies.

OMB Control No.: 1557–0324.

Affected Public: Business or other for-profit.

Type of Review: Regular review.

Abstract: The OCC, Board of Governors of the Federal Reserve System (FRB), Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA), Consumer Financial Protection Bureau (Bureau), and Federal Housing Finance Agency (FHFA) (collectively, Agencies) have rules implementing the minimum requirements in section 1473 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) [1] to be applied by States in the registration and supervision of appraisal management companies (AMCs). The Agencies also have implemented the requirement in section 1473 of the Dodd-Frank Act for States to report to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (ASC) the information required by the ASC to administer the new national registry of appraisal management companies (AMC National Registry or Registry).

State Recordkeeping Requirements

States seeking to register AMCs must have an AMC registration and supervision program. Twelve CFR 34.213(a) requires each participating State to establish and maintain within its appraiser certifying and licensing agency a licensing program with the legal authority and mechanisms to: (i) Review and approve or deny an application for initial registration; (ii)

[1] Public Law 111–203, sec. 1473, 124 Stat. 1376, 2190 (2010).

periodically review and renew or review and deny renewal of an AMC's registration; (iii) examine the books and records of the AMC operating in the State and require the AMC to submit reports, information, and documents; (iv) verify that the appraisers on an AMC's panel hold valid State certifications or licenses, as applicable; (v) investigate and assess potential violations of applicable appraisal-related laws, regulations, or orders; (vi) discipline, suspend, terminate, or deny the registration renewal of an AMC that violates applicable appraisal-related laws, regulations, or orders; and (vii) report an AMC's violation of appraisal-related laws, regulations, or orders as well as disciplinary and enforcement actions and other relevant information about an AMC's operation to the ASC.

Twelve CFR 34.213(b) requires each participating State to impose requirements on AMCs that are not owned and controlled by an insured depository institution and not regulated by a Federal financial institutions regulatory agency to: (i) Register with and be subject to supervision by a State appraiser certifying and licensing agency in each State in which the AMC operates; (ii) engage only State-certified or State-licensed appraisers for Federally regulated transactions in conformity with any Federally related transaction regulations; (iii) establish and comply with processes and controls reasonably designed to ensure that the AMC, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite education, expertise, and experience to competently complete the appraisal assignment for the particular market and property type; (iv) direct the appraiser to perform the assignment in accordance with Uniform Standards of Professional Appraisal Practices (USPAP); and (v) establish and comply with processes and controls reasonably designed to ensure that the AMC conducts its appraisal management services in accordance with section 129E(a)–(i) of the Truth in Lending Act, 15 U.S.C. 1639e(a) through (i) and the regulations thereunder.

Burden: 1 respondent; 1 response per year; 40 hours per response; 40 total burden hours.

State Reporting Burden

Twelve CFR 34.216 requires that each State electing to register AMCs for purposes of permitting AMCs to provide appraisal management services relating to covered transactions in the State must submit to the ASC the information required to be submitted under subpart H to part 34 and any additional information required by the ASC concerning AMCs that operate in the State.

Burden: 1,158 respondents; 2 responses per year; 1 hour per response; 2,316 total burden hours.

AMC Recordkeeping Requirements

Twelve CFR 34.212(b) provides that an appraiser in an AMC's network or panel is deemed to remain on the network or panel until: (i) The AMC sends a written notice to the appraiser removing the appraiser from the appraiser panel with an explanation of its action; or (ii) receives written notice from the appraiser asking to be removed from the appraiser panel or notice of the death or incapacity of the appraiser.

Burden: 1,239 respondents; 1 response per year; 0.08 hours per response; 99 total burden hours.

Total Estimated Annual Burden: 2,455 hours.

The OCC issued a notice for 60 days of comment concerning this collection on July 29, 2021, 86 FR 40898. No comments were received. Comments continue to be solicited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021–21556 Filed 10–1–21; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to U.S. Income Tax Return Forms for Individual Taxpayers

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden associated with the U.S. Income Tax Return Forms for Individual Taxpayers.

DATES: Written comments should be received on or before December 3, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the forms should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION: *Title:* U.S. Income Tax Return for Individual Taxpayers.

OMB Number: 1545–0074.

Regulation Project Number: Form 1040 and affiliated return forms.

Abstract: IRC sections 6011 & 6012 of the Internal Revenue Code require individuals to prepare and file income tax returns annually. These forms and related schedules are used by individuals to report their income subject to tax and compute their correct tax liability. This information collection request (ICR) covers the actual reporting burden associated with preparing and submitting the prescribed return forms, by individuals required to file Form 1040 and any of its' affiliated forms as explained in the attached table.

Current Actions: There have been changes in regulatory guidance related to various forms approved under this approval package during the past year. There have been additions and removals of forms included in this approval package. It is anticipated that these changes will have an impact on the overall burden and cost estimates requested for this approval package, however these estimates were not finalized at the time of release of this notice. These estimated figures are expected to be available by the release of the 30-comment notice from OMB. This approval package is being submitted for renewal purposes only.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or Households, Farms.

