



FEDERAL REGISTER

Vol. 86

Monday

No. 198

October 18, 2021

Pages 57525–57748

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at www.govinfo.gov, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, gpocusthelp.com.

The annual subscription price for the **Federal Register** paper edition is \$860 plus postage, or \$929, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 86 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:
Email FRSubscriptions@nara.gov
Phone 202-741-6000

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: <https://www.gpo.gov/frsubs>.



Contents

Federal Register

Vol. 86, No. 198

Monday, October 18, 2021

Agricultural Marketing Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Farm and Food Workers Relief Grant Program, 57633

Agriculture Department

See Agricultural Marketing Service

See Food and Nutrition Service

See Forest Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57633–57634

Civil Rights Commission

NOTICES

Meetings:

Arkansas Advisory Committee, 57637

New York Advisory Committee, 57637–57638

Coast Guard

RULES

Civil Monetary Penalty Adjustments for Inflation, 57532–57544

Safety Zone:

Oaks Park Halloween Fireworks Display, Willamette River, Portland, OR, 57581–57583

Commerce Department

See International Trade Administration

See National Oceanic and Atmospheric Administration

Defense Department

NOTICES

Arms Sales Notification, 57641–57655

Meetings:

Manual for Courts-Martial; Proposed Amendments, 57656–57659

Defense Nuclear Facilities Safety Board

RULES

Government in the Sunshine Act, 57549–57550

Drug Enforcement Administration

NOTICES

Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2022, 57690–57699

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57659

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

Fulbright-Hays Group Projects Abroad Long-Term Participant Survey, 57659–57660

Student Assistance General Provisions—Subpart K—Cash Management, 57660–57661

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Meetings:

Environmental Management Site-Specific Advisory Board, Paducah, 57661

Environmental Protection Agency

RULES

Air Quality State Implementation Plans; Approvals and Promulgations:

Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; West Mojave Desert, CA, 57586–57587

Petition for Reconsideration:

Prevention of Significant Deterioration and Nonattainment New Source Review: Project Emissions Accounting; Denial of Petition and Administrative Stay, 57585–57586

PROPOSED RULES

Community Right-to-Know Toxic Chemical Release

Reporting:

Addition of Certain Chemicals, 57614–57629

NOTICES

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

CEQ–EPA Presidential Innovation Award for Environmental Educators and the President's Environmental Youth Awards Application, 57664

Meetings:

National Environmental Justice Advisory Council, 57667–57668

White House Environmental Justice Advisory Council, 57664–57665

Proposed Stipulated Partial Settlement Agreement, Endangered Species Act Claims, 57665–57667

Requests for Nominations:

Experts to the EPA Office of Research and Development's Board of Scientific Counselors, 57668–57669

Executive Office for Immigration Review

PROPOSED RULES

Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Protection Claims by Asylum Officers, 57611

Federal Aviation Administration

RULES

Airworthiness Directives:

Airbus Helicopters, 57550–57552, 57569–57571

Airbus Helicopters and Airbus Helicopters Deutschland GmbH (AHD) Helicopters, 57571–57574

Airbus SAS Airplanes, 57552–57555

Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters, 57560–57563

Leonardo S.p.a. Helicopters, 57564–57569, 57574–57581

Pacific Aerospace Limited Airplanes, 57558–57560

Sikorsky Aircraft Corporation Helicopters, 57555–57558

PROPOSED RULES

Establishment of Restricted Area R–2511:

Trona, CA, 57611–57612

NOTICES

Intent to Release Airport Property:

Quitclaim Deed agreement between Miami Dade Aviation Department and the Federal Aviation Administration for the Opa Locka Executive Airport, Opa Locka, FL, 57732

Release from Federal Surplus Property and Grant Assurance Obligations:

Syracuse Hancock International Airport (SYR), Syracuse, NY, 57732–57733

Surplus Property Release:

Spokane International Airport, Spokane, Washington, 57731

Federal Communications Commission**NOTICES**

Exemption from Caller ID Authentication Requirements, 57670–57671

Privacy Act; Matching Program, 57669–57670

Federal Energy Regulatory Commission**NOTICES**

Combined Filings, 57661–57663

Effectiveness of Withdrawal of Revised Exhibit K and Project Description:
Idaho Power Co., 57661

Federal Highway Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57736–57738

Agency Information Collection Activities; Proposals, Submissions, and Approvals; 57733

Final Federal Agency Actions:

Proposed Highway in Utah, 57735–57736

Round Hill Pines Access Project Along U.S. Highway 50 in the State of Nevada, 57734–57735

Final State Agency Actions:

North-South Corridor U.S. Route 60 to Interstate 10 in Pinal County, AZ, 57733–57734

Federal Motor Carrier Safety Administration**NOTICES**

Controlled Substances and Alcohol Use and Testing; Exemption Application

FirstGroup plc., 57741–57742

Parts and Accessories Necessary for Safe Operation; Exemption Application:

EROAD, Inc., 57739–57740

Forward Thinking Systems, LLC, 57742–57744

Parts and Accessories Necessary for Safe Operation; Exemption Applications:

Loomis Armored US, LLC, 57738–57739

Federal Reserve System**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57672–57676

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company, 57671–57672

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 57671, 57674

Federal Retirement Thrift Investment Board**NOTICES**

Meetings, 57676

Fish and Wildlife Service**RULES**

Endangered and Threatened Species:

Reclassification of the Humpback Chub from Endangered to Threatened with a Section 4(d) Rule, 57588–57610

Food and Nutrition Service**RULES**

CACFP Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010; Technical Amendments, 57544–57549

NOTICES

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

Supplemental Nutrition Assistance Program Mobile Payment Pilots, 57634–57637

Forest Service**NOTICES**

Environmental Impact Statements; Availability, etc.:

White River National Forest, CO; El Jebel Administrative Sites, Upper and Lower Parcels, Conveyance Project: Withdrawal, 57637

Health and Human Services Department

See Health Resources and Services Administration

See National Institutes of Health

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57680–57681

Health Resources and Services Administration**NOTICES**

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

The Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment Surveys, 57678–57680

National Vaccine Injury Compensation Program:

List of Petitions Received, 57676–57678

Homeland Security Department

See Coast Guard

See Transportation Security Administration

See U.S. Customs and Border Protection

RULES

Civil Monetary Penalty Adjustments for Inflation, 57532–57544

PROPOSED RULES

Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Protection Claims by Asylum Officers, 57611

NOTICES

Senior Executive Service Performance Review Boards, 57684–57685

Indian Affairs Bureau**NOTICES**

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

Student Transportation Form, 57686

Interior Department

See Fish and Wildlife Service

See Indian Affairs Bureau

See Land Management Bureau

See Ocean Energy Management Bureau

RULES

Financial Assistance Interior Regulation, 57529–57532

Internal Revenue Service

NOTICES

Meetings:

Electronic Tax Administration Advisory Committee,
57745–57746

International Trade Administration

NOTICES

United States-Mexico-Canada Agreement:
Request for Binational Panel Review, 57638

Judicial Conference of the United States

NOTICES

Hearing:

Advisory Committee on Criminal Rules; Cancellation,
57689–57690

Justice Department

See Drug Enforcement Administration

See Executive Office for Immigration Review

See Prisons Bureau

NOTICES

Proposed Settlement Agreement:
CERCLA, 57699–57700

Labor Department

NOTICES

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

Guam Military Base Realignment Contractors Recruitment
Standards, 57700–57701

O Net Data Collection Program, 57701–57702

Senior Community Service Employment Program, 57700

Land Management Bureau

NOTICES

Legal Land Description and Map Availability:

Nevada Test and Training Range, NV, 57687–57689

Realty Action:

Classification for Lease and/or Conveyance for Recreation
and Public Purposes of Public Lands (N–97771) for a
Park in the Southwest Portion of the Las Vegas
Valley, Clark County, NV, 57686–57687

Legal Services Corporation

NOTICES

Meetings; Sunshine Act, 57702–57704

Millennium Challenge Corporation

NOTICES

Meetings, 57704

National Institutes of Health

NOTICES

Meetings:

Center for Scientific Review, 57681–57684

National Institute on Aging, 57682–57683

National Institute on Drug Abuse, 57682

National Oceanic and Atmospheric Administration

PROPOSED RULES

Fisheries of the Caribbean, Gulf of Mexico, and South
Atlantic:

Reef Fish Fishery of the Gulf of Mexico; Lane Snapper
Management Measures and Proposed Rule, 57629–
57632

NOTICES

Meetings:

Fisheries of the South Atlantic; South Atlantic Fishery
Management Council, 57640

Mid-Atlantic Fishery Management Council, 57638–57639

South Atlantic Fishery Management Council, 57639–
57641

Request for Comments:

Administrative Law Judge's Recommended Decision on a
Proposed Waiver and Regulations Governing the
Taking of Marine Mammals; Extension of Public
Comment Period, 57639

National Science Foundation

NOTICES

Meetings; Sunshine Act, 57705

National Transportation Safety Board

NOTICES

Meetings; Sunshine Act, 57705

Nuclear Regulatory Commission

NOTICES

License Amendment and Exemption Issuance:

Westinghouse Electric Co., LLC; Columbia Fuel

Fabrication Facility; and US Ecology, Inc.; Idaho

Resource Conservation and Recovery Act Subtitle C

Hazardous Disposal Facility Located Near Grand

View, Idaho, 57705–57706

Ocean Energy Management Bureau

NOTICES

Outer Continental Shelf Oil and Gas Lease Sales, 57689

Pension Benefit Guaranty Corporation

NOTICES

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

Partitions of Eligible Multiemployer Plans, 57706–57707

Presidential Documents

ADMINISTRATIVE ORDERS

Child Soldiers Prevention Act of 2008; Presidential

Determination and Certification (Presidential

Determination No. 2022–01 of October 8, 2021), 57525–
57526

Refugee Admissions for Fiscal Year 2022; Presidential

Determination (Presidential Determination No. 2022–02
of October 8, 2021), 57527–57528

Prisons Bureau

PROPOSED RULES

First Step Act Time Credits, 57612–57614

Securities and Exchange Commission

NOTICES

Application:

First Eagle Global Opportunities Fund, et al, 57724–
57725

Meetings; Sunshine Act, 57711

Self-Regulatory Organizations; Proposed Rule Changes:

Cboe BYX Exchange, Inc., 57714–57716

Cboe BZX Exchange, Inc., 57707–57709, 57722–57724
Nasdaq BX, Inc., 57712–57714
Nasdaq PHLX, LLC, 57709–57711, 57716–57722

Social Security Administration**NOTICES**

Privacy Act; Matching Program, 57725–57727

State Department**NOTICES**

Notifications to the Congress of Proposed Commercial
Export Licenses, 57727–57731

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Federal Motor Carrier Safety Administration

See Transportation Statistics Bureau

Transportation Security Administration**RULES**

Civil Monetary Penalty Adjustments for Inflation, 57532–
57544

Transportation Statistics Bureau**NOTICES**

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

Barrier Failure Reporting in Oil and Gas Operations on
the Outer Continental Shelf, 57744–57745

Treasury Department

See Internal Revenue Service

NOTICES**Meetings:**

Debt Management Advisory Committee, 57746

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

Civil Monetary Penalty Adjustments for Inflation, 57532–
57544

Veterans Affairs Department**RULES**

Certification of Evidence for Proof of Service, 57583–57584

NOTICES

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

35 Percent Exemption Request from 85/15 Reporting
Requirement, 57747–57748

Application for Individualized Tutorial Assistance, 57747
West Los Angeles VA Medical Center Veterans Programs
Enhancement Act of 1998 Master Plan 2022 draft,
57746–57747

Reader Aids

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

To subscribe to the Federal Register Table of Contents
electronic mailing list, go to [https://public.govdelivery.com/
accounts/USGPOOFR/subscriber/new](https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new), enter your e-mail
address, then follow the instructions to join, leave, or
manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

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

2 CFR

1402.....57529

3 CFR**Administrative Orders:**

Presidential

Determinations:

No. 2022–1 of Oct. 8,

2021.....57525

No. 2022–2 of Oct. 8,

2021.....57527

6 CFR

27.....57532

7 CFR

210.....57544

220.....57544

226.....57544

8 CFR

270.....57532

274a.....57532

280.....57532

Proposed Rules:

208.....57611

235.....57611

1003.....57611

1208.....57611

1235.....57611

10 CFR

1704.....57549

14 CFR

39 (12 documents) 57550,

57552, 57555, 57558, 57560,

57564, 57567, 57569, 57571,

57574, 57577, 57579

Proposed Rules:

73.....57611

19 CFR

4.....57532

28 CFR**Proposed Rules:**

523.....57612

541.....57612

33 CFR

27.....57532

165.....57581

38 CFR

3.....57583

40 CFR

51.....57585

52 (2 documents) 57585,

57586

Proposed Rules:

372.....57614

49 CFR

1503.....57532

50 CFR

17.....57588

Proposed Rules:

622.....57629

Presidential Documents

Title 3—

Presidential Determination No. 2022–01 of October 8, 2021

The President

Presidential Determination and Certification With Respect to the Child Soldiers Prevention Act of 2008

Memorandum for the Secretary of State

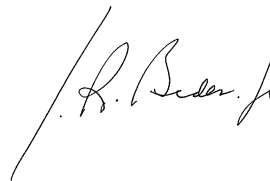
Pursuant to section 404 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1) (CSPA), I hereby:

Determine that it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to Iraq, Nigeria, Pakistan, and Turkey; to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to the Democratic Republic of the Congo to allow for the provision of International Military Education and Training (IMET) and Peacekeeping Operations (PKO) assistance, to the extent that the CSPA would restrict such assistance or support; to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to Libya, Somalia, and Yemen to allow for the provision of IMET and PKO assistance and support provided pursuant to 10 U.S.C. 333, to the extent that the CSPA would restrict such assistance or support; to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to South Sudan to allow for the provision of PKO assistance, to the extent that the CSPA would restrict such assistance; and, to waive the application of the prohibition in section 404(a) of the CSPA with respect to allowing for the issuance of licenses for direct commercial sales related to other United States Government assistance for the above countries; and

Certify that the governments of the above countries are taking effective and continuing steps to address the problem of child soldiers.

Accordingly, I hereby waive such applications of section 404(a) of the CSPA.

You are authorized and directed to submit this determination to the Congress, along with the Memorandum of Justification, and to publish this determination in the *Federal Register*.

A handwritten signature in black ink, appearing to read "R. R. Berman". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

THE WHITE HOUSE,
Washington, October 8, 2021

[FR Doc. 2021-22759

Filed 10-15-21; 8:45 am]

Billing code 4710-10-P

Presidential Documents

Presidential Determination No. 2022–02 of October 8, 2021

Presidential Determination on Refugee Admissions for Fiscal Year 2022

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States, in accordance with section 207 of the Immigration and Nationality Act (the “Act”) (8 U.S.C. 1157), and after appropriate consultations with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 125,000 refugees to the United States during Fiscal Year (FY) 2022 is justified by humanitarian concerns or is otherwise in the national interest.

The admissions numbers shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations:

Africa	40,000
East Asia	15,000
Europe and Central Asia	10,000
Latin America/Caribbean	15,000
Near East/South Asia	35,000
Unallocated Reserve	10,000

The 10,000 unallocated refugee numbers shall be allocated to regional ceilings, as needed. Upon providing notification to the Judiciary Committees of the Congress, you are hereby authorized to use unallocated admissions in regions where the need for additional admissions arises.

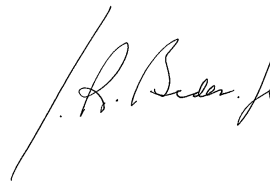
Additionally, upon notification to the Judiciary Committees of the Congress, you are further authorized to transfer unused admissions allocated to a particular region to one or more other regions, if there is a need for greater admissions for the region or regions to which the admissions are being transferred.

Consistent with section 2(b)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(b)(2)), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

Consistent with section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)), and after appropriate consultation with the Congress, I also specify that, for FY 2022, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

- Persons in Cuba;
- Persons in Eurasia and the Baltics;
- Persons in Iraq;
- Persons in El Salvador, Guatemala, and Honduras; and
- In certain circumstances, persons identified by a United States Embassy in any location.

You are authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, October 8, 2021

Rules and Regulations

Federal Register

Vol. 86, No. 198

Monday, October 18, 2021

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

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

DEPARTMENT OF THE INTERIOR

Office of the Secretary

2 CFR Part 1402

[DOI-2020-0020; 201D0102DM, DS62600000, DLSN 00000.000000, DX62601]

RIN 1090-AB23

Financial Assistance Interior Regulation

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule; technical amendments.

SUMMARY: The Department of the Interior (DOI) is publishing this final rule to align its regulations with new regulatory citations and requirements adopted by the Office of Management and Budget (OMB). On August 13, 2020, the OMB published a revision to their regulations regarding Guidance for Grants and Agreements. The revision was an administrative simplification and did not make any substantive changes to their regulations regarding policies and procedures. DOI now codifies these changes in its financial assistance regulations.

DATES: This final rule is effective on October 18, 2021.

FOR FURTHER INFORMATION CONTACT: Cara Whitehead, Director, Office of Grants Management, Department of the Interior, 1849 C Street NW, Mail Stop 3023 MIB, Washington, DC 20240; email Cara_Whitehead@ios.doi.gov; telephone 202-208-3100.

SUPPLEMENTARY INFORMATION:

I. Background

On December 26, 2013, OMB published its *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (referred to as the “Uniform Guidance,” 78 FR 78590). The OMB Uniform Guidance, 2 CFR part 200, provided a government-wide framework for Federal awards management and streamlined

administrative requirements, cost principles, and audit requirements for Federal awards, including grants and cooperative agreements. Implementation of the Uniform Guidance became effective on December 26, 2014 (79 FR 75867, December 19, 2014) and must be reviewed every five years in accordance with 2 CFR 200.109. On August 13, 2020 (85 FR 49506 as amended on February 22, 2021, in 86 FR 10439), the Office of Management and Budget (OMB) published a revision to sections of title 2 of the Code of Federal Regulations, Guidance for Grants and Agreements. The rule was an administrative simplification and did not make any substantive changes to 2 CFR part 200 policies and procedures. DOI now codifies these changes in its financial assistance regulations located in 2 CFR part 1402. This rule helps ensure that financial assistance provided by the DOI is administered in full compliance with applicable laws, regulations, policies and best practices to ensure the American people get the most value from the money the DOI spends on financial assistance.