Estimated Number of Respondents: 202,042,000.

Estimated Time Per Respondent: 10 hrs. 35 mins.

Estimated Total Annual Burden Hours: 2,140,542,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 28, 2021.

Ronald J. Durbala,

IRS Tax Analyst.

INDIVIDUAL TAX FORMS

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form	Form 1040	U.S. Individual Tax Return.	*https://www.irs.gov/pub/irs-pdf/f1040.pdf.*	Form	Form 8586	Low-Income Housing Credit.	*https://www.irs.gov/pub/irs-pdf/f8586.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040gi.pdf.*	Form	Form 8594	Asset Acquisition Statement Under Section 1060.	*https://www.irs.gov/pub/irs-pdf/f8594.pdf.*
Form	Form 1040(SP).	U.S Individual Tax Return in Spanish.	https://www.irs.gov/pub/irs-pdf/f1040sp.pdf.	Instruction			*https://www.irs.gov/pub/irs-pdf/i8594.pdf.*
Instruction			https://www.irs.gov/pub/irs-pdf/i1040sp.pdf.	Form	Form 8606	Nondeductible IRAs	*https://www.irs.gov/pub/irs-pdf/f8606.pdf.*
Form	Form 1040 Schedule 1.	Form 1040 Schedule 1 Additional Income and Adjustments to Income.	*https://www.irs.gov/pub/irs-pdf/f1040s1.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8606.pdf.*
Form	Form 1040 Schedule 1 (SP).	Additional Income and Adjustments to Income in Spanish.	*https://www.irs.gov/pub/irs-pdf/f1040s1s.pdf.*	Form	Form 8609–A.	Annual Statement for Low-Income Housing Credit.	*https://www.irs.gov/pub/irs-pdf/f8609a.pdf.*
Form	Form 1040 Schedule 2.	Form 1040 Schedule 2 Tax.	*https://www.irs.gov/pub/irs-pdf/f1040s2.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8609a.pdf.*
Form	Form 1040 Schedule 2 (SP).	Additional Taxes in Spanish.	*https://www.irs.gov/pub/irs-pdf/f1040s2s.pdf.*	Form and Instruction.	Form 8611	Recapture of Low-Income Housing Credit.	*https://www.irs.gov/pub/irs-pdf/f8611.pdf.*
Form	Form 1040 Schedule 3.	Form 1040 Schedule 3 Nonrefundable Credits.	*https://www.irs.gov/pub/irs-pdf/f1040s3.pdf.*	Form	Form 8615	Tax for Certain Children Who Have Investment Income of More than $1,800.	*https://www.irs.gov/pub/irs-pdf/f8615.pdf.*
Form	Form 1040 Schedule 3 (SP).	Additional Credits and Payments in Spanish.	*https://www.irs.gov/pub/irs-pdf/f1040s3s.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8615.pdf.*
Form	Form 1040–C.	U.S. Departing Alien Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f1040c.pdf.*	Form	Form 8621	Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund.	*https://www.irs.gov/pub/irs-pdf/f8621.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040c.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8621.pdf.*
Form	Form 1040 X.	Amended U.S. Individual Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f1040x.pdf.*	Form	Form 8621–A.	Return by a Shareholder Making Certain Late Elections To End Treatment as a Passive Foreign Investment Company.	*https://www.irs.gov/pub/irs-pdf/f8621a.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040x.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8621a.pdf.*
Form	Form 1040 NR.	U.S. Nonresident Alien Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f1040nr.pdf.*	Form and Instruction.	Form 8689	Allocation of Individual Income Tax to the Virgin Islands.	*https://www.irs.gov/pub/irs-pdf/f8689.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040nr.pdf.*	Form	Form 8697	Interest Compnutations Under the Look-Back Method for Completed Long-Term Contracts.	*https://www.irs.gov/pub/irs-pdf/f8697.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form	Form 1040 NR–EZ.	U.S. Income Tax Return for Certain Non-resident Aliens with No Dependents.	*https://www.irs.gov/pub/irs-pdf/f1040nre.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8697.pdf.*
Instruction	Form 1040 NR–EZ.		*https://www.irs.gov/pub/irs-pdf/i1040nre.pdf.*	Form	Form 8801	Credit for Prior Year Minimum Tax-Individuals, Estates, and Trusts.	*https://www.irs.gov/pub/irs-pdf/f8801.pdf.*
Form	Form 1040–PR.	Planilla para la Declaracion de la Contribucion Federal sobre el Trabajo por Cuenta Propia (Incluyendo el Credito Tributario Adicional por Hijos para Residentes Bona Fide de Puerto Rico).	*https://www.irs.gov/pub/irs-pdf/f1040pr.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8801.pdf.*
Instruction		Instrucciones para el Formulario 1040–PR, Planilla Para La Declaracion De La Contribucion Federal Sobre El Trabajo Por Cuenta Propia—Puerto Rico.	*https://www.irs.gov/pub/irs-pdf/i1040pr.pdf.*	Form	Schedule 8812 (Form 1040).	Additional Child Tax Credit.	*https://www.irs.gov/pub/irs-pdf/f1040s8.pdf.*
Form	Form 1040–SR.	U.S. Income Tax Return for Seniors.	*https://www.irs.gov/pub/irs-pdf/f1040s.pdf.*	Instruction		Instructions for Schedule 8812.	*https://www.irs.gov/pub/irs-pdf/i1040s8.pdf.*
Form	Form 1040–SR (SP).	Form 1040–SR (SP) U.S. Income Tax Return for Seniors in Spanish.	https://www.irs.gov/pub/irs-pdf/f1040srs.pdf.	Form	Schedule 8812(SP) (Form 1040).	Additional Tax Credit (Spanish version).	*https://www.irs.gov/pub/irs-pdf/f1040s8s.pdf.*
Form	Form 1040–SS.	U.S. Self-Employment Tax Return (Including the Additional Child Tax Credit for Bona Fide Residents of Puerto Rico).	*https://www.irs.gov/pub/irs-pdf/f1040ss.pdf.*	Instruction		Instructions for Schedule 8812 (Spanish version).	*Instrucciones para el Anexo 8812 (Formulario 1040(SP)) de 2020 (Rev. enero de 2021) (irs.gov).*
Instruction		Instructions for Form 1040–SS, U.S. Self-Employment Tax Return (Including the Additional Child Tax Credit for Bona Fide Residents of Puerto Rico).	*https://www.irs.gov/pub/irs-pdf/i1040ss.pdf.*	Form and Instruction.	Form 8814	Parents' Election to Report Child's Interest and Dividends.	*https://www.irs.gov/pub/irs-pdf/f8814.pdf.*
Form	Schedule A (1040).	Itemized Deductions	*https://www.irs.gov/pub/irs-pdf/f1040sa.pdf.*	Form and Instruction.	Form 8815	Exclusion of Interest From Series EE and I U.S. Savings Bonds Issued After 1989.	*https://www.irs.gov/pub/irs-pdf/f8815.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sca.pdf.*	Form and Instruction.	Form 8818	Optional Form to Record Redemption of Series EE and I U.S. Savings Bonds Issued After 1989.	*https://www.irs.gov/pub/irs-pdf/f8818.pdf.*
Form and Instruction.	Schedule B (Form 1040).	Interest and Ordinary Dividends.	*https://www.irs.gov/pub/irs-pdf/f1040sb.pdf.*	Form and Instruction.	Form 8820	Orphan Drug Credit	*https://www.irs.gov/pub/irs-pdf/f8820.pdf.*
Form	Schedule C (Form 1040).	Profit or Loss from Business.	*https://www.irs.gov/pub/irs-pdf/f1040sc.pdf.*	Form	Form 8824	Like-Kind Exchanges	*https://www.irs.gov/pub/irs-pdf/f8824.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sc.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8824.pdf.*
Form	Schedule D (Form 1040).	Capital Gains and Losses.	*https://www.irs.gov/pub/irs-pdf/f1040sd.pdf.*	Form and Instruction.	Form 8826	Disabled Access Credit	*https://www.irs.gov/pub/irs-pdf/f8826.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sd.pdf.*	Form	Form 8828	Recapture of Federal Mortgage Subsidy.	*https://www.irs.gov/pub/irs-pdf/f8828.pdf.*
Form	Schedule E (Form 1040).	Supplemental Income and Loss.	*https://www.irs.gov/pub/irs-pdf/f1040se.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8828.pdf.*
Form and Instruction.	Schedule EIC (Form 1040).	Earned Income Credit	*https://www.irs.gov/pub/irs-pdf/f1040sei.pdf.*	Form	Form 8829	Expenses for Business Use of Your Home.	*https://www.irs.gov/pub/irs-pdf/f8829.pdf.*
Form	Schedule EIC (SP) (F. 1040).	Earned Income Credit (Spanish version).	*https://www.irs.gov/pub/irs-pdf/f1040sep.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8829.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form	Schedule F (Form 1040).	Profit or Loss from Farming.	*https://www.irs.gov/pub/irs-pdf/f1040sf.pdf.*	Form and Instruction.	Form 8833	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).	*https://www.irs.gov/pub/irs-pdf/f8833.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sf.pdf.*	Form	Form 8834	Qualified Electric Vehicle Credit.	*https://www.irs.gov/pub/irs-pdf/f8834.pdf.*
Form	Schedule H (Form 1040) and Sch H(PR).	Household Employment Taxes.	*https://www.irs.gov/pub/irs-pdf/f1040sh.pdf.*	Form and Instruction.	Form 8835	Renewable Electricity, Refined Coal, and Indian Coal Production Credit.	*https://www.irs.gov/pub/irs-pdf/f8835.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sh.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8835.pdf.*
Form	Schedule J (Form 1040).	Income Averaging for Farmers and Fishermen.	*https://www.irs.gov/pub/irs-pdf/f1040sj.pdf.*	Form and Instruction.	Form 8838	Consent to Extend the Time to Assess Tax Under Section 367-Gain Recognition Agreement.	*https://www.irs.gov/pub/irs-pdf/f8838.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sj.pdf.*	Form	Form 8839	Qualified Adoption Expenses.	*https://www.irs.gov/pub/irs-pdf/f8839.pdf.*
Form	Schedule LEP (Form 1040).	Request for Alternative Language Products by Taxpayers with Limited English Proficiency (LEP).	*https://www.irs.gov/pub/irs-pdf/f1040lep.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8839.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040lep.pdf.*	Form and Instruction.	Form 8840	Closer Connection Exception Statement for Aliens.	*https://www.irs.gov/pub/irs-pdf/f8840.pdf.*
Form	Schedule LEP (SP) (Form 1040(SP)).	Schedule LEP Limited English Proficiency (SP).	*https://www.irs.gov/pub/irs-pdf/f1040les.pdf.*	Form and Instruction.	Form 8843	Statement for Exempt Individuals and Individuals With a Medical Condition.	*https://www.irs.gov/pub/irs-pdf/f8843.pdf.*