The Administrative Procedure Act (APA) specifically provides exceptions to its notice and comment rulemaking procedures when an agency finds there is good cause to dispense with them, and incorporates the finding, and a brief statement of reasons therefore, in the rules issued (5 U.S.C. 553(b)(3)(B)). Good cause exists when an agency determines that notice and public comment procedures are impractical, unnecessary, or contrary to the public interest. The amendments made in this final rule align DOI regulations with OMB’s regulations. OMB’s rule had a 60-day comment period and was determined to be not significant under Executive Order 12866. This final rule will be effective upon publication because it is unnecessary to further delay conforming DOI’s regulations to OMB’s regulations.

II. Section-by-Section Analysis

DOI is revising its Financial Assistance Interior Regulation at 2 CFR part 1402 for conformity with OMB’s recent revisions to title 2. Specifically, DOI is correcting 2 CFR part 1402 to align with the OMB updates to the regulatory citations in the Uniform Guidance and new regulatory requirements. This section-by-section

analysis describes the changes to the regulatory text in numerical order.

A. Section 4 Uniform Guidance Definition Citation for Foreign Entity

In § 1402.4, DOI removes “2 CFR 200.46 and 200.47” and adds in its place “2 CFR 200.1”.

B. Section 6 Uniform Guidance Definition Citation for Real Property

In § 1402.6, DOI removes “2 CFR 200.85” and adds in its place “2 CFR 200.1”.

C. Section 112(e) Uniform Guidance Citation for Remedies for Noncompliance

In § 1402.112(e), DOI removes “2 CFR 200.338” and adds in its place “2 CFR 200.339”.

D. Section 206(b) Uniform Guidance Citation for Information Contained in a Federal Award

In § 1402.206(b), DOI removes “2 CFR 200.210” and adds in its place “2 CFR 200.211”.

E. Section 207 Uniform Guidance New Requirement for Never Contract With the Enemy

In § 1402.207, DOI adds the new requirement for *Never Contract with the Enemy*. This revision reflects OMB’s changes made to 2 CFR part 200 on August 13, 2020. The Office of Management and Budget (OMB) added 2 CFR part 183, which contains a new requirement to *Never Contract with the Enemy*, which applies only to grants and cooperative agreements that exceed \$50,000 and are performed outside the United States. In addition, this includes U.S. territories, to a person or entity that is actively opposing the United States or coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities.

F. Sections 207 Uniform Guidance New Requirement for Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

In § 1402.207, DOI adds the new requirement for *Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment*. This revision reflects amendments made to 2 CFR 200 that became effective on August 13, 2020. In addition, OMB added a new section, 2 CFR 200.216,

Prohibition on certain telecommunication and video surveillance services or equipment, which prohibits Federal award recipients from using loan or grant funds to enter into contracts with entities that use covered telecommunications equipment or services.

G. Section 207(a) Standard Award Terms and Conditions That Always Apply to For-Profit Entities

In § 1402.207(a)(12), DOI adds “all applicable Executive orders,” which applies to all current directives that may impact for-profit entities as well as any future directives. This amendment aligns DOI’s regulations with OMB’s regulatory guidance in 2 CFR part 200 to support domestic preferences encouraging Federal award recipients, to the extent permitted by law, to maximize the use of goods, products, and materials produced in the United States when procuring goods and services under Federal awards. OMB’s guidance included domestic policy directives as expressed in Executive Order 13788 of April 18, 2017 (*Buy American and Hire American*) and Executive Order 13858 of January 21, 2019 (*Executive Order on Strengthening Buy American Preferences for Infrastructure Projects*), which superseded Executive Order 14005 (*Ensuring the Future Is Made in all of America by all of America’s Workers*). This revision in DOI’s regulations will reflect the current OMB guidance and also apply to any future directives issued.

H. Section 300 Uniform Guidance New Requirement for Never Contract With the Enemy

In § 1402.300, DOI adds the new requirement for *Never Contract with the Enemy*. This revision reflects OMB’s changes made to 2 CFR part 200 on August 13, 2020. The Office of Management and Budget (OMB) added 2 CFR part 183, which contains a new requirement to *Never Contract with the Enemy*, which applies only to grants and cooperative agreements that exceed \$50,000 and are performed outside the United States. In addition, this includes U.S. territories, to a person or entity that is actively opposing the United States or coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities.

I. Section 300 Uniform Guidance New Requirement for Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

In § 1402.300, DOI adds the new requirement for *Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment*. This revision reflects amendments made to 2 CFR part 200 that became effective on August 13, 2020. In addition, OMB added a new section, 2 CFR 200.216, *Prohibition on certain telecommunication and video surveillance services or equipment, which prohibits Federal award recipients from using loan or grant funds to enter into contracts with entities that use covered telecommunications equipment or services.*

J. Section 300(e) Award Requirements for Foreign Entities

In § 1402.300(e)(6), DOI removes “Public Law 113–235 (128 Stat. 2391, Dec. 16, 2014)” and adds “48 CFR 3.909–2(a).” This revision changes the citation from the Public Law to the CFR now that this law has been codified in the CFR.

III. Required Determinations

A. Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the OMB’s Office of Information and Regulatory Affairs will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant. DOI is publishing this final rule to align its regulations with new regulatory citations and requirements adopted by OMB.

Executive Order 13563 reaffirms the principles of E.O. 12866, 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 objectives. E.O. 13563 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.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) applies to rules that are subject to notice and comment under section 553(b) of the APA. The rule will not have a significant economic effect on a substantial number of small entities. The Department of the Interior generally does not award grants to small businesses. The vast majority of Interior grants are awarded to States, local governments, and not-for-profit organizations.

C. Small Business Regulatory Enforcement Fairness Act

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

(a) Does not have an annual effect on the economy of \$100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

This rule establishes regulations for DOI financial assistance. These changes wouldn’t cause a significant impact. It will not affect business relationships, employment, investment, productivity, innovations, or the ability of U.S.-based enterprises to compete internationally.

D. Unfunded Mandates Reform Act

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

E. Takings (E.O. 12630)

Under the criteria in section 2 of E.O. 12630, this rule does not have significant takings implications. It does not impose any obligations on the public that would result in a taking. A takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This is because it would not substantially and directly

affect the relationship between the Federal and state governments. Accordingly, a federalism summary impact statement is not required.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) of this E.O. requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) of this E.O. requiring that all regulations be written in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes by committing to consultation and recognition of their right to self-governance and tribal sovereignty. This rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or the distribution of power and responsibilities between the Federal Government and Indian tribes.

I. Paperwork Reduction Act, 44 U.S.C. 3501, et seq.

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

J. National Environmental Policy Act

This final rule would not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Pursuant to Department Manual 516 DM 2.3A(2), section 1.10 of 516 DM 2, Appendix 1 excludes from documentation in an environmental assessment or impact statement “policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject to the NEPA process, either collectively or case-by-case.”

K. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211; therefore, a Statement of Energy Effects is not required.

List of Subjects in 2 CFR Part 1402

Accounting, Administrative practice and procedure, Adult education, Aged, Agriculture, American Samoa, Bilingual education, Blind, Business and industry, Civil rights, Colleges and universities, Communications, Community development, Community facilities, Copyright, Credit, Cultural exchange programs, Educational facilities, Educational research, Education, Education of disadvantaged, Education of individuals with disabilities, Educational study programs, Electric power, Electric power rates, Electric utilities, Elementary and secondary education, Energy conservation, Equal educational opportunity, Federally affected areas, Government contracts, Grant programs, Grant programs—agriculture, Grant programs—business, Grant programs—communications, Grant programs—education, Grant programs—energy, Grant programs—health, Grant programs—housing and community development, Grant programs—social programs, Grants administration, Guam, Home improvement, Homeless, Hospitals, Housing, Human research subjects, Incorporation by reference, Indians, Indians—education, Infants and children, Insurance, Intergovernmental relations, International organizations, Inventions and patents, Loan programs, Loan programs social programs, Loan programs—agriculture, Loan programs—business and industry, Loan programs—communications, Loan programs—energy, Loan programs—health, Loan programs—housing and community development, Manpower training programs, Migrant labor, Mortgage insurance, Nonprofit organizations, Northern Mariana Islands, Pacific Islands Trust Territories, Privacy, Renewable energy, Reporting and recordkeeping requirements, Rural areas, Scholarships and fellowships, School construction, Schools, Science and technology, Securities, Small businesses, State and local governments, Student aid, Teachers, Telecommunications, Telephone, Urban areas, Veterans, Virgin Islands, Vocational education, Vocational rehabilitation, Waste treatment and disposal, Water pollution control, Water resources, Water supply, Watersheds, Women.

For the reasons set forth in the preamble, the Department of the Interior amends 2 CFR part 1402 as set forth below:

PART 1402—FINANCIAL ASSISTANCE INTERIOR REGULATION, SUPPLEMENTING THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 1. The authority citation for part 1402 continues to read as follows:

Authority: 5 U.S.C. 301 and 2 CFR part 200.

§ 1402.4 [Amended]

■ 2. In § 1402.4, remove “2 CFR 200.46 and 200.47” and add in its place “2 CFR 200.1”.

§ 1402.6 [Amended]

■ 3. In § 1402.6, remove “2 CFR 200.85” and add in its place “2 CFR 200.1”.

§ 1402.112 [Amended]

■ 4. In § 1402.112(e), remove “2 CFR 200.338” and add in its place “2 CFR 200.339”.

§ 1402.206 [Amended]

■ 5. In § 1402.206(b), remove “2 CFR 200.210” and add in its place “2 CFR 200.211”.

■ 6. Amend § 1402.207 by adding paragraphs (a)(10) through (12) to read as follows:

§ 1402.207 What specific conditions apply?

(a) * * *
(10) 2 CFR part 183, Never Contract With the Enemy.

(11) 2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment.

(12) All applicable Executive orders.

* * * * *

■ 7. Amend § 1402.300 by:

■ a. In paragraph (e)(5), removing the word “and” at the end of the paragraph;

■ b. Revising (e)(6); and

■ c. Adding paragraphs (e)(7) and (8).

The revision and additions read as follows:

§ 1402.300 What are the statutory and national policy requirements?

* * * * *

(e) * * *

(6) 48 CFR 3.909–2(a). Federal award recipients are prohibited from requiring employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or

contractors from lawfully reporting such fraud, waste, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information;

(7) 2 CFR part 183, Never Contract With the Enemy; and

(8) 2 CFR 200.216, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.

This action is taken pursuant to delegated authority.

Rachael S. Taylor,

Principal Deputy Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2021–22632 Filed 10–15–21; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF HOMELAND SECURITY

6 CFR Part 27

8 CFR Parts 270, 274a, and 280

U.S. Customs and Border Protection

19 CFR Part 4

Coast Guard

33 CFR Part 27

Transportation Security Administration

49 CFR Part 1503

RIN 1601–AA99

Civil Monetary Penalty Adjustments for Inflation

AGENCY: Department of Homeland Security.

ACTION: Final rule.

SUMMARY: In this final rule, the Department of Homeland Security (DHS) makes the 2021 annual inflation adjustment to its civil monetary penalties. On November 2, 2015, the President signed into law The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (The 2015 Act). Pursuant to the 2015 Act, all agencies must adjust their civil monetary penalties annually and publish the adjustment in the **Federal Register**. Accordingly, this final rule adjusts the Department's civil monetary penalties for 2021 pursuant to the 2015 Act and Executive Office of the President (EOP) Office of Management and Budget (OMB) guidance. The new penalties will be effective for penalties assessed after October 18, 2021 whose

associated violations occurred after November 2, 2015.

DATES: This rule is effective on October 18, 2021.

FOR FURTHER INFORMATION CONTACT: Hillary Hunnings, 202–282–9043, hillary.hunnings@hq.dhs.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Statutory and Regulatory Background
- II. Overview of Final Rule
- III. Adjustments by Component
 - A. Cybersecurity and Infrastructure Security Agency
 - B. U.S. Customs and Border Protection
 - C. U.S. Immigration and Customs Enforcement
 - D. U.S. Coast Guard
 - E. Transportation Security Administration
- IV. Administrative Procedure Act
- V. Regulatory Analyses
 - A. Executive Orders 12866 and 13563
 - B. Regulatory Flexibility Act
 - C. Unfunded Mandates Reform Act
 - D. Paperwork Reduction Act
- VI. Signing Authority

I. Statutory and Regulatory Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74 section 701 (Nov. 2, 2015)) (2015 Act).¹ The 2015 Act amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act required agencies to: (1) Adjust the level of civil monetary penalties with an initial “catch-up” adjustment through issuance of an interim final rule (IFR) and (2) make subsequent annual adjustments for inflation. Through the “catch-up” adjustment, agencies were required to adjust the maximum amounts of civil monetary penalties to more accurately reflect inflation rates.

For the subsequent annual adjustments, the 2015 Act requires agencies to increase the penalty amounts by a cost-of-living adjustment. The 2015 Act directs OMB to provide guidance to agencies each year to assist agencies in making the annual adjustments. The 2015 Act requires agencies to make the annual adjustments no later than January 15 of each year and to publish the adjustments in the **Federal Register**.

Pursuant to the 2015 Act, DHS undertook a review of the civil penalties that DHS and its components administer.² On July 1, 2016, DHS

published an IFR adjusting the maximum civil monetary penalties with an initial “catch-up” adjustment, as required by the 2015 Act.³ DHS calculated the adjusted penalties based upon nondiscretionary provisions in the 2015 Act and upon guidance that OMB issued to agencies on February 24, 2016.⁴ The adjusted penalties were effective for civil penalties assessed after August 1, 2016 (the effective date of the IFR), whose associated violations occurred after November 2, 2015 (the date of enactment of the 2015 Act). On January 27, 2017, DHS published a final rule making the annual adjustment for 2017.⁵ On April 2, 2018, DHS made the 2018 annual inflation adjustment.⁶ On April 5, 2019, DHS made the 2019 annual inflation adjustment.⁷ On June 17, 2020, DHS made the 2020 annual inflation adjustment.⁸

II. Overview of the Final Rule

This final rule makes the 2021 annual inflation adjustments to civil monetary penalties pursuant to the 2015 Act and pursuant to guidance OMB issued to agencies on December 23, 2020.⁹ The penalty amounts in this final rule will be effective for penalties assessed after October 18, 2021 where the associated violation occurred after November 2, 2015. Consistent with OMB guidance, the 2015 Act does not change previously assessed penalties that the agency is actively collecting or has collected.

The adjusted penalty amounts will apply to penalties assessed after the effective date of this final rule. We discuss civil penalties by DHS component in Section III below. For each component identified in Section III, below, we briefly describe the

addition to tax and additional amount) under the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*) and the Tariff Act of 1930 (19 U.S.C. 1202 *et seq.*). See sec. 4(a)(1) of the 2015 Act. In the case of DHS, several civil penalties that are assessed by U.S. Customs and Border Protection (CBP) and the U.S. Coast Guard (USCG) fall under the Tariff Act of 1930, and therefore DHS did not adjust those civil penalties in this rulemaking.

³ See 81 FR 42987.

⁴ Office of Mgmt. & Budget, Exec. Office of The President, M–16–06, Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Table A: 2016 Civil Monetary Penalty Catch-Up Adjustment Multiplier by Calendar Year, (Feb. 24, 2016) (<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2016/m-16-06.pdf>).

⁵ See 82 FR 8571.

⁶ See 83 FR 13826.

⁷ See 84 FR 13499.

⁸ See 85 FR 36469.

⁹ Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

¹ The 2015 Act was part of the Bipartisan Budget Act of 2015, Public Law 114–74 (Nov. 2, 2015).

² The 2015 Act applies to all agency civil penalties except for any penalty (including any

relevant civil penalty (or penalties), and we provide a table showing the increase in the penalties for 2021. In the table for each component, we show (1) the penalty name, (2) the penalty statutory and or regulatory citation, (3) the penalty amount as adjusted in the 2020 final rule, (4) the cost-of-living adjustment multiplier for 2021 that OMB provided in its December 23, 2020, guidance, and (5) the new 2021 adjusted penalty. The 2015 Act instructs agencies to round penalties to the nearest \$1. For a more complete discussion of the method used for calculating the initial “catch-up” inflation adjustments and a component-by-component breakdown to the nature of the civil penalties and relevant legal authorities, please see the IFR preamble at 81 FR 42987–43000.

III. Adjustments by Component

In the following sections, we briefly describe the civil penalties that DHS and its components, the Cybersecurity and Infrastructure Security Agency (CISA), the U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), the U.S. Coast Guard (USCG), and the Transportation Security Administration (TSA), assess. Other components not mentioned do not impose any civil monetary penalties. We include tables at the end of each section, which list the individual adjustments for each penalty.

A. Cybersecurity and Infrastructure Security Agency

The Cybersecurity and Infrastructure Security Agency (CISA) administers

only one civil penalty that the 2015 Act affects. That penalty assesses fines for violations of the Chemical Facility Anti-Terrorism Standards (CFATS). CFATS is a program that regulates the security of chemical facilities that, in the discretion of the Secretary, present high levels of security risk. DHS established the CFATS program in 2007 pursuant to section 550 of the Department of Homeland Security Appropriations Act of 2007 (Pub. L. 109–295).¹⁰ The CFATS regulation is located in part 27 of title 6 of the Code of Federal Regulations (CFR). Below is a table showing the 2021 adjustment for the CFATS penalty that CISA administers.