Form	Schedule R (Form 1040).	Credit for the Elderly or the Disabled.	*https://www.irs.gov/pub/irs-pdf/f1040sr.pdf.*	Form and Instruction.	Form 8844	Empowerment Zone and Renewal Community Employment Credit.	*https://www.irs.gov/pub/irs-pdf/f8844.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sr.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8844.pdf.*
Form	Schedule SE (Form 1040).	Self-Employment Tax	*https://www.irs.gov/pub/irs-pdf/f1040sse.pdf.*	Form	Form 8845	Indian Employment Credit.	*https://www.irs.gov/pub/irs-pdf/f8845.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sse.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8845.pdf.*
Form and Instruction.	Form 1040 V	Payment Voucher	*https://www.irs.gov/pub/irs-pdf/f1040v.pdf.*	Form and Instruction.	Form 8846	Credit for Employer Social Security and Medicare Taxes Paid on Certain Employee Tips.	*https://www.irs.gov/pub/irs-pdf/f8846.pdf.*
Form and Instruction.	Form 1040 ES/OCR.	Estimated Tax for Individuals (Optical Character Recognition with Form 1040V).	Form 1040–ES(OCR) contains four estimated tax payment vouchers.Form 1040–ES (OCR) is included in the 2020 Tax Package 1040ES/V mail out..	Form	Form 8853	Archer MSAa and Long-Term Care Insurance Contracts.	*https://www.irs.gov/pub/irs-pdf/f8853.pdf.*
Form and Instruction.	Form 1040 ES.	Estimate Tax for Individuals.	*https://www.irs.gov/pub/irs-pdf/f1040es.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8853.pdf.*
Form and Instruction.	Form 1040 ES (NR).	U.S. Estimated Tax for Nonresident Alien Individuals.	*https://www.irs.gov/pub/irs-pdf/f1040esn.pdf.*	Form	Form 8854	Initial and Annual Expatriation Information Statement.	*https://www.irs.gov/pub/irs-pdf/f8854.pdf.*
Form and Instruction.	Form 1040 ES (PR).	Federales Estimadas del Trabajo por Cuenta Propia y sobre el Impleo de Empleados Domestocs-Puerto Rico.	*https://www.irs.gov/pub/irs-pdf/f1040esp.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8854.pdf.*
Form	Form 461	Limitation on Business Losses.	*https://www.irs.gov/pub/irs-pdf/f461.pdf.*	Form	Form 8858	Information Return of U.S. Persons With Respect to Foreign Disregarded Entities.	*https://www.irs.gov/pub/irs-pdf/f8858.pdf.*
Instruction		Instructions for Form 461, Limitation on Business Losses.	*https://www.irs.gov/pub/irs-pdf/f461.pdf.*	Form	Schedule M (Form 8858).	Transactions Between controlled Foreign Disregarded Entity and Filer or Other Related Entities.	*https://www.irs.gov/pub/irs-pdf/f8858sm.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form and Instruction.	Form 673 ...	Statement for Claiming Exemption from Withholding on Foreign Earned Income Eligible for the Exclusions Provided by Section 911.	*https://www.irs.gov/pub/irs-pdf/f673.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8858.pdf.*
Form	Form 926 ...	Return by a U.S. Transferor of Property to a Foreign Corporation.	*https://www.irs.gov/pub/irs-pdf/f926.pdf.*	Form	Form 8859	District of Columbia First-Time Homebuyer Credit.	*https://www.irs.gov/pub/irs-pdf/f8859.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i926.pdf.*	Form	Form 8862	Information to Claim Earned Income Credit After Disallowance.	*https://www.irs.gov/pub/irs-pdf/f8862.pdf.*
Form	Form 965–A	Individual Report of Net 965 Tax Liability.	*https://www.irs.gov/pub/irs-pdf/f965a.pdf.*	Form	Form 8862(SP).	Information to Claim Earned Income Credit After Disallowance (Spanish Version).	*https://www.irs.gov/pub/irs-pdf/f8862sp.pdf.*
Instruction ..	Form 965–A	.....	*https://www.irs.gov/pub/irs-pdf/i965a.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8862sp.pdf.*
Form	Form 965–C	Transfer Agreement Under 965(h)(3).	*https://www.irs.gov/pub/irs-pdf/f965c.pdf.*	Form	Form 8863	Education Credits	*https://www.irs.gov/pub/irs-pdf/f8863.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i965c.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8863.pdf.*
Form and Instruction.	Form 970 ...	Application to Use LIFO Inventory Method.	*https://www.irs.gov/pub/irs-pdf/f970.pdf.*	Form	Form 8864	Biodiesel and Renewable Diesel Fuels Credit.	*https://www.irs.gov/pub/irs-pdf/f8864.pdf.*
Form and Instruction.	Form 972 ...	Consent of Shareholder to Include Specific Amount in Gross Income.	*https://www.irs.gov/pub/irs-pdf/f972.pdf.*	Instruction	.....	Instructions for Form 8864, Biodiesel and Renewable Diesel Fuels Credit.	*https://www.irs.gov/pub/irs-pdf/i8864.pdf.*
Form and Instruction.	Form 982 ...	Reduction of Tax Attributes Due to Discharge of Indebtedness (and Section 1082 Basis Adjustment).	*https://www.irs.gov/pub/irs-pdf/f982.pdf.*	Form	Form 8865	Return of U.S. Persons With Respect to Certain Foreign Partnerships.	*https://www.irs.gov/pub/irs-pdf/f8865.pdf.*
Form	Form 1045	Application for Tentative Refund.	*https://www.irs.gov/pub/irs-pdf/f1045.pdf.*	Form	Schedule K–1 (Form 8865).	Partner's Share of Income Deductions, Credits, etc.	*https://www.irs.gov/pub/irs-pdf/f8865sk1.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i1045.pdf.*	Form	Schedule O (Form 8865).	Transfer of Property to a Foreign Partnership.	*https://www.irs.gov/pub/irs-pdf/f8865so.pdf.*
Form	Form 1098–F.	Fines, Penalties and Other Amounts.	*https://www.irs.gov/pub/irs-pdf/f1098f.pdf.*	Form	Schedule P (Form 8865).	Acquisitions, Dispositions, and Changes of Interests in a Froeign Partnership.	*https://www.irs.gov/pub/irs-pdf/f8865sp.pdf.*
Instruction ..	.....	Instructions for Form 1098–F, Fines, Penalties and Other Amounts.	*https://www.irs.gov/pub/irs-pdf/i1098f.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8865.pdf.*
Form	Form 1116	Foreign Tax Credit	*https://www.irs.gov/pub/irs-pdf/f1116.pdf.*	Form	Form 8866	Interest Corporation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.	*https://www.irs.gov/pub/irs-pdf/f8866.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i1116.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8866.pdf.*
Form and Instruction.	Form 1127	Application for Extension of Time for Payment of Tax.	*https://www.irs.gov/pub/irs-pdf/f1127.pdf.*	.....	Form 8867	Paid Preparer's Due Diligence Checklist.	*https://www.irs.gov/pub/irs-pdf/f8867.pdf.*
Form	Form 1128	Application to Adpot, Change, or Retain a Tax Year.	*https://www.irs.gov/pub/irs-pdf/f1128.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8867.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i1128.pdf.*	Form	Form 8873	Extraterritorial Income Exclusion.	*https://www.irs.gov/pub/irs-pdf/f8873.pdf.*
Form and Instruction.	Form 1310	Statement of Person Claiming Refund Due to a Deceased Taxpayer.	*https://www.irs.gov/pub/irs-pdf/f1310.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8873.pdf.*
Form	Form 2106	Employee Business Expenses.	*https://www.irs.gov/pub/irs-pdf/f2106.pdf.*	Form and Instruction.	Form 8874	New Markets Credit	*https://www.irs.gov/pub/irs-pdf/f8874.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i2106.pdf.*	Form and Instruction.	Form 8878	IRS e-file Signature Authorization for Form 4686 or Form 2350.	*https://www.irs.gov/pub/irs-pdf/f8878.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL
Form and Instruction.	Form 2120	Multiple Support Declaration.	*https://www.irs.gov/pub/irs-pdf/f2120.pdf.*
Form	Form 2210	Underpayment of Estimated Tax by Individuals, Estates, and Trusts.	*https://www.irs.gov/pub/irs-pdf/f2210.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i2210.pdf.*
Form	Form 2210–F	Underpayment of Estimated Tax by Farmers and Fishermen.	*https://www.irs.gov/pub/irs-pdf/f2210f.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i2210f.pdf.*
Form and Instruction.	Form 2350	Application for Extension of Time to File U.S. Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f2350.pdf.*
Form and Instruction.	Form 2350 SP	Solicitud de Prorroga para Presentar la Declaracion del Impuesto Personal sobre el Ingreso de lose Estados Unidos.	*https://www.irs.gov/pub/irs-pdf/f2350sp.pdf.*
Form	Form 2441	Child and Dependent Care Expenses.	*https://www.irs.gov/pub/irs-pdf/f2441.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i2441.pdf.*
Form	Form 2555	Foreign Earned Income	*https://www.irs.gov/pub/irs-pdf/f2555.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i2555.pdf.*
Form	Form 3115	Application for Change in Accounting Method.	*https://www.irs.gov/pub/irs-pdf/f3115.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3115.pdf.*
Form	Form 3468	Investment Credit	*https://www.irs.gov/pub/irs-pdf/f3468.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3468.pdf.*
Form	Form 3520	Annual Return to Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts.	*https://www.irs.gov/pub/irs-pdf/f3520.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3520.pdf.*
Form	Form 3800	General Business Credit	*https://www.irs.gov/pub/irs-pdf/f3800.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3800.pdf.*
Form	Form 3903	Moving Expenses	*https://www.irs.gov/pub/irs-pdf/f3903.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3903.pdf.*
Form	Form 4070	Employee's Report of Tips to Employer.	*https://www.irs.gov/pub/irs-pdf/p1244.pdf.*
Form	Form 4070A	Employee's Daily Record of Tips.	*https://www.irs.gov/pub/irs-pdf/p1244.pdf.*
Form	Form 4136	Credit for Federal Tax Paid on Fuels.	*https://www.irs.gov/pub/irs-pdf/f4136.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i4136.pdf.*