TABLE 1—CFATS CIVIL PENALTY ADJUSTMENT

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR (per day)	Multiplier *	New penalty as adjusted by this final rule (per day)
Penalty for non-compliance with CFATS regulations	6 U.S.C. 624(b)(1); 6 CFR 27.300(b)(3).	\$35,486	1.01182	\$35,905

* Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

B. U.S. Customs and Border Protection

The U.S. Customs and Border Protection (CBP) assesses civil monetary penalties under various titles of the United States Code (U.S.C.) and the CFR. These include penalties for certain violations of title 8 of the CFR regarding the Immigration and Nationality Act of 1952 (Pub. L. 82–414, as amended) (INA). The INA contains provisions that impose penalties on persons, including

carriers and aliens, who violate specified provisions of the INA. The relevant penalty provisions appear in numerous sections of the INA; however, CBP has enumerated these penalties in regulation in one location—8 CFR 280.53. For a complete list of the INA sections for which penalties are assessed, in addition to a brief description of each violation, see the 2016 IFR preamble at 81 FR 42989–42990. For a complete list and brief

description of the non-INA civil monetary penalties assessed by CBP subject to adjustment and a discussion of the history of the DHS and CBP adjustments to the non-INA penalties, see the 2019 annual inflation adjustment final rule preamble at 84 FR 13499, 13500 (April 5, 2019).

Below is a table showing the 2021 adjustment for the penalties that CBP administers.

TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier *	New penalty as adjusted by this final rule
Penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States.	8 U.S.C. 1221(g); 8 CFR 280.53(b)(1) (INA section 231(g)).	\$1,419	1.01182	\$1,436
Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens.	8 U.S.C. 1224; 8 CFR 280.53(b)(2) (INA section 234).	3,855	1.01182	3,901
Penalties for failure to depart voluntarily	8 U.S.C. 1229c(d); 8 CFR 280.53(b)(3) (INA section 240B(d)).	1,625–8,128	1.01182	1,644–8,224
Penalties for violations of removal orders relating to aliens transported on vessels or aircraft under section 241(d) of the INA, or for costs associated with removal under section 241(e) of the INA.	8 U.S.C. 1253(c)(1)(A); 8 CFR 280.53(b)(4) (INA section 243(c)(1)(A)).	3,251	1.01182	3,289
Penalties for failure to remove alien stowaways under section 241(d)(2) of the INA.	8 U.S.C. 1253(c)(1)(B); 8 CFR 280.53(b)(5) (INA section 243(c)(1)(B)).	8,128	1.01182	8,224

¹⁰ Section 550 has since been superseded by the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Pub. L. 113–254). The new legislation codified the statutory authority for

the CFATS program within Title XXI of the Homeland Security Act of 2002, as amended. See 6 U.S.C. 621 *et seq.* Public Law 113–254 authorized the CFATS program from January 18, 2015 to

January 17, 2019. Public Law 116–150 extends the CFATS program authorization to July 27, 2023.

TABLE 2—U.S. CUSTOMS AND BORDER PROTECTION CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier*	New penalty as adjusted by this final rule
Penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the INA.	8 U.S.C. 1281(d); 8 CFR 280.53(b)(6) (INA section 251(d)).	^a 385	1.01182	^a 390
Penalties for use of alien crewmen for longshore work in violation of section 251(d) of the INA.	8 U.S.C. 1281(d); 8 CFR 280.53(b)(6) (INA section 251(d)).	9,639	1.01182	9,753
Penalties for failure to control, detain, or remove alien crewmen	8 U.S.C. 1284(a); 8 CFR 280.53(b)(7) (INA section 254(a)).	964–5,783	1.01182	975–5,851
Penalties for employment on passenger vessels of aliens afflicted with certain disabilities.	8 U.S.C. 1285; 8 CFR 280.53(b)(8) (INA section 255).	1,928	1.01182	1,951
Penalties for discharge of alien crewmen	8 U.S.C. 1286; 8 CFR 280.53(b)(9) (INA section 256).	2,891–5,783	1.01182	2,925–5,851
Penalties for bringing into the United States alien crewmen with intent to evade immigration laws.	8 U.S.C. 1287; 8 CFR 280.53(b)(10) (INA section 257).	19,277	1.01182	19,505
Penalties for failure to prevent the unauthorized landing of aliens ...	8 U.S.C. 1321(a); 8 CFR 280.53(b)(11) (INA section 271(a)).	5,783	1.01182	5,851
Penalties for bringing to the United States aliens subject to denial of admission on a health-related ground.	8 U.S.C. 1322(a); 8 CFR 280.53(b)(12) (INA section 272(a)).	5,783	1.01182	5,851
Penalties for bringing to the United States aliens without required documentation.	8 U.S.C. 1323(b); 8 CFR 280.53(b)(13) (INA section 273(b)).	5,783	1.01182	5,851
Penalties for failure to depart	8 U.S.C. 1324d; 8 CFR 280.53(b)(14) (INA section 274D).	813	1.01182	823
Penalties for improper entry	8 U.S.C. 1325(b); 8 CFR 280.53(b)(15) (INA section 275(b)).	81–407	1.01182	82–412
Penalty for dealing in or using empty stamped imported liquor containers.	19 U.S.C. 469	540	1.01182	** 546
Penalty for employing a vessel in a trade without a required Certificate of Documentation.	19 U.S.C. 1706a; 19 CFR 4.80(i)	1,352	1.01182	1,368
Penalty for transporting passengers coastwise for hire by certain vessels (known as Bowaters vessels) that do not meet specified conditions.	46 U.S.C. 12118(f)(3)	540	1.01182	** 546
Penalty for transporting passengers between coastwise points in the United States by a non-coastwise qualified vessel.	46 U.S.C. 55103(b); 19 CFR 4.80(b)(2).	812	1.01182	822
Penalty for towing a vessel between coastwise points in the United States by a non-coastwise qualified vessel.	46 U.S.C. 55111(c); 19 CFR 4.92	^b 946–2,976	1.01182	^c 957–3,011

* Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

** No applicable conforming edit to regulatory text.

^a for each alien.

^b plus \$162 per ton.

^c \$164 per ton.

C. U.S. Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement (ICE) assesses civil monetary penalties for certain employment-related violations arising from the INA. ICE's civil penalties are located in title 8 of the CFR.

There are three different sections in the INA that impose civil monetary penalties for violations of the laws that relate to employment actions: sections 274A, 274B, and 274C. ICE has primary

enforcement responsibilities for two of these civil penalty provisions (sections 274A and 274C), and the Department of Justice (DOJ) has enforcement responsibilities for one of these civil penalty provisions (section 274B). The INA, in sections 274A and 274C, provides for imposition of civil penalties for various specified unlawful acts pertaining to the employment eligibility verification process (Form I–9, Employment Eligibility Verification), the employment of unauthorized aliens, and document fraud.

Because both DHS and DOJ implement the three employment-related penalty sections in the INA, both Departments' implementing regulations reflect the civil penalty amounts. For a complete description of the civil money penalties assessed and a discussion of DHS's and DOJ's efforts to update the penalties in years past, see the IFR preamble at 81 FR 42991. Below is a table showing the 2021 adjustment for the penalties that ICE administers.¹¹

¹¹ Table 3 also includes two civil penalties that are also listed as penalties administered by CBP. These are penalties for failure to depart voluntarily, INA section 240B(d), and failure to depart after a

final order of removal, INA section 274D. Both CBP and ICE may administer these penalties, but as ICE is the DHS component primarily responsible for

assessing and collecting them, they are also listed among the penalties ICE administers.

TABLE 3—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier *	New penalty as adjusted by this final rule
Civil penalties for failure to depart voluntarily, INA section 240B(d)	8 U.S.C. 1229c(d); 8 CFR 280.53(b)(3).	\$1,625–\$8,128	1.01182	\$1,644–\$8,224
Civil penalties for violation of INA sections 274C(a)(1)–(a)(4), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(A)	481–3,855	1.01182	487–3,901
Civil penalties for violation of INA sections 274C(a)(5)–(a)(6), penalty for first offense.	8 CFR 270.3(b)(1)(ii)(B)	407–3,251	1.01182	412–3,289
Civil penalties for violation of INA sections 274C(a)(1)–(a)(4), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(C)	3,855–9,639	1.01182	3,901–9,753
Civil penalties for violation of INA sections 274C(a)(5)–(a)(6), penalty for subsequent offenses.	8 CFR 270.3(b)(1)(ii)(D)	** 3,251–8,128	1.01182	3,289–8,224
Violation/prohibition of indemnity bonds	8 CFR 274a.8(b)	2,332	1.01182	2,360
Civil penalties for knowingly hiring, recruiting, referral, or retention of unauthorized aliens—Penalty for first offense (per unauthorized alien).	8 CFR 274a.10(b)(1)(ii)(A)	583–4,667	1.01182	590–4,722
Penalty for second offense (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(B)	4,667–11,665	1.01182	4,722–11,803
Penalty for third or subsequent offense (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(C)	6,999–23,331	1.01182	7,082–23,607
Civil penalties for I–9 paperwork violations	8 CFR 274a.10(b)(2)	234–2,332	1.01182	237–2,360
Civil penalties for failure to depart, INA section 274D	8 U.S.C. 1324d; 8 CFR 280.53(b)(14).	813	1.01182	823

* Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

** The \$3,251 penalty minimum amount was erroneously listed as \$3,351 in the regulatory text of the 2020 final rule. It was correctly listed as \$3,251 in the preamble of the 2020 final rule. DHS calculated the new penalty minimum amount as adjusted by this final rule based on \$3,251.

D. U.S. Coast Guard

The Coast Guard is authorized to assess close to 150 penalties involving maritime safety and security and environmental stewardship that are critical to the continued success of Coast Guard missions. Various statutes in titles 14, 16, 19, 33, 42, 46, and 49 of the U.S.C. authorize these penalties. Titles 33 and 46 authorize the vast majority of these penalties as these statutes deal with navigation, navigable waters, and shipping. For a complete discussion of the civil monetary penalties assessed by the Coast Guard,

see the 2016 IFR preamble at 81 FR 42992.

The Coast Guard has identified the penalties it administers, adjusted those penalties for inflation, and is listing those new penalties in a table located in the CFR—specifically, Table 1 in 33 CFR 27.3. Table 1 in 33 CFR 27.3 identifies the statutes that provide the Coast Guard with civil monetary penalty authority and sets out the inflation-adjusted maximum penalty that the Coast Guard may impose pursuant to each statutory provision. Table 1 in 33 CFR 27.3 provides the current

maximum penalty for violations that occurred after November 2, 2015.¹²

The applicable civil penalty amounts for violations occurring on or before November 2, 2015, are set forth in previously published regulations amending 33 CFR part 27. To find the applicable penalty amount for a violation that occurred on or before November 2, 2015, look to the prior versions of the CFR that pertain to the date on which the violation occurred.

Table 4 below shows the 2021 adjustment for the penalties that the Coast Guard administers.

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier *	New penalty as adjusted by this final rule
Saving Life and Property	14 U.S.C. 521(c)	\$10,839	1.01182	\$10,967
Saving Life and Property; Intentional Interference with Broadcast	14 U.S.C. 521(e)	1,112	1.01182	1,125
Confidentiality of Medical Quality Assurance Records (first offense)	14 U.S.C. 936(i); 33 CFR 27.3	5,444	1.01182	5,508
Confidentiality of Medical Quality Assurance Records (subsequent offenses)	14 U.S.C. 936(i); 33 CFR 27.3	36,297	1.01182	36,726
Obstruction of Revenue Officers by Masters of Vessels	19 U.S.C. 70; 33 CFR 27.3	8,116	1.01182	8,212
Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty.	19 U.S.C. 70; 33 CFR 27.3	1,894	1.01182	1,916
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge.	19 U.S.C. 1581(d)	** 5,000	N/A	** 5,000
Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty.	19 U.S.C. 1581(d)	** 1,000	N/A	** 1,000
Anchorage Ground/Harbor Regulations General	33 U.S.C. 471; 33 CFR 27.3	11,767	1.01182	11,906
Anchorage Ground/Harbor Regulations St. Mary's river	33 U.S.C. 474; 33 CFR 27.3	812	1.01182	822
Bridges/Failure to Comply with Regulations	33 U.S.C. 495(b); 33 CFR 27.3 ...	29,707	1.01182	30,058
Bridges/Drawbridges	33 U.S.C. 499(c); 33 CFR 27.3 ...	29,707	1.01182	30,058
Bridges/Failure to Alter Bridge Obstructing Navigation	33 U.S.C. 502(c); 33 CFR 27.3 ...	29,707	1.01182	30,058
Bridges/Maintenance and Operation	33 U.S.C. 533(b); 33 CFR 27.3 ...	29,707	1.01182	30,058
Bridge to Bridge Communication; Master, Person in Charge or Pilot	33 U.S.C. 1208(a); 33 CFR 27.3 ...	2,164	1.01182	2,190
Bridge to Bridge Communication; Vessel	33 U.S.C. 1208(b); 33 CFR 27.3 ...	2,164	1.01182	2,190
Oil/Hazardous Substances: Discharges (Class I per violation)	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3.	19,277	1.01182	19,505
Oil/Hazardous Substances: Discharges (Class I total under paragraph).	33 U.S.C. 1321(b)(6)(B)(i); 33 CFR 27.3.	48,192	1.01182	48,762

¹² The Frank LoBiondo Coast Guard Authorization Act of 2018 re-designated certain

existing sections of the U.S.C., including 14 U.S.C. 88 (now 14 U.S.C. 521) and 33 U.S.C. 1232 and

1236 (now 46 U.S.C. 70036 and 70041). The table reflects those changes to the statutory citations.

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier *	New penalty as adjusted by this final rule
Oil/Hazardous Substances: Discharges (Class II per day of violation).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3.	19,277	1.01182	19,505
Oil/Hazardous Substances: Discharges (Class II total under paragraph).	33 U.S.C. 1321(b)(6)(B)(ii); 33 CFR 27.3.	240,960	1.01182	243,808
Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3.	48,192	1.01182	48,762
Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(A); 33 CFR 27.3.	1,928	1.01182	1,951
Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).	33 U.S.C. 1321(b)(7)(B); 33 CFR 27.3.	48,192	1.01182	48,762
Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).	33 U.S.C. 1321(b)(7)(C); 33 CFR 27.3.	48,192	1.01182	48,762
Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3.	5,783	1.01182	5,851
Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).	33 U.S.C. 1321(b)(7)(D); 33 CFR 27.3.	192,768	1.01182	195,047
Marine Sanitation Devices; Operating	33 U.S.C. 1322(j); 33 CFR 27.3 ..	8,116	1.01182	8,212
Marine Sanitation Devices; Sale or Manufacture	33 U.S.C. 1322(j); 33 CFR 27.3 ..	21,640	1.01182	21,896
International Navigation Rules; Operator	33 U.S.C. 1608(a); 33 CFR 27.3	15,173	1.01182	15,352
International Navigation Rules; Vessel	33 U.S.C. 1608(b); 33 CFR 27.3	15,173	1.01182	15,352
Pollution from Ships; General	33 U.S.C. 1908(b)(1); 33 CFR 27.3.	75,867	1.01182	76,764
Pollution from Ships; False Statement	33 U.S.C. 1908(b)(2); 33 CFR 27.3.	15,173	1.01182	15,352
Inland Navigation Rules; Operator	33 U.S.C. 2072(a); 33 CFR 27.3	15,173	1.01182	15,352
Inland Navigation Rules; Vessel	33 U.S.C. 2072(b); 33 CFR 27.3	15,173	1.01182	15,352
Shore Protection; General	33 U.S.C. 2609(a); 33 CFR 27.3	53,524	1.01182	54,157
Shore Protection; Operating Without Permit	33 U.S.C. 2609(b); 33 CFR 27.3	21,410	1.01182	21,663
Oil Pollution Liability and Compensation	33 U.S.C. 2716a(a); 33 CFR 27.3	48,192	1.01182	48,762
Clean Hulls	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3.	44,124	1.01182	44,646
Clean Hulls—related to false statements	33 U.S.C. 3852(a)(1)(A); 33 CFR 27.3.	58,833	1.01182	59,528
Clean Hulls—Recreational Vessel	33 U.S.C. 3852(c); 33 CFR 27.3	5,883	1.01182	5,953
Hazardous Substances, Releases, Liability, Compensation (Class I)	42 U.S.C. 9609(a); 33 CFR 27.3	58,328	1.01182	59,017
Hazardous Substances, Releases, Liability, Compensation (Class II).	42 U.S.C. 9609(b); 33 CFR 27.3	58,328	1.01182	59,017
Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	42 U.S.C. 9609(b); 33 CFR 27.3	174,985	1.01182	177,053
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment).	42 U.S.C. 9609(c); 33 CFR 27.3	58,328	1.01182	59,017
Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	42 U.S.C. 9609(c); 33 CFR 27.3	174,985	1.01182	177,053
Safe Containers for International Cargo	46 U.S.C. 80509; 33 CFR 27.3 ...	6,376	1.01182	6,451
Suspension of Passenger Service	46 U.S.C. 70305; 33 CFR 27.3 ...	63,761	1.01182	64,515
Vessel Inspection or Examination Fees	46 U.S.C. 2110(e); 33 CFR 27.3	9,639	1.01182	9,753
Alcohol and Dangerous Drug Testing	46 U.S.C. 2115; 33 CFR 27.3	7,846	1.01182	7,939
Negligent Operations: Recreational Vessels	46 U.S.C. 2302(a); 33 CFR 27.3	7,097	1.01182	7,181
Negligent Operations: Other Vessels	46 U.S.C. 2302(a); 33 CFR 27.3	35,486	1.01182	35,905
Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug.	46 U.S.C. 2302(c)(1); 33 CFR 27.3.	7,846	1.01182	7,939
Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent.	46 U.S.C. 2306(a)(4); 33 CFR 27.3.	12,219	1.01182	12,363
Vessel Reporting Requirements: Master	46 U.S.C. 2306(b)(2); 33 CFR 27.3.	2,444	1.01182	2,473
Immersion Suits	46 U.S.C. 3102(c)(1); 33 CFR 27.3.	12,219	1.01182	12,363
Inspection Permit	46 U.S.C. 3302(i)(5); 33 CFR 27.3.	2,549	1.01182	2,579
Vessel Inspection; General	46 U.S.C. 3318(a); 33 CFR 27.3	12,219	1.01182	12,363
Vessel Inspection; Nautical School Vessel	46 U.S.C. 3318(g); 33 CFR 27.3	12,219	1.01182	12,363
Vessel Inspection; Failure to Give Notice IAW 3304(b)	46 U.S.C. 3318(h); 33 CFR 27.3	2,444	1.01182	2,473
Vessel Inspection; Failure to Give Notice IAW 3309(c)	46 U.S.C. 3318(i); 33 CFR 27.3 ..	2,444	1.01182	2,473
Vessel Inspection; Vessel ≥ 1,600 Gross Tons	46 U.S.C. 3318(j)(1); 33 CFR 27.3.	24,441	1.01182	24,730
Vessel Inspection; Vessel < 1,600 Gross Tons	46 U.S.C. 3318(j)(1); 33 CFR 27.3.	4,888	1.01182	4,946
Vessel Inspection; Failure to Comply with 3311(b)	46 U.S.C. 3318(k); 33 CFR 27.3	24,441	1.01182	24,730
Vessel Inspection; Violation of 3318(b)—3318(f)	46 U.S.C. 3318(l); 33 CFR 27.3 ..	12,219	1.01182	12,363
List/count of Passengers	46 U.S.C. 3502(e); 33 CFR 27.3	254	1.01182	257
Notification to Passengers	46 U.S.C. 3504(c); 33 CFR 27.3	25,479	1.01182	25,780
Notification to Passengers; Sale of Tickets	46 U.S.C. 3504(c); 33 CFR 27.3	1,273	1.01182	1,288
Copies of Laws on Passenger Vessels; Master	46 U.S.C. 3506; 33 CFR 27.3	510	1.01182	516
Liquid Bulk/Dangerous Cargo	46 U.S.C. 3718(a)(1); 33 CFR 27.3.	63,699	1.01182	64,452
Uninspected Vessels	46 U.S.C. 4106; 33 CFR 27.3	10,705	1.01182	10,832
Recreational Vessels (maximum for related series of violations)	46 U.S.C. 4311(b)(1); 33 CFR 27.3.	337,016	1.01182	341,000
Recreational Vessels; Violation of 4307(a)	46 U.S.C. 4311(b)(1); 33 CFR 27.3.	6,740	1.01182	6,820