Form and Instruction.	Form 4137	Social Security and Medicare Tax on Undereported Tip Income.	*https://www.irs.gov/pub/irs-pdf/f4137.pdf.*
Form	Form 4255	Recapture of Investment Credit.	*https://www.irs.gov/pub/irs-pdf/f4255.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i4255.pdf.*
Form and Instruction.	Form 8878 SP	Autorizacion de firma para presentar por medio del IRS e-file para el Formulario 4868 (SP) o el Formulario 2350 (SP).	*https://www.irs.gov/pub/irs-pdf/f8878sp.pdf.*
Form and Instruction.	Form 8879	IRS e-file Signature Authorization.	*https://www.irs.gov/pub/irs-pdf/f8879.pdf.*
Form and Instruction.	Form 8879 SP	Autorizacion de firm para presentar la Declaracion por medio del IRS e-file.	*https://www.irs.gov/pub/irs-pdf/f8879sp.pdf.*
Form and Instruction.	Form 8880	Credit for Qualified Retirement Savings Contributions.	*https://www.irs.gov/pub/irs-pdf/f8880.pdf.*
Form and Instruction.	Form 8881	Credit for Small Employer Pensions Plan Startup Costs.	*https://www.irs.gov/pub/irs-pdf/f8881.pdf.*
Form and Instruction.	Form 8882	Credit for Employer-Provided Childcare Facilities and Services.	*https://www.irs.gov/pub/irs-pdf/f8882.pdf.*
Form	Form 8885	Health Coverage Tax Credit.	*https://www.irs.gov/pub/irs-pdf/f8885.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8885.pdf.*
Form	Form 8886	Reportable Transaction Discolsure Statement.	*https://www.irs.gov/pub/irs-pdf/f8886.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8886.pdf.*
Form and Instruction.	Form 8888	Direct Deposit of Refund to More than One Account.	*https://www.irs.gov/pub/irs-pdf/f8888.pdf.*
Form	Form 8889	Health Savings Accounts (HSAs).	*https://www.irs.gov/pub/irs-pdf/f8889.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8889.pdf.*
Form and Instruction.	Form 8891	Beneficiaries of Certain Canadian Registered Retirement Plans.	*https://www.irs.gov/pub/irs-pdf/f8891.pdf.*
Form and Instruction.	Form 8896	Low Sulfur Diesel Fuel Production Credit.	*https://www.irs.gov/pub/irs-pdf/f8896.pdf.*
Form	Form 8898	Statement for Individuals Who Begin or End Bona Fide Residence in a U.S. Possession.	*https://www.irs.gov/pub/irs-pdf/f8898.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8898.pdf.*
Form	Form 8900	Qualified Railroad Track Maintenance Credit.	*https://www.irs.gov/pub/irs-pdf/f8900.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8900.pdf.*
Form	Form 8903	Domestic Production Activities Deduction.	*https://www.irs.gov/pub/irs-pdf/f8903.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8903.pdf.*
Form and Instruction.	Form 8906	Distills Spirits Credit	*https://www.irs.gov/pub/irs-pdf/f8906.pdf.*
Form	Form 8908	Energy Efficient Home Credit.	*https://www.irs.gov/pub/irs-pdf/f8908.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8908.pdf.*
Form	Form 8910	Alternative Motor Vehicle Credit.	*https://www.irs.gov/pub/irs-pdf/f8910.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8910.pdf.*
Form	Form 8911	Alternative Fuel Vehicle Refueling Property Credit.	*https://www.irs.gov/pub/irs-pdf/f8911.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8911.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form and Instruction.	Form 4361	Application for Exemption From Self-Employment Tax for Use by Ministers, Members of Religious Orders, and Christian Science Practitioners.	*https://www.irs.gov/pub/irs-pdf/f4361.pdf.*	Form and Instruction.	Form 8912	Credit to Holders of Tax Credit Bonds.	*https://www.irs.gov/pub/irs-pdf/f8912.pdf.*
Form	Form 4562	Depreciation and Amortization.	*https://www.irs.gov/pub/irs-pdf/f4562.pdf.*	Instruction	Form 8912	.....	*https://www.irs.gov/pub/irs-pdf/i8912.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i4562.pdf.*	Form	Form 8915–A.	Qualified 2016 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/f8915a.pdf.*
Form and Instruction.	Form 4563	Exclusion of Income for Bona Fide Residents of American Samoa.	*https://www.irs.gov/pub/irs-pdf/f4563.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8915a.pdf.*
Form	Form 4684	Casualities and Thefts ...	*https://www.irs.gov/pub/irs-pdf/f4684.pdf.*	Form	Form 8915–B.	Qualified 2017 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/f8915b.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i4684.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8915b.pdf.*
Form	Form 4797	Sale of Business Property.	*https://www.irs.gov/pub/irs-pdf/f4797.pdf.*	Form	Form 8915–C.	Qualified 2018 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/f8915c.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i4797.pdf.*	Instruction	.....	Instructions for Form 8915–C, Qualified 2018 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/i8915c.pdf.*