TABLE 4—U.S. COAST GUARD CIVIL PENALTIES ADJUSTMENTS—Continued

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier *	New penalty as adjusted by this final rule
Recreational vessels	46 U.S.C. 4311(c); 33 CFR 27.3	2,549	1.01182	2,579
Uninspected Commercial Fishing Industry Vessels	46 U.S.C. 4507; 33 CFR 27.3	10,705	1.01182	10,832
Abandonment of Barges	46 U.S.C. 4703; 33 CFR 27.3	1,814	1.01182	1,835
Load Lines	46 U.S.C. 5116(a); 33 CFR 27.3	11,665	1.01182	11,803
Load Lines; Violation of 5112(a)	46 U.S.C. 5116(b); 33 CFR 27.3	23,331	1.01182	23,607
Load Lines; Violation of 5112(b)	46 U.S.C. 5116(c); 33 CFR 27.3	11,665	1.01182	11,803
Reporting Marine Casualties	46 U.S.C. 6103(a); 33 CFR 27.3	40,640	1.01182	41,120
Reporting Marine Casualties; Violation of 6104	46 U.S.C. 6103(b); 33 CFR 27.3	10,705	1.01182	10,832
Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement	46 U.S.C. 8101(e); 33 CFR 27.3	1,928	1.01182	1,951
Manning of Inspected Vessels	46 U.S.C. 8101(f); 33 CFR 27.3	19,277	1.01182	19,505
Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG	46 U.S.C. 8101(g); 33 CFR 27.3	19,277	1.01182	19,505
Manning of Inspected Vessels; Freight Vessel < 100 GT, Small Passenger Vessel, or Sailing School Vessel	46 U.S.C. 8101(h); 33 CFR 27.3	2,549	1.01182	2,579
Watchmen on Passenger Vessels	46 U.S.C. 8102(a)	2,549	1.01182	2,579
Citizenship Requirements	46 U.S.C. 8103(f)	1,273	1.01182	1,288
Watches on Vessels; Violation of 8104(a) or (b)	46 U.S.C. 8104(i)	19,277	1.01182	19,505
Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	46 U.S.C. 8104(j)	19,277	1.01182	19,505
Staff Department on Vessels	46 U.S.C. 8302(e)	254	1.01182	257
Officer's Competency Certificates	46 U.S.C. 8304(d)	254	1.01182	257
Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge	46 U.S.C. 8502(e)	19,277	1.01182	19,505
Coastwise Pilotage; Individual	46 U.S.C. 8502(f)	19,277	1.01182	19,505
Federal Pilots	46 U.S.C. 8503	61,098	1.01182	61,820
Merchant Mariners Documents	46 U.S.C. 8701(d)	1,273	1.01182	1,288
Crew Requirements	46 U.S.C. 8702(e)	19,277	1.01182	19,505
Small Vessel Manning	46 U.S.C. 8906	40,640	1.01182	41,120
Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge	46 U.S.C. 9308(a)	19,277	1.01182	19,505
Pilotage: Great Lakes; Individual	46 U.S.C. 9308(b)	19,277	1.01182	19,505
Pilotage: Great Lakes; Violation of 9303	46 U.S.C. 9308(c)	19,277	1.01182	19,505
Failure to Report Sexual Offense	46 U.S.C. 10104(b)	10,245	1.01182	10,366
Pay Advances to Seamen	46 U.S.C. 10314(a)(2)	1,273	1.01182	1,288
Pay Advances to Seamen; Remuneration for Employment	46 U.S.C. 10314(b)	1,273	1.01182	1,288
Allotment to Seamen	46 U.S.C. 10315(c)	1,273	1.01182	1,288
Seamen Protection; General	46 U.S.C. 10321	8,831	1.01182	8,935
Coastwise Voyages; Advances	46 U.S.C. 10505(a)(2)	8,831	1.01182	8,935
Coastwise Voyages; Advances; Remuneration for Employment	46 U.S.C. 10505(b)	8,831	1.01182	8,935
Coastwise Voyages; Seamen Protection; General	46 U.S.C. 10508(b)	8,831	1.01182	8,935
Effects of Deceased Seamen	46 U.S.C. 10711	510	1.01182	516
Complaints of Unfitness	46 U.S.C. 10902(a)(2)	1,273	1.01182	1,288
Proceedings on Examination of Vessel	46 U.S.C. 10903(d)	254	1.01182	257
Permission to Make Complaint	46 U.S.C. 10907(b)	1,273	1.01182	1,288
Accommodations for Seamen	46 U.S.C. 11101(f)	1,273	1.01182	1,288
Medicine Chests on Vessels	46 U.S.C. 11102(b)	1,273	1.01182	1,288
Destitute Seamen	46 U.S.C. 11104(b)	254	1.01182	257
Wages on Discharge	46 U.S.C. 11105(c)	1,273	1.01182	1,288
Log Books; Master Failing to Maintain	46 U.S.C. 11303(a)	510	1.01182	516
Log Books; Master Failing to Make Entry	46 U.S.C. 11303(b)	510	1.01182	516
Log Books; Late Entry	46 U.S.C. 11303(c)	382	1.01182	387
Carrying of Sheath Knives	46 U.S.C. 11506	127	1.01182	129
Vessel Documentation	46 U.S.C. 12151(a)(1)	16,687	1.01182	16,884
Documentation of Vessels—Related to Activities involving mobile offshore drilling units	46 U.S.C. 12151(a)(2)	27,813	1.01182	28,142
Vessel Documentation; Fishery Endorsement	46 U.S.C. 12151(c)	127,525	1.01182	129,032
Numbering of Undocumented Vessels—Willful violation	46 U.S.C. 12309(a)	12,740	1.01182	12,891
Numbering of Undocumented Vessels	46 U.S.C. 12309(b)	2,549	1.01182	2,579
Vessel Identification System	46 U.S.C. 12507(b)	21,410	1.01182	21,663
Measurement of Vessels	46 U.S.C. 14701	46,664	1.01182	47,216
Measurement; False Statements	46 U.S.C. 14702	46,664	1.01182	47,216
Commercial Instruments and Maritime Liens	46 U.S.C. 31309	21,410	1.01182	21,663
Commercial Instruments and Maritime Liens; Mortgagor	46 U.S.C. 31330(a)(2)	21,410	1.01182	21,663
Commercial Instruments and Maritime Liens; Violation of 31329	46 U.S.C. 31330(b)(2)	53,524	1.01182	54,157
Ports and Waterway Safety Regulations	46 U.S.C. 70036(a); 33 CFR 27.3	95,881	1.01182	97,014
Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge	46 U.S.C. 70041(d)(1)(B); 33 CFR 27.3	9,639	1.01182	9,753
Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel	46 U.S.C. 70041(d)(1)(C); 33 CFR 27.3	9,639	1.01182	9,753
Vessel Navigation: Regattas or Marine Parades; Other Persons	46 U.S.C. 70041(d)(1)(D); 33 CFR 27.3	4,819	1.01182	4,876
Port Security	46 U.S.C. 70119(a)	35,486	1.01182	35,905
Port Security—Continuing Violations	46 U.S.C. 70119(b)	63,761	1.01182	64,515
Maritime Drug Law Enforcement	46 U.S.C. 70506(c)	5,883	1.01182	5,953
Hazardous Materials: Related to Vessels	49 U.S.C. 5123(a)(1)	83,439	1.01182	84,425
Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or substantial Damage to Property	49 U.S.C. 5123(a)(2)	194,691	1.01182	196,992
Hazardous Materials: Related to Vessels; Training	49 U.S.C. 5123(a)(3)	502	1.01182	508

* Office of Mgmt. and Budget, Exec. Office of the President, M-21-10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

** Enacted under the Tariff Act; exempt from inflation adjustments.

E. Transportation Security Administration

The Transportation Security Administration (TSA) is updating its civil penalties regulation in accordance with the 2015 Act. Pursuant to its statutory authority in 49 U.S.C. 46301(a)(1), (4), (5), (6), 49 U.S.C. 46301(d)(2), (8), and 49 U.S.C. 114(u), TSA may impose penalties for violations of statutes that TSA administers, including penalties for

violations of implementing regulations or orders. Note that pursuant to division K, title I, sec. 1904(b)(1)(I), of Public Law 115–254, 132 Stat. 3186, 3545 (Oct. 5, 2018), the TSA Modernization Act—part of the FAA Reauthorization Act of 2018—the former 49 U.S.C. 114(v), which relates to penalties, was re-designated as 49 U.S.C. 114(u).

TSA assesses these penalties for a wide variety of aviation and surface security requirements, including

violations of TSA's requirements applicable to Transportation Worker Identification Credentials (TWIC),¹³ as well as violations of requirements described in chapter 449 of title 49 of the U.S.C. These penalties can apply to a wide variety of situations, as described in the statutory and regulatory provisions, as well as in guidance that TSA publishes. Below is a table showing the 2021 adjustment for the penalties that TSA administers.

TABLE 5—TRANSPORTATION SECURITY ADMINISTRATION CIVIL PENALTIES ADJUSTMENTS

Penalty name	Citation	Penalty amount as adjusted in the 2020 FR	Multiplier *	New penalty as adjusted by this final rule
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by a person operating an aircraft for the transportation of passengers or property for compensation.	49 U.S.C. 46301(a)(1), (4), (5), (6); 49 U.S.C. 46301(d)(2), (8); 49 CFR 1503.401(c)(3).	\$34,777 (up to a total of \$556,419 per civil penalty action).	1.01182	\$35,188 (up to a total of \$562,996 per civil penalty action).
Violation of 49 U.S.C. ch. 449 (except secs. 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909), or 49 U.S.C. 46302 or 46303, a regulation prescribed, or order issued thereunder by an individual (except an airman serving as an airman), any person not operating an aircraft for the transportation of passengers or property for compensation, or a small business concern.	49 U.S.C. 46301(a)(1), (4), (5); 49 U.S.C. 46301(d)(8); 49 CFR 1503.401(c)(1) and (2).	\$13,910 (up to a total of \$69,553 total for small businesses, \$556,419 for others).	1.01182	\$14,074 (up to a total of \$70,375 for small businesses, \$562,996 for others).
Violation of any other provision of title 49 U.S.C. or of 46 U.S.C. ch. 701, a regulation prescribed, or order issued thereunder.	49 U.S.C. 114(u); 49 CFR 1503.401(b).	\$11,904 (up to a total of \$59,522 total for small businesses, \$476,174 for others) **.	1.01182	\$12,045 (up to a total of \$60,226 total for small businesses, \$481,802 for others).

* Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

** The \$476,174 penalty amount was erroneously listed as \$76,174 in the preamble of the 2020 final rule. It was correctly listed as \$476,174 in the regulatory text of the 2020 final rule. DHS calculated the new penalty amount as adjusted by this final rule based on \$476,174.

IV. Administrative Procedure Act

DHS is promulgating this final rule to ensure that the amount of civil penalties that DHS assesses or enforces reflects the statutorily mandated ranges as adjusted for inflation. The 2015 Act provides a clear formula for adjustment of the civil penalties, leaving DHS and its components with little room for discretion. DHS and its components have been charged only with performing ministerial computations to determine the amounts of adjustments for inflation to civil monetary penalties. In these annual adjustments DHS is merely updating the penalty amounts by applying the cost-of-living adjustment multiplier that OMB has provided to agencies. Furthermore, the 2015 Act specifically instructed that agencies make the required annual adjustments notwithstanding section 553 of title 5 of the U.S.C. Thus, as specified in the 2015 Act, the prior public notice-and-

comment procedures and delayed effective date requirements of the Administrative Procedure Act (APA) do not apply to this rule. Further, as described above, this rule makes minor amendments to the regulations to reflect changes required by clear statutory authority, and DHS finds that prior notice and comment procedures and a delayed effective date for these amendments are unnecessary.

V. Regulatory Analyses

A. Executive Orders 12866 and 13563

Executive Orders 12866 (“Regulatory Planning and Review”) and 13563 (“Improving Regulation and Regulatory Review”) 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 (including potential economic, environmental, public health and safety

effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

OMB has not designated this final rule a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this rule.

This final rule makes nondiscretionary adjustments to existing civil monetary penalties in accordance with the 2015 Act and OMB guidance.¹⁴ DHS therefore did not consider alternatives and does not have the flexibility to alter the adjustments of the civil monetary penalty amounts as provided in this rule. To the extent this final rule increases civil monetary penalties, it would result in an increase in transfers from persons or entities

¹³ See, e.g., 46 U.S.C. 70105, 49 U.S.C. 46302 and 46303, and 49 U.S.C. chapter 449.

¹⁴ Office of Mgmt. and Budget, Exec. Office of the President, M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act

Improvements Act of 2015 (Dec. 23, 2020) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

assessed a civil monetary penalty to the government.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act applies only to rules for which an agency publishes a notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). See 5 U.S.C. 601–612. The Regulatory Flexibility Act does not apply to this final rule because a notice of proposed rulemaking was not required for the reasons stated above.

C. 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. This final rule will not result in such an expenditure.

D. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule, because this final rule does not trigger any new or revised recordkeeping or reporting.

VI. Signing Authorities

The amendments to 19 CFR part 4 in this document are issued in accordance with 19 CFR 0.2(a), which provides that the authority of the Secretary of the Treasury with respect to CBP regulations that are not related to customs revenue functions was transferred to the Secretary of Homeland Security pursuant to Section 403(l) of the Homeland Security Act of 2002. Accordingly, this final rule to amend such regulations may be signed by the Secretary of Homeland Security (or his or her delegate).

List of Subjects

6 CFR Part 27

Reporting and recordkeeping requirements, Security measures.

8 CFR Part 270

Administrative practice and procedure, Aliens, Employment, Fraud, Penalties.

8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

8 CFR Part 280

Administrative practice and procedure, Immigration, Penalties.

19 CFR Part 4

Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

33 CFR Part 27

Administrative practice and procedure, Penalties.

49 CFR Part 1503

Administrative practice and procedure, Investigations, Law enforcement, Penalties.

Amendments to the Regulations

Accordingly, for the reasons stated in the preamble, DHS is amending 6 CFR part 27, 8 CFR parts 270, 274a, and 280, 19 CFR part 4, 33 CFR part 27, and 49 CFR part 1503 as follows:

Title 6—Domestic Security

PART 27—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

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

Authority: 6 U.S.C. 624; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599; Pub. L. 113–254, 128 Stat. 2898, as amended by Pub. L. 116–150, 134 Stat. 679.

■ 2. In § 27.300, revise paragraph (b)(3) to read as follows:

§ 27.300 Orders.

* * * * *

(b) * * *

(3) Where the Assistant Secretary determines that a facility is in violation of an Order issued pursuant to paragraph (a) of this section and issues an Order Assessing Civil Penalty pursuant to paragraph (b)(1) of this section, a chemical facility is liable to the United States for a civil penalty of not more than \$25,000 for each day during which the violation continues, if the violation of the Order occurred on or before November 2, 2015, or \$35,905 for each day during which the violation of the Order continues, if the violation occurred after November 2, 2015.

* * * * *

Title 8—Aliens and Nationality

PART 270—PENALTIES FOR DOCUMENT FRAUD

■ 3. The authority citation for part 270 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, and 1324c; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 104–134, 110 Stat. 1321 and Pub. L. 114–74, 129 Stat. 599.

■ 4. In § 270.3, revise paragraphs (b)(1)(ii)(A) through (D) to read as follows:

§ 270.3 Penalties.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A) *First offense under section 274C(a)(1) through (a)(4).* Not less than \$275 and not exceeding \$2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; not less than \$375 and not exceeding \$3,200 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act on or after March 27, 2008, and on or before November 2, 2015; and not less than \$487 and not exceeding \$3,901 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(B) *First offense under section 274C(a)(5) or (a)(6).* Not less than \$250 and not exceeding \$2,000 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act before March 27, 2008; not less than \$275 and not exceeding \$2,200 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act on or after March 27, 2008, and on or before November 2, 2015; and not less than \$412 and not exceeding \$3,289 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

(C) *Subsequent offenses under section 274C(a)(1) through (a)(4).* Not less than \$2,200 and not more than \$5,500 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act before March 27, 2008; not less than \$3,200 and not exceeding \$6,500 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$3,901 and not more than \$9,753 for each fraudulent document or each proscribed activity described in section 274C(a)(1) through (a)(4) of the Act after November 2, 2015.