Form and Instruction.	Form 4835	Farm Rental Income and Expenses.	*https://www.irs.gov/pub/irs-pdf/f4835.pdf.*	Form	Form 8915–D.	Qualified 2019 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/f8915d.pdf.*
Form and Instruction.	Form 4852	Substitute for Form W–2, Wage and Tax Statement or Form 1099–R, Distributions From Pension Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.	*https://www.irs.gov/pub/irs-pdf/f4852.pdf.*	Instruction	.....	Instructions for 8915–D Qualified 2019 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/i8915d.pdf.*
Form and Instruction.	Form 4868	Application for Automatic Extension of Time fo Tile Individual U.S. Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f4868.pdf.*	Form	Form 8915–E.	Qualified 2020 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/f8915e.pdf.*
Form and Instruction.	Form ..... 4868 SP	Solicitud de Prorroga Automatica para Presentar la Declaracion del Impuesto sobre el Ingreso Personal de los Estados Unidos.	*https://www.irs.gov/pub/irs-pdf/f4868sp.pdf.*	Instruction	.....	Instructions for Form 8915–A.	*2020 Instructions for Form 8915–A (irs.gov).*
Form and Instruction.	Form 4952	Investment Interest Expense Deduction.	*https://www.irs.gov/pub/irs-pdf/f4952.pdf.*	Form and Instruction.	Form 8917	Tuition and Fees Deduction.	*https://www.irs.gov/pub/irs-pdf/f8917.pdf.*
Form and Instruction.	Form 4970	Tax on Axxumulation Distribution of Trusts.	*https://www.irs.gov/pub/irs-pdf/f4970.pdf.*	Form and Instruction.	Form 8919	Uncollected Social Security and Medicare Tax on Wages.	*https://www.irs.gov/pub/irs-pdf/f8919.pdf.*
Form and Instruction.	Form 4972	Tax on Lump-Sum Distributions.	*https://www.irs.gov/pub/irs-pdf/f4972.pdf.*	Form	Form 8925	Report of Employer-Owned Life Insurance Contracts.	*https://www.irs.gov/pub/irs-pdf/f8925.pdf.*
Form and Instruction.	Form 5074	Allocation of Individual Income Tax To Guam or the Commonwealth of the Northern Mariana Islands (CNMI).	*https://www.irs.gov/pub/irs-pdf/f5074.pdf.*	Form and Instruction.	Form 8932	Credit for Employer Differential Wage Payments.	*https://www.irs.gov/pub/irs-pdf/f8932.pdf.*
Form and Instruction.	Form 5213	Election to Postpone Determination as to Whether the Presumption Applies that an Activity is Engaged in for Profit.	*https://www.irs.gov/pub/irs-pdf/f5213.pdf.*	Form	Form 8933	Carbon Dioxide Sequestration Credit.	*https://www.irs.gov/pub/irs-pdf/f8933.pdf.*
Form	Form 5329	Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts.	*https://www.irs.gov/pub/irs-pdf/f5329.pdf.*	Form and Instruction.	Form 8936	Qualified Plug-In Electric Drive Motor Vehicle Credit.	*https://www.irs.gov/pub/irs-pdf/f8936.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i5329.pdf.*
Form	Form 5405	First-Time Homebuyer Credit.	*https://www.irs.gov/pub/irs-pdf/f5405.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i5405.pdf.*
Form	Form 5471	Information Return of U.S. Persons with Respect to Certain Foreign Corporations.	*https://www.irs.gov/pub/irs-pdf/f5471.pdf.*
Form	Schedule J (Form 5471).	Accumulated Earnings and Profits (E&P) and Taxes of Controlled Foreign Corporations.	*https://www.irs.gov/pub/irs-pdf/f5471sj.pdf.*
Form	Schedule M (Form 5471).	Transactions Between Controlled Foreign Corporation and Shareholders or Other Related Persons.	*https://www.irs.gov/pub/irs-pdf/f5471sm.pdf.*
Form	Schedule O (Form 5471).	Organization or Reorganization of Foreign Corporation, and Acquisitions and Dispositions of its Stock.	*https://www.irs.gov/pub/irs-pdf/f5471so.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i5471.pdf.*
Form	Form 5695	Residental Energy Credits.	*https://www.irs.gov/pub/irs-pdf/f5695.pdf.*
Instruction ..	.....	.....	*https://www.irs.gov/pub/irs-pdf/i5695.pdf.*
Form	Form 5713	International Boycott Report.	*https://www.irs.gov/pub/irs-pdf/f5713.pdf.*
Form	Schedule A (Form 5713).	International Boycott Factor (Section 999(c)(1)).	*https://www.irs.gov/pub/irs-pdf/f5713sa.pdf.*
Form	Schedule B (Form 5713).	Specifically Attributable Taxes and Income (Section 999(c)(2)).	*https://www.irs.gov/pub/irs-pdf/f5713sb.pdf.*
Form	Schedule C (Form 5713).	Tax Effect of the International Boycott Provisions.	*https://www.irs.gov/pub/irs-pdf/f5713sc.pdf.*
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Form	Form 8915–F.	Qualified Disaster Retirement Plan—Distributions and Repayments.	Still under development at the time of release of this notice.	TD	9941		*2020–28653.pdf (govinfo.gov).*
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[FR Doc. 2021–21455 Filed 10–1–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0045]

Agency Information Collection: VA Request for Determination of Reasonable Value

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0045.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0045'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–3521.

Title: VA Request for Determination of Reasonable Value (VA Forms 26–1805, and 26–1805–1).

OMB Control Number: 2900–0045.

Type of Review: Revision of a currently approved collection.

Abstract: VA utilizes Form 26–1805 (paper form) and 26–1805–1 (digital form) for lenders to request an appraisal and assign an appraiser (*i.e.,* ''ordering'' an appraisal), which ultimately provides the appraiser with the authority to be on the property to conduct the appraisal (*i.e.,* an engagement letter). This information collection request seeks to expand this data collection clearance to encompass a modernized, end-to-end appraisal management process. Under this revised ICR, VA will not only capture information from lenders around when an appraisal has been ordered (current VA Form 26–1805), but will also capture information and workflow associated with the assignment, scheduling, and review of an appraisal by VA or a lender. This new process will be consistent with the rest of the mortgage industry and will align VA's appraisal process with the industry standard.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 40679 on July 28, 2021, pages 40679 and 40680.

Affected Public: Individuals or households.

Estimated Annual Burden: 585,000 hours.

Estimated Average Burden per Respondent: 57 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 650,000.

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. 2021–21507 Filed 10–1–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a virtual meeting of the Advisory Committee on Cemeteries and Memorials will be held on October 13, 2021–October 14, 2021. The meeting sessions will begin and ends as follows:

Date:	Time:
Wednesday, October 13, 2021.	11:00 a.m. to 3:30 p.m. EST.
Thursday, October 14, 2021.	11:00 a.m. to 3:30 p.m. EST.

The meeting sessions are open to the public. If you are interested in attending the meeting virtually, the dial-in number for both days is 1–404–397–1596, Access Code: 2761 236 4634#, No attendee number, press # again.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of national cemeteries, soldiers' lots and plots, the selection of new national cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee will make recommendations to the Secretary regarding such activities.

On Wednesday, October 13, 2021, the agenda will include remarks by VA Leadership; appointment of new members; status update on Tribal/National Cemetery Mentorship Program; status update on Veterans Cemetery Grant Program; status update on National Cemetery Scheduling Office and Pre-Need Eligibility Determinations; and public comments.

On Thursday, October 14, 2021, the agenda will include a remarks and recap from committee chair; status update from the Native American/Alaskan Veteran Workgroup; status update from the HR 7105 Urn/Commemorative Plaque Workgroup; status update from the Outreach Workgroup; discussion on outreach and memorialization efforts; public comments; and open discussion.

Any member of the public wishing to attend the meeting should contact Ms. Christine Hamilton, Designated Federal Officer at *christine.hamilton1@va.gov* or 202–461–5681. Ms. Hamilton will provide the meeting link and documents upon request. Written comments may also be submitted to the committee. In the public's communications with the Committee, the writers must identify themselves and state the organizations, associations, or persons they represent.

Dated: September 28, 2021.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–21462 Filed 10–1–21; 8:45 am]

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available at *https://www.govinfo.gov*. Some laws may not yet be available.

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