(D) *Subsequent offenses under section 274C(a)(5) or (a)(6).* Not less than \$2,000 and not more than \$5,000 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act before March 27, 2008; not less than \$2,200 and not exceeding \$5,500 for each fraudulent

document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act occurring on or after March 27, 2008 and on or before November 2, 2015; and not less than \$3,289 and not more than \$8,224 for each fraudulent document or each proscribed activity described in section 274C(a)(5) or (a)(6) of the Act after November 2, 2015.

* * * * *

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 5. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1105a, 1324a; 48 U.S.C. 1806; 8 CFR part 2; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 6. In § 274a.8, revise paragraph (b) to read as follows:

§ 274a.8 Prohibition of indemnity bonds.

* * * * *

(b) *Penalty.* Any person or other entity who requires any individual to post a bond or security as stated in this section shall, after notice and opportunity for an administrative hearing in accordance with section 274A(e)(3)(B) of the Act, be subject to a civil monetary penalty of \$1,000 for each violation before September 29, 1999, of \$1,100 for each violation occurring on or after September 29, 1999, but on or before November 2, 2015, and of \$2,360 for each violation occurring after November 2, 2015, and to an administrative order requiring the return to the individual of any amounts received in violation of this section or, if the individual cannot be located, to the general fund of the Treasury.

■ 7. In § 274a.10, revise paragraphs (b)(1)(ii)(A) through (C) and the first sentence of paragraph (b)(2) introductory text to read as follows:

§ 274a.10 Penalties.

* * * * *

- (b) * * *
- (1) * * *
- (ii) * * *

(A) First offense—not less than \$275 and not more than \$2,200 for each unauthorized alien with respect to whom the offense occurred before March 27, 2008; not less than \$375 and not exceeding \$3,200, for each unauthorized alien with respect to whom the offense occurred occurring on or after March 27, 2008, and on or before November 2, 2015; and not less than \$590 and not more than \$4,722 for each unauthorized alien with respect to whom the offense occurred occurring after November 2, 2015;

(B) Second offense—not less than \$2,200 and not more than \$5,500 for each unauthorized alien with respect to whom the second offense occurred before March 27, 2008; not less than \$3,200 and not more than \$6,500, for each unauthorized alien with respect to whom the second offense occurred on or after March 27, 2008, and on or before November 2, 2015; and not less than \$4,722 and not more than \$11,803 for each unauthorized alien with respect to whom the second offense occurred after November 2, 2015; or

(C) More than two offenses—not less than \$3,300 and not more than \$11,000 for each unauthorized alien with respect to whom the third or subsequent offense occurred before March 27, 2008; not less than \$4,300 and not exceeding \$16,000, for each unauthorized alien with respect to whom the third or subsequent offense occurred on or after March 27, 2008, and on or before November 2, 2015; and not less than \$7,082 and not more than \$23,607 for each unauthorized alien with respect to whom the third or subsequent offense occurred after November 2, 2015; and

* * * * *

(2) A respondent determined by the Service (if a respondent fails to request a hearing) or by an administrative law judge, to have failed to comply with the employment verification requirements as set forth in § 274a.2(b), shall be subject to a civil penalty in an amount of not less than \$100 and not more than \$1,000 for each individual with respect to whom such violation occurred before September 29, 1999; not less than \$110 and not more than \$1,100 for each individual with respect to whom such violation occurred on or after September 29, 1999, and on or before November 2, 2015; and not less than \$237 and not more than \$2,360 for each individual with respect to whom such violation occurred after November 2, 2015. * * *

* * * * *

PART 280—IMPOSITION AND COLLECTION OF FINES

■ 8. The authority citation for part 280 continues to read as follows:

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 9. In § 280.53, revise paragraphs (b)(1) through (15) to read as follows:

§ 280.53 Civil monetary penalties inflation adjustment.

* * * * *

- (b) * * *

(1) Section 231(g) of the Act, penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States: From \$1,419 to \$1,436.

(2) Section 234 of the Act, penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens: From \$3,855 to \$3,901.

(3) Section 240B(d) of the Act, penalties for failure to depart voluntarily: From \$1,625 minimum/\$8,128 maximum to \$1,644 minimum/\$8,224 maximum.

(4) Section 243(c)(1)(A) of the Act, penalties for violations of removal orders relating to aliens transported on vessels or aircraft, under section 241(d) of the Act, or for costs associated with removal under section 241(e) of the Act: From \$3,251 to \$3,289.

(5) Penalties for failure to remove alien stowaways under section 241(d)(2) of the Act: From \$8,128 to \$8,224.

(6) Section 251(d) of the Act, penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest or lists required in accordance with section 251 of the Act: From \$385 to \$390; and penalties for use of alien crewmen for longshore work in violation of section 251(d) of the Act: From \$9,639 to \$9,753.

(7) Section 254(a) of the Act, penalties for failure to control, detain, or remove alien crewmen: From \$964 minimum/\$5,783 maximum to \$975 minimum/\$5,851 maximum.

(8) Section 255 of the Act, penalties for employment on passenger vessels of aliens afflicted with certain disabilities: From \$1,928 to \$1,951.

(9) Section 256 of the Act, penalties for discharge of alien crewmen: From \$2,891 minimum/\$5,783 maximum to \$2,925 minimum/\$5,851 maximum.

(10) Section 257 of the Act, penalties for bringing into the United States alien crewmen with intent to evade immigration laws: From \$19,277 maximum to \$19,505 maximum.

(11) Section 271(a) of the Act, penalties for failure to prevent the unauthorized landing of aliens: From \$5,783 to \$5,851.

(12) Section 272(a) of the Act, penalties for bringing to the United States aliens subject to denial of admission on a health-related ground: From \$5,783 to \$5,851.

(13) Section 273(b) of the Act, penalties for bringing to the United States aliens without required documentation: From \$5,783 to \$5,851.

(14) Section 274D of the Act, penalties for failure to depart: From \$813 maximum to \$823 maximum, for each day the alien is in violation.

(15) Section 275(b) of the Act, penalties for improper entry: From \$81 minimum/\$407 maximum to \$82 minimum/\$412 maximum, for each entry or attempted entry.

Title 19—Customs Duties

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

■ 10. The authority citation for part 4 continues to read in part as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1415, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

* * * * *

Sections 4.80, 4.80a, and 4.80b also issued under 19 U.S.C. 1706a; 28 U.S.C. 2461 note; 46 U.S.C. 12112, 12117, 12118, 50501–55106, 55107, 55108, 55110, 55114, 55115, 55116, 55117, 55119, 56101, 55121, 56101, 57109; Pub. L. 108–7, Division B, Title II, § 211;

* * * * *

Section 4.92 also issued under 28 U.S.C. 2461 note; 46 U.S.C. 55111;

* * * * *

■ 11. In § 4.80, revise paragraphs (b)(2) and (i) to read as follows:

§ 4.80 Vessels entitled to engage in coastwise trade.

* * * * *

(b) * * *

(2) The penalty imposed for the unlawful transportation of passengers between coastwise points is \$300 for each passenger so transported and landed on or before November 2, 2015, and \$822 for each passenger so transported and landed after November 2, 2015 (46 U.S.C. 55103, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015).

* * * * *

(i) Any vessel, entitled to be documented and not so documented, employed in a trade for which a Certificate of Documentation is issued under the vessel documentation laws (see § 4.0(c)), other than a trade covered by a registry, is liable to a civil penalty of \$500 for each port at which it arrives without the proper Certificate of Documentation on or before November 2, 2015, and \$1,368 for each port at which it arrives without the proper Certificate of Documentation after November 2, 2015 (19 U.S.C. 1706a, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015). If such a vessel has on board any foreign merchandise (sea stores excepted), or any domestic taxable alcoholic beverages, on which the duty and taxes have not been paid or secured to be paid, the vessel and its cargo are subject to seizure and forfeiture.

■ 12. In § 4.92, revise the third sentence to read as follows:

§ 4.92 Towing.

* * * The penalties for violation of this section occurring after November 2, 2015, are a fine of from \$957 to \$3,011 against the owner or master of the towing vessel and a further penalty against the towing vessel of \$164 per ton of the towed vessel (46 U.S.C. 55111, as adjusted by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015).

Title 33—Navigation and Navigable Waters

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

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

Authority: Secs. 1–6, Pub. L. 101–410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Pub. L. 104–134, 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

■ 14. In § 27.3, revise the third sentence of the introductory text and table 1 to read as follows:

§ 27.3 Penalty adjustment table.

* * * The adjusted civil penalty amounts listed in Table 1 to this section are applicable for penalty assessments issued after October 18, 2021, with respect to violations occurring after November 2, 2015. * * *

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Civil monetary penalty description	2021 Adjusted maximum penalty amount (\$)
14 U.S.C. 521(c)	Saving Life and Property	\$10,967
14 U.S.C. 521(e)	Saving Life and Property; Intentional Interference with Broadcast	1,125
14 U.S.C. 936(i)	Confidentiality of Medical Quality Assurance Records (first offense)	5,508
14 U.S.C. 936(i)	Confidentiality of Medical Quality Assurance Records (subsequent offenses)	36,726
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels	8,212
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty	1,916
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge ¹	5,000
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty ¹	1,000
33 U.S.C. 471	Anchorage Ground/Harbor Regulations General	11,906
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary's River	822
33 U.S.C. 495(b)	Bridges/Failure to Comply with Regulations	30,058
33 U.S.C. 499(c)	Bridges/Drawbridges	30,058
33 U.S.C. 502(c)	Bridges/Failure to Alter Bridge Obstructing Navigation	30,058
33 U.S.C. 533(b)	Bridges/Maintenance and Operation	30,058
33 U.S.C. 1208(a)	Bridge to Bridge Communication; Master, Person in Charge or Pilot	2,190
33 U.S.C. 1208(b)	Bridge to Bridge Communication; Vessel	2,190
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I per violation)	19,505
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I total under paragraph)	48,762
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II per day of violation)	19,505
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II total under paragraph)	243,808
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment	48,762
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment	1,951
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment)	48,762

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	2021 Adjusted maximum penalty amount (\$)
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).	48,762
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.	5,851
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).	195,047
33 U.S.C. 1322(j)	Marine Sanitation Devices; Operating	8,212
33 U.S.C. 1322(j)	Marine Sanitation Devices; Sale or Manufacture	21,896
33 U.S.C. 1608(a)	International Navigation Rules; Operator	15,352
33 U.S.C. 1608(b)	International Navigation Rules; Vessel	15,352
33 U.S.C. 1908(b)(1)	Pollution from Ships; General	76,764
33 U.S.C. 1908(b)(2)	Pollution from Ships; False Statement	15,352
33 U.S.C. 2072(a)	Inland Navigation Rules; Operator	15,352
33 U.S.C. 2072(b)	Inland Navigation Rules; Vessel	15,352
33 U.S.C. 2609(a)	Shore Protection; General	54,157
33 U.S.C. 2609(b)	Shore Protection; Operating Without Permit	21,663
33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation	48,762
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; Civil Enforcement	44,646
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; related to false statements	59,528
33 U.S.C. 3852(c)	Clean Hulls; Recreational Vessels	5,953
42 U.S.C. 9609(a)	Hazardous Substances, Releases, Liability, Compensation (Class I)	59,017
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II)	59,017
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	177,053
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment)	59,017
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	177,053
46 U.S.C. 80509(a)	Safe Containers for International Cargo	6,451
46 U.S.C. 70305(c)	Suspension of Passenger Service	64,515
46 U.S.C. 2110(e)	Vessel Inspection or Examination Fees	9,753
46 U.S.C. 2115	Alcohol and Dangerous Drug Testing	7,939
46 U.S.C. 2302(a)	Negligent Operations: Recreational Vessels	7,181
46 U.S.C. 2302(a)	Negligent Operations: Other Vessels	35,905
46 U.S.C. 2302(c)(1)	Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug	7,939
46 U.S.C. 2306(a)(4)	Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent	12,363
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	2,473
46 U.S.C. 3102(c)(1)	Immersion Suits	12,363
46 U.S.C. 3302(i)(5)	Inspection Permit	2,579
46 U.S.C. 3318(a)	Vessel Inspection; General	12,363
46 U.S.C. 3318(g)	Vessel Inspection; Nautical School Vessel	12,363
46 U.S.C. 3318(h)	Vessel Inspection; Failure to Give Notice IAW 3304(b)	2,473
46 U.S.C. 3318(i)	Vessel Inspection; Failure to Give Notice IAW 3309(c)	2,473
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel ≥1600 Gross Tons	24,730
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel <1600 Gross Tons	4,946
46 U.S.C. 3318(k)	Vessel Inspection; Failure to Comply with 3311(b)	24,730
46 U.S.C. 3318(l)	Vessel Inspection; Violation of 3318(b)–3318(f)	12,363
46 U.S.C. 3502(e)	List/count of Passengers	257
46 U.S.C. 3504(c)	Notification to Passengers	25,780
46 U.S.C. 3504(c)	Notification to Passengers; Sale of Tickets	1,288
46 U.S.C. 3506	Copies of Laws on Passenger Vessels; Master	516
46 U.S.C. 3718(a)(1)	Liquid Bulk/Dangerous Cargo	64,452
46 U.S.C. 4106	Uninspected Vessels	10,832
46 U.S.C. 4311(b)(1)	Recreational Vessels (maximum for related series of violations)	341,000
46 U.S.C. 4311(b)(1)	Recreational Vessels; Violation of 4307(a)	6,820
46 U.S.C. 4311(c)	Recreational Vessels	2,579
46 U.S.C. 4507	Uninspected Commercial Fishing Industry Vessels	10,832
46 U.S.C. 4703	Abandonment of Barges	1,835
46 U.S.C. 5116(a)	Load Lines	11,803
46 U.S.C. 5116(b)	Load Lines; Violation of 5112(a)	23,607
46 U.S.C. 5116(c)	Load Lines; Violation of 5112(b)	11,803
46 U.S.C. 6103(a)	Reporting Marine Casualties	41,120
46 U.S.C. 6103(b)	Reporting Marine Casualties;	10,832
46 U.S.C. 6104	Violation of 6104	
46 U.S.C. 8101(e)	Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement	1,951
46 U.S.C. 8101(f)	Manning of Inspected Vessels	19,505
46 U.S.C. 8101(g)	Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	19,505
46 U.S.C. 8101(h)	Manning of Inspected Vessels; Freight Vessel <100 GT, Small Passenger Vessel, or Sailing School Vessel.	2,579

TABLE 1 TO § 27.3—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	2021 Adjusted maximum penalty amount (\$)
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels	2,579
46 U.S.C. 8103(f)	Citizenship Requirements	1,288
46 U.S.C. 8104(i)	Watches on Vessels; Violation of 8104(a) or (b)	19,505
46 U.S.C. 8104(j)	Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	19,505
46 U.S.C. 8302(e)	Staff Department on Vessels	257
46 U.S.C. 8304(d)	Officer's Competency Certificates	257
46 U.S.C. 8502(e)	Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	19,505
46 U.S.C. 8502(f)	Coastwise Pilotage; Individual	19,505
46 U.S.C. 8503	Federal Pilots	61,820
46 U.S.C. 8701(d)	Merchant Mariners Documents	1,288
46 U.S.C. 8702(e)	Crew Requirements	19,505
46 U.S.C. 8906	Small Vessel Manning	41,120
46 U.S.C. 9308(a)	Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	19,505
46 U.S.C. 9308(b)	Pilotage: Great Lakes; Individual	19,505
46 U.S.C. 9308(c)	Pilotage: Great Lakes; Violation of 9303	19,505
46 U.S.C. 10104(b)	Failure to Report Sexual Offense	10,366
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen	1,288
46 U.S.C. 10314(b)	Pay Advances to Seamen; Remuneration for Employment	1,288
46 U.S.C. 10315(c)	Allotment to Seamen	1,288
46 U.S.C. 10321	Seamen Protection; General	8,935
46 U.S.C. 10505(a)(2)	Coastwise Voyages: Advances	8,935
46 U.S.C. 10505(b)	Coastwise Voyages: Advances; Remuneration for Employment	8,935
46 U.S.C. 10508(b)	Coastwise Voyages: Seamen Protection; General	8,935
46 U.S.C. 10711	Effects of Deceased Seamen	516
46 U.S.C. 10902(a)(2)	Complaints of Unfitness	1,288
46 U.S.C. 10903(d)	Proceedings on Examination of Vessel	257
46 U.S.C. 10907(b)	Permission to Make Complaint	1,288
46 U.S.C. 11101(f)	Accommodations for Seamen	1,288
46 U.S.C. 11102(b)	Medicine Chests on Vessels	1,288
46 U.S.C. 11104(b)	Destitute Seamen	257
46 U.S.C. 11105(c)	Wages on Discharge	1,288
46 U.S.C. 11303(a)	Log Books; Master Failing to Maintain	516
46 U.S.C. 11303(b)	Log Books; Master Failing to Make Entry	516
46 U.S.C. 11303(c)	Log Books; Late Entry	387
46 U.S.C. 11506	Carrying of Sheath Knives	129
46 U.S.C. 12151(a)(1)	Vessel Documentation	16,884
46 U.S.C. 12151(a)(2)	Documentation of Vessels—Related to activities involving mobile offshore drilling units	28,142
46 U.S.C. 12151(c)	Vessel Documentation; Fishery Endorsement	129,032
46 U.S.C. 12309(a)	Numbering of Undocumented Vessels—Willful violation	12,891
46 U.S.C. 12309(b)	Numbering of Undocumented Vessels	2,579
46 U.S.C. 12507(b)	Vessel Identification System	21,663
46 U.S.C. 14701	Measurement of Vessels	47,216
46 U.S.C. 14702	Measurement; False Statements	47,216
46 U.S.C. 31309	Commercial Instruments and Maritime Liens	21,663
46 U.S.C. 31330(a)(2)	Commercial Instruments and Maritime Liens; Mortgagor	21,663
46 U.S.C. 31330(b)(2)	Commercial Instruments and Maritime Liens; Violation of 31329	54,157
46 U.S.C. 70036(a)	Ports and Waterways Safety Regulations	97,014
46 U.S.C. 70041(d)(1)(B)	Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge	9,753
46 U.S.C. 70041(d)(1)(C)	Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel	9,753
46 U.S.C. 70041(d)(1)(D)	Vessel Navigation: Regattas or Marine Parades; Other Persons	4,876
46 U.S.C. 70119(a)	Port Security	35,905
46 U.S.C. 70119(b)	Port Security—Continuing Violations	64,515
46 U.S.C. 70506	Maritime Drug Law Enforcement; Penalties	5,953
49 U.S.C. 5123(a)(1)	Hazardous Materials: Related to Vessels—Maximum Penalty	84,425
49 U.S.C. 5123(a)(2)	Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or Substantial Damage to Property.	196,992
49 U.S.C. 5123(a)(3)	Hazardous Materials: Related to Vessels—Training	508

¹ Enacted under the Tariff Act of 1930 exempt from inflation adjustments.

Title 49—Transportation**PART 1503—INVESTIGATIVE AND ENFORCEMENT PROCEDURES**

■ 15. The authority citation for part 1503 continues to read as follows:

Authority: 6 U.S.C. 1142; 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 114, 20109, 31105, 40113–40114, 40119, 44901–44907, 46101–46107, 46109–46110, 46301, 46305, 46311, 46313–46314; Pub. L. 104–134, as amended by Pub. L. 114–74.

■ 16. In § 1503.401, revise paragraphs (b)(1) and (2) and (c)(1), (2), and (3) to read as follows:

§ 1503.401 Maximum penalty amounts.

* * * * *

(b) * * *

(1) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$50,000 per civil penalty action, in the case of an individual or small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632). For violations that occurred after November 2, 2015, \$12,045 per violation, up to a total of \$60,226 per civil penalty action, in the case of an individual or small business concern; and

(2) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of any other person. For violations that occurred after November 2, 2015, \$12,045 per violation, up to a total of \$481,802 per civil penalty action, in the case of any other person.

(c) * * *

(1) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$50,000 per civil penalty action, in the case of an individual or small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632). For violations that occurred after November 2, 2015, \$14,074 per violation, up to a total of \$70,375 per civil penalty action, in the case of an individual (except an airman serving as an airman), or a small business concern.

(2) For violations that occurred on or before November 2, 2015, \$10,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of any other person (except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation. For violations that occurred after November 2, 2015, \$14,074 per violation, up to a total of \$562,996 per civil penalty action, in the case of any other person

(except an airman serving as an airman) not operating an aircraft for the transportation of passengers or property for compensation.

(3) For violations that occurred on or before November 2, 2015, \$25,000 per violation, up to a total of \$400,000 per civil penalty action, in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman). For violations that occurred after November 2, 2015, \$35,188 per violation, up to a total of \$562,996 per civil penalty action, in the case of a person (except an individual serving as an airman) operating an aircraft for the transportation of passengers or property for compensation.

Jonathan E. Meyer,

General Counsel, U.S. Department of Homeland Security.

[FR Doc. 2021–22564 Filed 10–15–21; 8:45 am]

BILLING CODE 9110–04–P, 9110–05–P, 9110–9–P, 9111–14–P, 9111–28–P

DEPARTMENT OF AGRICULTURE**Food and Nutrition Service****7 CFR Parts 210, 220 and 226**

[FNS–2011–0029]

RIN 0584–AE18

CACFP Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010; Technical Amendments

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Technical amendments.

SUMMARY: On October 1, 2021, the requirement to credit grains served in the Child and Adult Care Food Program (CACFP) in “ounce equivalents” was implemented. This action also applied to the crediting of grains served to infants and toddlers in the National School Lunch and School Breakfast Programs. This document corrects the final regulations to align meal pattern tables and corresponding endnotes with regulatory requirements.

DATES: Effective October 18, 2021 and applicable on October 1, 2021.

FOR FURTHER INFORMATION CONTACT:

Alice McKenney, Branch Chief, Child Nutrition Division, 703–305–2590.

SUPPLEMENTARY INFORMATION: This is a summary of technical amendments to CACFP Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of

2010, published April 25, 2016 (81 FR 24347) and Delayed Implementation of Grains Ounce Equivalents in the Child and Adult Care Food Program, published September 25, 2019 (84 FR 50287), which allowed a two-year delay of crediting of grains by ounce equivalents, until October 1, 2021. FNS is making changes to update the infant meal pattern tables and endnotes at 7 CFR 210.10(o), 210.10(q), 220.8(p), and 226.20(c); preschool meal pattern tables and endnotes at 7 CFR 210.10(o), 210.10(p), and 220.8(o); and meal pattern tables, text and endnotes for infants, children and adult participants at 7 CFR 226.20(c). These changes are consistent with regulatory requirements implemented as of October 1, 2021.

List of Subjects**7 CFR Part 210**

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Penalties, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

7 CFR Part 220

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Reporting and recordkeeping requirements, School breakfast and lunch programs.

7 CFR Part 226

Accounting, Aged, Day care, Food assistance programs, Grant programs, Grant programs—health, American Indians, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, 7 CFR parts 210, 220, and 226 are amended by making the following technical amendments:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

■ 1. The authority citation for part 210 continues to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

■ 2. Amend § 210.10 by revising the tables in paragraphs (o)(3)(ii), (o)(4)(ii), (p)(2) and (q)(2) to read as follows:

§ 210.10 Meal requirements for lunches and requirements for afterschool snacks.

* * * * *

(o) * * *

(3) * * *

(ii) * * *

TABLE 5 TO PARAGRAPH (o)(3)(ii)—PRESCHOOL SNACK MEAL PATTERN

Food components and food items ¹	Minimum quantities	
	Ages 1–2	Ages 3–5
Fluid Milk ²	4 fluid ounces	4 fluid ounces.
Meat/meat alternates (edible portion as served):		
Lean meat, poultry, or fish	1/2 ounce	1/2 ounce.
Tofu, soy products, or alternate protein products ³	1/2 ounce	1/2 ounce.
Cheese	1/2 ounce	1/2 ounce.
Large egg	1/2	1/2.
Cooked dry beans or peas	1/8 cup	1/8 cup.
Peanut butter or soy nut butter or other nut or seed butters	1 Tbsp	1 Tbsp.
Yogurt, plain or flavored unsweetened or sweetened ⁴	2 ounces or 1/4 cup	2 ounces or 1/4 cup.
Peanuts, soy nuts, tree nuts, or seeds	1/2 ounce	1/2 ounce.
Vegetables ⁵	1/2 cup	1/2 cup.
Fruits ⁵	1/2 cup	1/2 cup.
Grains (oz eq) ^{6 7 8}	1/2 ounce equivalent	1/2 ounce equivalent.

Endnotes:¹ Select two of the five components for a reimbursable snack. Only one of the two components may be a beverage.² Must be unflavored whole milk for children age one. Must be unflavored low-fat (1 percent) or unflavored fat-free (skim) milk for children two through five years old.³ Alternate protein products must meet the requirements in Appendix A to Part 226 of this chapter.⁴ Yogurt must contain no more than 23 grams of total sugars per 6 ounces.⁵ Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.⁶ At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.⁷ Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).⁸ Refer to FNS guidance for additional information on crediting different types of grains.

(4) * * *

(ii) * * *

TABLE 6 TO PARAGRAPH (o)(4)(ii)—INFANT SNACK MEAL PATTERN

Birth through 5 months	6 through 11 months
4–6 fluid ounces breastmilk ¹ or formula ²	2–4 fluid ounces breastmilk ¹ or formula; ² and 0–1/2 ounce equivalent bread; ^{3 4} or 0–1/4 ounce equivalent crackers; ^{3 4} or 0–1/2 ounce equivalent infant cereal ^{2 4} or ready-to-eat breakfast cereal; ^{3 4 5 6} and 0–2 tablespoons vegetable or fruit, or a combination of both. ^{6 7}

¹ Breastmilk or formula, or portions of both, must be served; however, it is recommended that breastmilk be served in place of formula from birth through 11 months. For some breastfed infants who regularly consume less than the minimum amount of breastmilk per feeding, a serving of less than the minimum amount of breastmilk may be offered, with additional breastmilk offered at a later time if the infant will consume more.² Infant formula and dry infant cereal must be iron-fortified.³ A serving of grains must be whole grain-rich, enriched meal, or enriched flour.⁴ Refer to FNS guidance for additional information on crediting different types of grains.⁵ Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).⁶ A serving of this component is required when the infant is developmentally ready to accept it.⁷ Fruit and vegetable juices must not be served.

(p) * * *

(2) * * *

TABLE 7 TO PARAGRAPH (p)(2)—PRESCHOOL LUNCH MEAL PATTERN

Food components and food items ¹	Minimum quantities	
	Ages 1–2	Ages 3–5
Fluid Milk ²	4 fluid ounces	6 fluid ounces.
Meat/meat alternates (edible portion as served):		
Lean meat, poultry, or fish	1 ounce	1 1/2 ounces.
Tofu, soy products, or alternate protein products ³	1 ounce	1 1/2 ounces.
Cheese	1 ounce	1 1/2 ounces.
Large egg	1/2	3/4.
Cooked dry beans or peas	1/4 cup	3/8 cup.
Peanut butter or soy nut butter or other nut or seed butters	2 Tbsp	3 Tbsp.
Yogurt, plain or flavored unsweetened or sweetened ⁴	4 ounces or 1/2 cup	6 ounces or 3/4 cup.

TABLE 7 TO PARAGRAPH (p)(2)—PRESCHOOL LUNCH MEAL PATTERN—Continued

Food components and food items ¹	Minimum quantities	
	Ages 1–2	Ages 3–5
The following may be used to meet no more than 50% of the requirement: Peanuts, soy nuts, tree nuts, or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternates (1 ounce of nuts/seeds = 1 ounce of cooked lean meat, poultry, or fish).	½ ounce = 50%	¾ ounce = 50%.
Vegetables ^{5 6}	⅛ cup	¼ cup.
Fruits ^{5 6}	⅛ cup	¼ cup.
Grains (oz eq) ^{7 8 9}	½ ounce equivalent	½ ounce equivalent.

Endnotes:¹ Must serve all five components for a reimbursable meal.² Must be unflavored whole milk for children age one. Must be unflavored low-fat (1 percent) or unflavored fat-free (skim) milk for children two through five years old.³ Alternate protein products must meet the requirements in Appendix A to Part 226 of this chapter.⁴ Yogurt must contain no more than 23 grams of total sugars per 6 ounces.⁵ Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.⁶ A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or supper, two different kinds of vegetables must be served.⁷ At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards the grains requirement.⁸ Refer to FNS guidance for additional information on crediting different types of grains.⁹ Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

(q) * * *

(2) * * *

TABLE 8 TO PARAGRAPH (q)(2)—INFANT LUNCH MEAL PATTERN

Birth through 5 months	6 through 11 months
4–6 fluid ounces breastmilk ¹ or formula ²	6–8 fluid ounces breastmilk ¹ or formula; ² and 0–½ ounce equivalent infant cereal; ^{2 3} or 0–4 tablespoons meat, fish, poultry, whole egg, cooked dry beans, or cooked dry peas; or 0–2 ounces of cheese; or 0–4 ounces (volume) of cottage cheese; or 0–4 ounces or ½ cup of yogurt; ⁴ or a combination of the above; ⁵ and 0–2 tablespoons vegetable or fruit, or a combination of both. ^{5 6}

¹ Breastmilk or formula, or portions of both, must be served; however, it is recommended that breastmilk be served in place of formula from birth through 11 months. For some breastfed infants who regularly consume less than the minimum amount of breastmilk per feeding, a serving of less than the minimum amount of breastmilk may be offered, with additional breastmilk offered at a later time if the infant will consume more.² Infant formula and dry infant cereal must be iron-fortified.³ Refer to FNS guidance for additional information on crediting different types of grains.⁴ Yogurt must contain no more than 23 grams of total sugars per 6 ounces.⁵ A serving of this component is required when the infant is developmentally ready to accept it.⁶ Fruit and vegetable juices must not be served.**PART 220—SCHOOL BREAKFAST PROGRAM**

Authority: 42 U.S.C. 1773, 1779, unless otherwise noted.

§ 220.8 Meal requirements for breakfasts.

* * * * *

(o) * * *

(2) * * *

■ 3. The authority citation for part 220 continues to read as follows:

■ 4. Amend § 220.8 by revising the tables in (o)(2) and (p)(2) to read as follows:

TABLE 4 TO PARAGRAPH (o)(2)—PRESCHOOL BREAKFAST MEAL PATTERN

Food components and food items ¹	Minimum quantities	
	Ages 1–2	Ages 3–5
Fluid Milk ²	4 fluid ounces	6 fluid ounces.
Vegetables, fruits, or portions of both ³	¼ cup	½ cup.
Grains (oz eq) ^{4 5 6 7}	½ ounce equivalent	½ ounce equivalent.

Endnotes:¹ Must serve all three components for a reimbursable meal.² Must be unflavored whole milk for children age one. Must be unflavored low-fat (1 percent) or unflavored fat-free (skim) milk for children two through five years old.³ Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.⁴ At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.

⁵ Meat and meat alternates may be used to meet the entire grains requirement a maximum of three times a week. One ounce of meat and meat alternates is equal to one ounce equivalent of grains.

⁶ Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

⁷ Refer to FNS guidance for additional information on crediting different types of grains.

(p) * * *

(2) * * *

TABLE 5 TO PARAGRAPH (p)(2)—INFANT BREAKFAST MEAL PATTERN

Birth through 5 months	6 through 11 months
4–6 fluid ounces breastmilk ¹ or formula ²	6–8 fluid ounces breastmilk ¹ or formula; ² and 0–½ ounce equivalent infant cereal; ^{2,3} or 0–4 tablespoons meat, fish, poultry, whole egg, cooked dry beans, or cooked dry peas; or 0–2 ounces of cheese; or 0–4 ounces (volume) of cottage cheese; or 0–4 ounces or ½ cup of yogurt; ⁴ or a combination of the above; ⁵ and 0–2 tablespoons vegetable or fruit, or a combination of both. ^{5,6}

¹ Breastmilk or formula, or portions of both, must be served; however, it is recommended that breastmilk be served in place of formula from birth through 11 months. For some breastfed infants who regularly consume less than the minimum amount of breastmilk per feeding, a serving of less than the minimum amount of breastmilk may be offered, with additional breastmilk offered at a later time if the infant will consume more.

² Infant formula and dry infant cereal must be iron-fortified.

³ Refer to FNS guidance for additional information on crediting different types of grains.

⁴ Yogurt must contain no more than 23 grams of total sugars per 6 ounces.

⁵ A serving of this component is required when the infant is developmentally ready to accept it.

⁶ Fruit and vegetable juices must not be served.

* * * * *

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

■ 5. The authority citation for 7 CFR part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, Richard B. Russell National School Lunch Act, as amended, 42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766.

■ 6. Amend § 226.20 by revising paragraphs (b)(4)(ii)(A), (b)(4)(ii)(B), and the tables in paragraphs (b)(5), (c)(1), (c)(2), and (c)(3) to read as follows:

§ 226.20 Requirements for meals.

* * * * *

(b) * * *

(4) * * *

(ii) * * *

(A) *Breakfast, lunch, or supper.* Six to 8 fluid ounces of breastmilk or iron-fortified infant formula, or portions of both; and 0 to ½ ounce equivalent of iron-fortified dry infant cereal; or 0–4 tablespoons meat, fish, poultry, whole egg, cooked dry beans, or cooked dry peas; or 0 to 2 ounces (weight) of cheese; or 0 to 4 ounces (volume) of cottage cheese; or 0 to 4 ounces of yogurt; and 0 to 2 tablespoons of

vegetable, fruit, or portions of both.

Fruit juices and vegetable juices must not be served.

(B) *Snack.* Two to 4 fluid ounces of breastmilk or iron-fortified infant formula; and 0 to ½ ounce equivalent bread; or 0–¼ ounce equivalent crackers; or 0–½ ounce equivalent infant cereal or ready-to-eat cereals; and 0 to 2 tablespoons of vegetable or fruit, or portions of both. Fruit juices and vegetable juices must not be served. A serving of grains must be whole grain-rich, enriched meal, or enriched flour.

(5) * * *

TABLE 1 TO PARAGRAPH (b)(5)—INFANT MEAL PATTERNS

Infants	Birth through 5 months	6 through 11 months
Breakfast, Lunch, or Supper	4–6 fluid ounces breastmilk ¹ or formula ²	6–8 fluid ounces breastmilk ¹ or formula; ² and 0–½ ounce equivalent infant cereal; ^{2,3} or 0–4 tablespoons meat, fish, poultry, whole egg, cooked dry beans, or cooked dry peas; or 0–2 ounces of cheese; or 0–4 ounces (volume) of cottage cheese; or 0–4 ounces or ½ cup of yogurt; ⁴ or a combination of the above; ⁵ and 0–2 tablespoons vegetable or fruit, or a combination of both. ^{5,6}
Snack	4–6 fluid ounces breastmilk ¹ or formula ²	2–4 fluid ounces breastmilk ¹ or formula; ² and 0–½ ounce equivalent bread; ^{3,7} or 0–¼ ounce equivalent crackers; ^{3,7} or 0–½ ounce equivalent infant cereal; ^{2,3} or ready-to-eat breakfast cereal; ^{3,5,7,8} and 0–2 tablespoons vegetable or fruit, or a combination of both. ^{4,5,6}

¹ Breastmilk or formula, or portions of both, must be served; however, it is recommended that breastmilk be served in place of formula from birth through 11 months. For some breastfed infants who regularly consume less than the minimum amount of breastmilk per feeding, a serving of less than the minimum amount of breastmilk may be offered, with additional breastmilk offered at a later time if the infant will consume more.

² Infant formula and dry infant cereal must be iron-fortified.

³ Refer to FNS guidance for additional information on crediting different types of grains.

⁴ Yogurt must contain no more than 23 grams of total sugars per 6 ounces.

⁵ A serving of this component is required when the infant is developmentally ready to accept it.

⁶ Fruit and vegetable juices must not be served.

⁷ A serving of grains must be whole grain-rich, enriched meal, or enriched flour.

⁸ Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

* * * * *

(1) * * *

(c) * * *

TABLE 2 TO PARAGRAPH (c)(1)—CHILD AND ADULT CARE FOOD PROGRAM BREAKFAST

[Select the appropriate components for a reimbursable meal]

Food components and food items ¹	Minimum quantities				
	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18 ² (at-risk afterschool programs and emergency shelters)	Adult participants
Fluid Milk ³	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces.
Vegetables, fruits, or portions of both ⁴	¼ cup	½ cup	½ cup	½ cup	½ cup.
Grains (oz. eq.) ^{5 6 7 8}	½ ounce equivalent	½ ounce equivalent	1 ounce equivalent ...	1 ounce equivalent ...	2 ounce equivalents.

Endnotes:

¹ Must serve all three components for a reimbursable meal. Offer versus serve is an option for at-risk afterschool participants.

² Larger portion sizes than specified may need to be served to children 13 through 18 years old to meet their nutritional needs.

³ Must be unflavored whole milk for children age one. Must be unflavored low-fat (1 percent fat or less) or unflavored fat-free (skim) milk for children two through five years old. Must be unflavored low-fat (1 percent fat or less), unflavored or flavored fat-free (skim) milk for children 6 years old and older and adults. For adult participants, 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.

⁴ Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.

⁵ At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.

⁶ Meat and meat alternates may be used to meet the entire grains requirement a maximum of three times a week. One ounce of meat and meat alternates is equal to one ounce equivalent of grains.

⁷ Refer to FNS guidance for additional information on crediting different types of grains.

⁸ Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

(2) * * *

TABLE 3 TO PARAGRAPH (c)(2)—CHILD AND ADULT CARE FOOD PROGRAM LUNCH AND SUPPER

[Select the appropriate components for a reimbursable meal]

Food components and food items ¹	Minimum quantities				
	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18 ² (at-risk afterschool programs and emergency shelters)	Adult participants
Fluid Milk ³	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces. ⁴
Meat/meat alternates (edible portion as served):					
Lean meat, poultry, or fish	1 ounce	1½ ounces	2 ounces	2 ounces	2 ounces.
Tofu, soy products, or alternate protein products ⁵	1 ounce	1½ ounces	2 ounces	2 ounces	2 ounces.
Cheese	1 ounce	1½ ounces	2 ounces	2 ounces	2 ounces.
Large egg	½	¾	1	1	1.
Cooked dry beans or peas	¼ cup	¾ cup	½ cup	½ cup	½ cup.
Peanut butter or soy nut butter or other nut or seed butters.	2 Tbsp	3 Tbsp	4 Tbsp	4 Tbsp	4 Tbsp.
Yogurt, plain or flavored unsweetened or sweetened ⁶	4 ounces or ½ cup ...	6 ounces or ¾ cup ...	8 ounces or 1 cup ...	8 ounces or 1 cup ...	8 ounces or 1 cup.
The following may be used to meet no more than 50% of the requirement:					
Peanuts, soy nuts, tree nuts, or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternates (1 ounce of nuts/seeds = 1 ounce of cooked lean meat, poultry, or fish).	½ ounce = 50%	¾ ounce = 50%	1 ounce = 50%	1 ounce = 50%	1 ounce = 50%.
Vegetables ^{7 8}	⅓ cup	¼ cup	½ cup	½ cup	½ cup.
Fruits ^{7 8}	⅓ cup	¼ cup	½ cup	½ cup	½ cup.
Grains (oz eq) ^{9 10 11}	½ ounce equivalent	½ ounce equivalent	1 ounce equivalent ...	1 ounce equivalent ...	2 ounce equivalents.

Endnotes:

¹ Must serve all five components for a reimbursable meal. Offer versus serve is an option for at-risk afterschool and adult participants.

² Larger portion sizes than specified may need to be served to children 13 through 18 years old to meet their nutritional needs.

³ Must be unflavored whole milk for children age one. Must be unflavored low-fat (1 percent fat or less) or unflavored fat-free (skim) milk for children two through five years old. Must be unflavored low-fat (1 percent fat or less) or unflavored or flavored fat-free (skim) milk for children 6 years old and older and adults. For adult participants, 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.

⁴ A serving of fluid milk is optional for suppers served to adult participants.

⁵ Alternate protein products must meet the requirements in Appendix A to part 226 of this chapter.

⁶Yogurt must contain no more than 23 grams of total sugars per 6 ounces.

⁷Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.

⁸A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or supper, two different kinds of vegetables must be served.

⁹At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards the grains requirement.

¹⁰Refer to FNS guidance for additional information on crediting different types of grains.

¹¹Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

(3) * * *

TABLE 4 TO PARAGRAPH (C)(3)—CHILD AND ADULT CARE FOOD PROGRAM SNACK
[Select the two of the five components for a reimbursable meal]

Food components and food items ¹	Minimum quantities				
	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18 ² (at-risk afterschool programs and emergency shelters)	Adult participants
Fluid Milk ³	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces.
Meat/meat alternates (edible portion as served):					
Lean meat, poultry, or fish	1/2 ounce	1/2 ounce	1 ounce	1 ounce	1 ounce.
Tofu, soy products, or alternate protein products ⁴ .	1/2 ounce	1/2 ounce	1 ounce	1 ounce	1 ounce.
Cheese	1/2 ounce	1/2 ounce	1 ounce	1 ounce	1 ounce.
Large egg	1/2	1/2	1/2	1/2	1/2.
Cooked dry beans or peas	1/4 cup	1/4 cup	1/4 cup	1/4 cup	1/4 cup.
Peanut butter or soy nut butter or other nut or seed butters.	1 Tbsp	1 Tbsp	2 Tbsp	2 Tbsp	2 Tbsp.
Yogurt, plain or flavored unsweetened or sweetened ⁵ .	2 ounces or 1/2 cup	2 ounces or 1/2 cup	4 ounces or 3/4 cup	4 ounces or 3/4 cup	4 ounces or 1/2 cup.
Peanuts, soy nuts, tree nuts, or seeds	1/2 ounce	1/2 ounce	1 ounce	1 ounce	1 ounce.
Vegetables ⁶	1/2 cup	1/2 cup	3/4 cup	3/4 cup	1/2 cup.
Fruits ⁶	1/2 cup	1/2 cup	3/4 cup	3/4 cup	1/2 cup.
Grains (oz. eq.) ^{7 8 9}	1/2 ounce equivalent	1/2 ounce equivalent	1 ounce equivalent	1 ounce equivalent	1 ounce equivalent.

Endnotes:

¹Select two of the five components for a reimbursable snack. Only one of the two components may be a beverage.

²Larger portion sizes than specified may need to be served to children 13 through 18 years old to meet their nutritional needs.

³Must be unflavored whole milk for children age one. Must be unflavored low-fat (1 percent fat or less) or unflavored fat-free (skim) milk for children two through five years old. Must be unflavored low-fat (1 percent fat or less) or unflavored or flavored fat-free (skim) milk for children 6 years old and older and adults. For adult participants, 6 ounces (weight) or 3/4 cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.

⁴Alternate protein products must meet the requirements in Appendix A to part 226 of this chapter.

⁵Yogurt must contain no more than 23 grams of total sugars per 6 ounces.

⁶Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.

⁷At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards the grains requirement.

⁸Refer to FNS guidance for additional information on crediting different types of grains.

⁹Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

* * * *

Cynthia Long,

Administrator, Food and Nutrition Service.

[FR Doc. 2021–22072 Filed 10–14–21; 11:15 am]

BILLING CODE 3410–30–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1704

[Docket No. DNFSB–2021–0001]

Government in the Sunshine Act

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Defense Nuclear Facilities Safety Board (DNFSB or Board) is confirming the effective date of November 29, 2021, for the direct final rule that was published in the

Federal Register on August 30, 2021.

The direct final rule amended the DNFSB's regulation implementing the Government in the Sunshine Act to include changes included in the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (NDAA).

DATES: The effective date of November 29, 2021, for the direct final rule published August 30, 2021 (86 FR 48295), is confirmed.

ADDRESSES: *DNFSB's General Counsel Web Page:* Go to <https://www.dnfsb.gov/office-general-counsel> and click "Rulemaking-DNFSB–2021–0001" to access publicly available information related to this rulemaking.

FOR FURTHER INFORMATION CONTACT: Eric Fox, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION: On August 30, 2021 (86 FR 48295), the DNFSB published a direct final rule amending its regulations in part 1704 of title 10 of the Code of Federal Regulations implementing the Government in the Sunshine Act. The Sunshine Act generally requires Board meetings to be open to public observation unless certain exemptions apply. The NDAA added a provision to the Atomic Energy Act of 1954 (AEA) that permits the Board to hold nonpublic collaborative discussions without following the requirements of the Sunshine Act, so long as certain requirements are met. The Board published this direct final rule to revise the Board's Sunshine Act regulations consistent with the new AEA provisions for nonpublic collaborative discussions.

In the direct final rule, the DNFSB stated that if no significant adverse comments were received, the direct final rule would become effective on

November 29, 2021. The DNFSB received one comment. The DNFSB evaluated the comment against the criteria described in the direct final rule and determined that the comment was not significant and adverse. Specifically, the commentator opposed the legal authority granted in the NDAA, not the implementation of said authority in the DNFSB's regulations. The comment was therefore out of scope, and the direct final rule will become effective as scheduled. The comment is publicly available as part of the rulemaking docket at <https://www.dnfsb.gov/office-general-counsel>.

Dated: October 13, 2021.

Joyce Connery,
Chair.

[FR Doc. 2021-22665 Filed 10-15-21; 8:45 am]

BILLING CODE 3670-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0453; Project Identifier MCAI-2021-00377-R; Amendment 39-21754; AD 2021-20-16]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021-04-15, which applied to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and certain Model AS350B3 helicopters. AD 2021-04-15 required repetitive visual inspections of the right-hand side of the vertical fin spar for discrepancies (cracking), and corrective action if necessary. This AD retains the requirements of AD 2021-04-15, and requires repetitive cleaning and repetitive detailed inspections for cracking of the vertical fin spar and vertical fin upper attachments, and corrective action if necessary, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD also expands the applicability to include additional Model AS350B3 helicopters. This AD was prompted by a report that, during an unscheduled post-flight inspection of the tail cone area, a crack was found in the spar of the upper part of the vertical fin and fractures were

found in the two front attachment screws. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 22, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the 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 material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0453.

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-2021-0453; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0099, dated April 9, 2021 (EASA AD 2021-0099) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and all Model

AS350B3 helicopters except those that have that embodied Airbus Helicopters Modification 073148 in production. EASA stated that recent analysis identified that AS350B3 helicopters modified through Eurocopter AS350 Service Bulletin 55.00.14 (any revision) in service might also be affected by the identified unsafe condition.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021-04-15, Amendment 39-21437 (86 FR 13165, March 8, 2021) (AD 2021-04-15). AD 2021-04-15 applied to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and certain Model AS350B3 helicopters. The NPRM published in the **Federal Register** on June 8, 2021 (86 FR 30395). Since the FAA issued AD 2021-04-15, the FAA has determined that additional actions are required to address the unsafe condition. The NPRM proposed to retain the requirements of AD 2021-04-15, and require repetitive cleaning and repetitive detailed inspections for cracking of the vertical fin spar and vertical fin upper attachments, and corrective action if necessary, as specified in an EASA AD. The NPRM also proposed to expand the applicability to include additional Airbus Helicopters Model AS350B3 helicopters.

The FAA is issuing this AD to address cracking in the spar of the upper part of the vertical fin and fractures in the front attachment screws. This condition could lead to in-flight separation of the upper part of the vertical fin, resulting in loss of control of the helicopter. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from a commenter. The following presents the comment received on the NPRM and the FAA's response.

Request To Allow Pilots To Do Visual Inspection

The commenter requested that pilots be allowed to perform the proposed repetitive visual inspections of the right-hand side of the vertical fin spar for cracking at intervals not to exceed 10 hours time-in-service. The commenter suggested that only if a crack is suspected that a mechanic be notified. The commenter stated that it is a burden on operators to get a mechanic to a helicopter every 10 hours time-in-service to do the inspection. The

commenter also remarked that certain current FAA ADs allow pilots to perform visual inspections because those inspections do not require specialized tools, training, or any disassembly and that the service information referred to in EASA AD 2021–0099 mentions that a pilot can perform the visual inspection.

The FAA does not agree with the commenter's request. Although there are instances where the FAA does allow a pilot to do a visual check, for this AD, the FAA is not allowing this due to the criticality of the crack location, the lack of definition of what pilot training is sufficient to do this visual inspection, and because the area being inspected is likely to need cleaning prior to each inspection. The FAA has revised paragraph (h) of this AD to clarify that

a pilot cannot do the visual check and that it must be performed by a qualified mechanic.

Conclusion

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

Related Service Information Under 14 CFR Part 51

EASA AD 2021–0099 specifies procedures for repetitive visual

inspections of the right-hand side of the vertical fin spar for cracking; repetitive cleaning and repetitive detailed inspections for cracking of the vertical fin spar and vertical fin upper attachments; and corrective action. The corrective action includes repair.

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

Costs of Compliance

The FAA estimates that this AD affects 650 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2021–04–15.	7 work-hours × \$85 per hour = \$595, per inspection/cleaning cycle.	\$0	\$595, per inspection/cleaning cycle.	\$386,750, per inspection/cleaning cycle.
New actions	4 work-hours × \$85 per hour = \$340, per inspection/cleaning cycle.	0	\$340, per inspection/cleaning cycle.	\$221,000, per inspection/cleaning cycle.

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on

the results of any required actions. The FAA has no way of determining the

number of helicopters that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
4 work-hours × \$85 per hour = \$340	\$17,052	\$17,392

Authority for This Rulemaking

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

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

develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive (AD) 2021–04–15, Amendment 39–21437 (86 FR 13165, March 8, 2021); and

■ b. Adding the following new AD:

2021–20–16 Airbus Helicopters:

Amendment 39–21754; Docket No. FAA–2021–0453; Project Identifier MCAI–2021–00377–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

This AD replaces AD 2021–04–15, Amendment 39–21437 (86 FR 13165, March 8, 2021) (AD 2021–04–15).

(c) Applicability

This AD applies to Airbus Helicopters specified in paragraph (c)(1) and (2) of this AD, certificated in any category.

(1) Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters, all serial numbers.

(2) Model AS350B3 helicopters, all serial numbers except those that have embodied Airbus Helicopters Modification 073148 in production.

(d) Subject

Joint Aircraft System Component (JASC) Code 5531, Vertical Stabilizer, Spar/Rib.

(e) Unsafe Condition

This AD was prompted by a report that, during an unscheduled post-flight inspection of the tail cone area of an Airbus Helicopters Model AS355NP helicopter, a crack was found in the spar of the upper fin and fractures were found in the two front attachment screws. The FAA is issuing this AD to address cracking in the spar of the upper part of the vertical fin and fractures in the front attachment screws. This condition could lead to in-flight separation of the upper part of the vertical fin, resulting in loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0099, dated April 9, 2021 (EASA AD 2021–0099).

(h) Exceptions to EASA AD 2021–0099

(1) Where EASA AD 2021–0099 refers to its effective date or to July 12, 2017, (the effective date of EASA AD 2017–0114, dated June 28, 2017), this AD requires using the effective date of this AD.

(2) This AD does not mandate compliance with the “Remarks” section of EASA AD 2021–0099.

(3) Where EASA AD 2021–0099 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(4) Where paragraph (4) of EASA AD 2021–0099 specifies to contact the manufacturer for approved repair instructions, for this AD, if any cracking is detected during any inspection, repair before further flight using a method approved by the Manager,

International Validation Branch, FAA. For a repair method to be approved by the Manager, International Validation Branch, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

(5) Where the service information referred to in EASA AD 2021–0099 specifies to perform a visual inspection for cracking on the “RH side of spar (a)” and “if you are not sure” remove the rear and the tail rotor gear box (TGB) fairings to perform a detailed inspection and do a dye-penetrant inspection, those actions are required by this AD if any crack indication (e.g., paint chips, dents, or swelling) is found during any inspection done without removing the rear and the TGB fairings.

(6) Where the service information referred to in EASA AD 2021–0099 specifies to perform a visual check for cracks in the “spars (a) of the top and bottom fins” and “if you are not sure” do a dye-penetrant inspection, the dye-penetrant inspection is required by this AD if any crack indication (e.g., paint chips, dents, or swelling) is found during any visual check (inspection).

(7) Where the service information referred to in EASA AD 2021–0099 specifies to check the integrity of the two thrust pad attachment screws for damage, for this AD, damage includes loosening, deformation, and nicks.

(8) Where the service information referred to in EASA AD 2021–0099 specifies that the visual check can be performed by an airframe technician or pilot, this AD requires that the visual check be performed by a qualified mechanic.

(i) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are prohibited.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

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

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference

(IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0099, dated April 9, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0099, contact the 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>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. 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–2021–0453.

(5) You may view this material that is incorporated by reference at 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>.

Issued on September 23, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–22472 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0876; Project Identifier MCAI–2021–01031–T; Amendment 39–21767; AD 2021–21–07]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A330–841 and A330–941 airplanes. This AD was prompted by a report of incorrect take-off computations for crosswinds above 20 knots. This AD requires amending the existing aircraft flight manual (AFM), as specified in a European Union Aviation Safety Agency (EASA), which is incorporated by reference. The

FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective November 2, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 2, 2021.

The FAA must receive comments on this AD by December 2, 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 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 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 at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0876.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0876; 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 AD, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email vladimir.ulyanov@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2021–0876; Project Identifier MCAI–2021–01031–T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email vladimir.ulyanov@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0210, dated September 16, 2021 (EASA AD 2021–0210) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A330–841 and A330–941 airplanes.

This AD was prompted by a report of incorrect take-off computations for crosswinds above 20 knots in a certain AFM. The FAA is issuing this AD to address substantially reduced take-off performance in crosswind conditions above 20 knots, possibly resulting in a runway overrun, in the event of continued takeoff following an engine failure or a rejected takeoff, with consequent damage to the airplane and injury to occupants. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0210 specifies procedures for amending the existing AFM to include revised aircraft performance databases for performance calculations for crosswind above 20 knots. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

These products have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in the MCAI described above. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of these same type designs.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2021–0210 described previously, except for any differences identified as exceptions in the regulatory text of this AD.

EASA AD 2021–0210 requires operators to “inform all flight crews” of revisions to the AFM, and thereafter to “operate the aeroplane accordingly.” However, this AD would not specifically require those actions as those actions are already required by FAA regulations. FAA regulations require operators to furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure that the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot’s training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. 14 CFR 91.9 requires that any person operating a

civil aircraft must comply with the operating limitations specified in the AFM.

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, EASA AD 2021–0210 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2021–0210 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0210 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 2021–0210. Service information required by EASA

AD 2021–0210 for compliance will be available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0876 after this AD is published.

FAA’s Justification and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because incorrect take-off computations for crosswinds above 20 knots could result in substantially

reduced take-off performance in those conditions, possibly resulting in a runway overrun, in the event of continued takeoff following an engine failure or rejected takeoff, with consequent damage to the airplane and injury to occupants. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

The FAA estimates that this AD affects 11 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85	\$0	\$85	\$935

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–21–07 Airbus SAS: Amendment 39–21767; Docket No. FAA–2021–0876; Project Identifier MCAI–2021–01031–T.

(a) Effective Date

This airworthiness directive (AD) is effective November 2, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A330–841 and A330–941 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Unsafe Condition

This AD was prompted by a report of incorrect take-off computations for crosswinds above 20 knots. The FAA is issuing this AD to address substantially reduced take-off performance in crosswind conditions above 20 knots, possibly resulting in a runway overrun, in the event of continued takeoff following an engine failure or rejected takeoff, with consequent damage to the airplane and injury to occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0210, dated September 16, 2021 (EASA AD 2021–0210).

(h) Exceptions to EASA AD 2021–0210

(1) Where EASA AD 2021–0210 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (1) of EASA AD 2021–0210 specifies amending the aircraft flight manual (AFM), this AD requires replacing the text “implement the aircraft performance database by introducing the AFM DU [Documentary Unit]” with “amend the applicable existing AFM and applicable corresponding operational procedures by incorporating the AFM DU.”

(3) Whereas paragraph (1) of EASA AD 2021–0210 specifies to “inform all flight crews, and, thereafter, operate the aeroplane accordingly,” this AD does not require those actions as those actions are already required by existing FAA operating regulations.

(4) The “Remarks” section of EASA AD 2021–0210 does not apply to this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal

inspector, the manager of the responsible Flight Standards Office.

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

(3) *Required for Compliance (RC)*: Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email vladimir.ulyanov@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0210, dated September 16, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0210, 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>.

(4) 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.

(5) You may view this material that is incorporated by reference at 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>.

Issued on October 7, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–22633 Filed 10–14–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2021–0106; Project Identifier AD–2020–00708–R; Amendment 39–21735; AD 2021–19–17]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters. This AD was prompted by an incident of a side facing utility seat detaching from wall attachment points. This AD requires modifying certain side facing utility seats and observer seats, and prohibits installing those seats unless the modification has been accomplished. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 22, 2021.

ADDRESSES: For Martin-Baker and Sikorsky service information identified in this final rule, contact your local Sikorsky Field Representative or Sikorsky’s Service Engineering Group at Sikorsky Aircraft Corporation, Mailstop K100, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–946–4337 (1–800–Winged–S); email wcs_cust_service_eng.gr-sik@lmco.com. Operators may also log on to the Sikorsky 360 website at <https://www.sikorsky360.com>. You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0106.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0106; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Dorie Resnik, Aerospace Engineer, Aviation Safety Section, Boston ACO Branch, FAA, 1200 District Ave., Burlington, MA 01803; phone: (781) 238-7693; email: dorie.resnik@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Sikorsky Model S-92A helicopters with certain Martin-Baker side facing utility or observer seats installed. The NPRM published in the **Federal Register** on March 4, 2021 (86 FR 12550). The NPRM was prompted by an incident of a side facing utility seat detaching from wall attachment points during dynamic testing. The root cause has been identified as a change in the finishing process of the main back tube. Due to design similarity, certain observer seats are also subject to this unsafe condition. In the NPRM, the FAA proposed to require replacing the main back tube assembly in affected side facing utility and observer seats. The NPRM also proposed to prohibit installing those seats unless the main back tube assembly has been replaced. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from two commenters. One commenter supported the NPRM without change. Sikorsky also commented on the NPRM. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Change the AD to an Appliance AD Against Martin-Baker Seats

Sikorsky requested changes throughout the proposed AD to change it from an aircraft AD against Sikorsky to an appliance AD against Martin-

Baker. Sikorsky stated that the defect is in Martin-Baker technical standard order (TSO) authorization seats and is not a defect of the Sikorsky Model S-92A helicopter, and that the seats sold to Sikorsky are manufactured under TSO-C39b (side facing utility seat) and TSO-C127a (observer seat) qualifications and are supplied with a TSO-C39b or TSO-C127a tag, as applicable. Sikorsky stated that the background of the AD should provide the result of the FAA's review with Martin-Baker Aircraft. According to Sikorsky, Martin-Baker indicated that seats for Sikorsky platforms are tracked separately from other platforms; and accordingly, the AD should be issued against affected Martin-Baker seats to ensure all affected parts (Martin-Baker seat tube part number (P/N) MBCS4109 and/or seat P/Ns MBCS12410AA001, MBCS12200, MBCS7301-2, and other P/Ns as identified by Martin-Baker) are corrected. Sikorsky further stated that during the review in support of the issuance of Sikorsky S-92A Helicopter Alert Service Bulletin ASB 92-25-026, Basic Issue, dated March 5, 2020 (ASB 92-25-026), Martin Baker Aircraft Company indicated that over 1,000 fielded seats are affected by the defect and that Sikorsky purchased 371 of the affected seats for the Model S-92A helicopter. Sikorsky stated that it issued ASB 92-25-026 to ensure its operators implemented the repairs specified in Martin-Baker Special Information Leaflet (SIL) No. 831, dated July 10, 2019 (SIL 831), and SIL No. 833, dated July 11, 2019 (SIL 833). Additionally, Sikorsky explained that ASB 92-25-026 identifies Model S-92A helicopters with certain serial numbers (S/Ns) in its Effectivity paragraph because that was the known span at the time of its issuance; however, the AD should be against the seats because the seats can be moved from one serial-numbered aircraft to another serial-numbered aircraft and because the required change is to the articles.

The FAA disagrees. The FAA has confirmed that the manufacturing defect of Martin-Baker side facing utility seats supplier P/N MBCS12410AA001 did not cause non-compliance with TSO-C39b Aircraft Seats and Berths. The unsafe condition does not exist in those seats, it resulted from the installation of those seats in Sikorsky Model S-92A helicopters. In this situation, it became Sikorsky's responsibility to show compliance with 14 CFR 29.562 at Amendment 29-41 for the installed seat because this is part of the certification basis of the aircraft as defined in FAA Type Certificate No. R00024BO. Even

though the seat is TSO-C39b qualified, the seat installation is required to meet the dynamic landing conditions defined in 14 CFR 29.562. Because the manufacturing defect caused non-compliance with the aircraft certification basis of 14 CFR 29.562, the AD is applicable to the aircraft. Conversely, the FAA has confirmed that the manufacturing defect of Martin-Baker observer seats supplier P/Ns MBCS12200 and MBCS7301-2 did cause non-compliance with TSO-C127a, Rotorcraft, Transport Airplane, and Normal and Utility Airplane Seating Systems standards, which was the applicable TSO when the seats were manufactured. In this situation, the unsafe condition exists in those European State of Design seats, and not from the installation of those seats in Sikorsky Model S-92A helicopters. The FAA recognizes that in this situation, the FAA customarily issues an AD against the appliance instead of the aircraft. However, Sikorsky Model S-92A helicopters are the only model on the U.S. registry with those seats installed and the FAA has therefore determined that it is unnecessary to change this AD at this time and have a separate appliance AD against the observer seats. If additional information is later identified, the FAA might consider further rulemaking.

Request To Change the Consequences of Not Addressing the Unsafe Condition

Sikorsky requested revising the consequences of not addressing the unsafe condition in paragraph (e) of this AD to not limit excessive lumbar loads during a crash event to just the observer seats because any seat with an improperly manufactured main back tube could induce excessive lumbar loads during a crash event.

The FAA agrees for the reasons provided. The FAA has revised paragraph (e) of this AD accordingly.

Request for Credit for Compliance With Service Information

In a request to change requirements proposed in the NPRM, Sikorsky commented that compliance with ASB 92-25-026 was required by March 5, 2021, and that all affected seats (installed on Sikorsky Model S-92A helicopters) that have been updated with its procedures should be identified as complying with this AD with no further action required.

The FAA disagrees. This AD requires replacing each main back tube assembly by following procedures in ASB 92-25-026. If this action has been accomplished prior to the effective date of this AD, then compliance for this

action has been accomplished by paragraph (f) of this AD. However, this AD also prohibits installing an affected seat on Sikorsky Model S-92A helicopters unless the main back tube assembly has been replaced following those procedures in ASB 92-25-026. Additionally, not all operators are required to accomplish a manufacturer's maintenance procedures. In order for procedures in service information, including procedures in alert service bulletins, to become mandatory when the FAA has determined the procedures are necessary to correct an identified unsafe condition, the FAA must issue an AD.

Request To Require Destruction and Discarding of Parts Instead of Removal From Service

Sikorsky requested changing the requirement to remove certain previously-installed parts from service to destroying or discarding those parts instead because Sikorsky does not endorse removal from service.

The FAA disagrees. The FAA appreciates that the removed main back tube assemblies, split pins, and tie down straps must not be reinstalled and that those parts may be destroyed or discarded; however, the FAA cannot mandate or enforce destruction or disposal of parts to address an unsafe condition. For the purposes of an AD, the FAA requires removal from service instead to prevent reinstallation.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for a minor change in paragraph (e) of this AD to clarify that the FAA is issuing this AD to detect and address a main back tube that does not meet design specifications, a minor change in Note 3 to paragraph (c) to clarify that the marking of, "SIL833 incorporated" could be located adjacent to identification labels on the underside of the sitting platform assembly P/N MBCS12215, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 14 CFR Part 51

The FAA reviewed ASB 92-25-026, with attachments Martin-Baker SIL 831 and Martin-Baker SIL 833. ASB 92-25-026 specifies procedures for preparing the helicopter for replacing the main

back tube assembly by following SIL 831 or SIL 833, as applicable to your seat. ASB 92-25-026 specifies removing existing placards, complying with the applicable SIL, reinstalling the removed placards, inspecting for foreign object debris (FOD), and cleaning. Martin-Baker SIL 831 for side facing utility seat supplier P/N MBCS12410AA001, and Martin-Baker SIL 833 for observer seat supplier P/N MBCS12200 and MBCS7301-2, specify procedures for disassembling the seat, inspecting components, replacing the main back tube assembly (tube assembly, back main), and reassembling, testing, and marking the seat. SIL 831 and SIL 833 are attached to ASB 92-25-026.

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

Differences Between This AD and the Service Information

ASB 92-25-026 specifies a compliance time of no later than March 5, 2021; whereas this AD specifies a compliance time of within 125 hours time-in-service (TIS) or six months after the effective date of this AD, whichever occurs first. ASB 92-25-026 specifies inspecting for FOD and cleaning; whereas this AD does not. SIL 831 and SIL 833 specify destroying and disposing discrepant main back tube assemblies and discarding removed split pins and tie down straps; whereas this AD requires removing those parts from service instead. The service information specifies recording compliance; whereas this AD does not.

Costs of Compliance

The FAA estimates that this AD affects 9 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Replacing a main back tube assembly takes about 2 work-hours and parts cost about \$11,217, for an estimated cost of about \$11,387 per seat. Each helicopter could have up to 19 affected seats, which takes up to about 38 work-hours and parts cost up to about \$213,123, for an estimated cost of up to about \$216,353 per helicopter and \$1,947,177 for the U.S. fleet.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–19–17 Sikorsky Aircraft Corporation: Amendment 39–21735; Docket No. FAA–2021–0106; Project Identifier AD–2020–00708–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Sikorsky Aircraft Corporation Model S–92A helicopters, certificated in any category, with the following installed:

(1) A Martin-Baker side facing utility seat supplier part number (P/N)

MBCS12410AA001 with a serial number (S/N) identified in Table 2 of Martin-Baker Special Information Leaflet (SIL) No. 831, dated July 10, 2019 (SIL 831), that is not marked with “SIL831 incorporated;” or

(2) A Martin-Baker observer seat supplier P/N MBCS12200 or MBCS7301–2 with an S/N identified in Table 2 of Martin-Baker SIL No. 833, dated July 11, 2019 (SIL 833), that is not marked with “SIL833 incorporated.”

Note 1 to paragraph (c): SIL 831 and SIL 833 are attached to Sikorsky S–92A Helicopter Alert Service Bulletin ASB 92–25–026, Basic Issue, dated March 5, 2020 (ASB 92–25–026).

Note 2 to paragraph (c): Section 3., the Accomplishment Instructions, Tables 1 and 2 of ASB 92–25–026, specify cross references of Martin-Baker supplier P/Ns with Sikorsky P/Ns and kit P/Ns.

Note 3 to paragraph (c): The marking “SIL831 incorporated” or “SIL833 incorporated,” as applicable, could be located adjacent to identification labels on the underside of the sitting platform assembly P/N MBCS4111 or MBCS12215, respectively.

(d) Subject

Joint Aircraft System Component (JASC) Code: 2500, Cabin Equipment/Furnishings; and 2520, Passenger Compartment Equipment.

(e) Unsafe Condition

This AD was prompted by an incident of a side facing utility seat detaching from wall attachment points during dynamic testing. The FAA is issuing this AD to detect and address a main back tube, a component of the main back tube assembly, which does not meet design specifications. The unsafe condition, if not addressed, could result in increased surface friction in the direction of the seat attenuation, failure of proper utility seat attenuation during a crash event, excessive lumbar loads during a crash event, and subsequent excessive occupant injury.

(f) Compliance

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

(g) Required Actions

(1) Within 125 hours time-in-service or six months after the effective date of this AD, whichever occurs first, replace each main

back tube assembly by following Section 3., Accomplishment Instructions, paragraphs C. through E., of ASB 92–25–026; except where the service information referenced in ASB 92–25–026 specifies destroying and disposing of parts or discarding parts, this AD requires removing those parts from service instead.

Note 4 to paragraph (g)(1): SIL 831 and SIL 833, referred to in ASB 92–25–026, refer to main back tube assembly as tube assembly, back main.

(2) As of the effective date of this AD, do not install a Martin-Baker side facing utility seat identified in paragraph (c)(1) of this AD or a Martin-Baker observer seat identified in paragraph (c)(2) of this AD unless the actions in paragraph (g)(1) of this AD have been accomplished.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

For more information about this AD, contact Dorie Resnik, Aerospace Engineer, Aviation Safety Section, Boston ACO Branch, FAA, 1200 District Ave., Burlington, MA 01803; phone: (781) 238–7693; email: dorie.resnik@faa.gov.

(j) Material Incorporated by Reference

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

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

(i) Sikorsky S–92A Helicopter Alert Service Bulletin ASB 92–25–026, Basic Issue, dated March 5, 2020, with attachments:

(A) Martin-Baker Special Information Leaflet (SIL) No. 831, dated July 10, 2019; and

(B) Martin-Baker SIL No. 833, dated July 11, 2019.

(ii) [Reserved]

(3) As the design approval holder for the product identified in paragraph (c) of this AD, contact Sikorsky Aircraft Corporation for Martin-Baker service information, as well as Sikorsky S–92A helicopter service information identified in this AD, by contacting your local Sikorsky Field Representative or Sikorsky’s Service Engineering Group at Sikorsky Aircraft Corporation, Mailstop K100, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–946–4337 (1–800–Winged-S); email [\[cust_service_eng.gr-sik@lmco.com\]\(mailto:cust_service_eng.gr-sik@lmco.com\). Operators may also log on to the Sikorsky 360 website at <https://www.sikorsky360.com>.](mailto:wcs_</p>
</div>
<div data-bbox=)

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on September 8, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–22464 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0576; Project Identifier 2019–CE–008–AD; Amendment 39–21758; AD 2021–20–20]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Pacific Aerospace Limited Model 750XL airplanes. This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as installation of the wing leading edge tank fuel pickup assembly in a pre-stressed condition, which could cause cracks in the wing spar web or the fuel pickup assembly pipe. This AD requires inspecting the angle of the support bracket on the wing leading edge tank fuel pickup assembly and taking any necessary corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 22, 2021.

ADDRESSES: For service information identified in this final rule, contact the Civil Aviation Authority of New Zealand, Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011; phone: +64 4 560 9400; fax: +64 4 569 2024; email: info@caa.govt.nz. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329-4148. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0576.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0576; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the MCAI, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Mike Kiesov, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329-4144; fax: (816) 329-4090; email: mike.kiesov@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain serial-numbered Pacific Aerospace Limited Model 750XL airplanes. The NPRM published in the *Federal Register* on July 22, 2021 (86 FR 38615). The NPRM was prompted by MCAI originated by the Civil Aviation Authority (CAA), which is the aviation authority for New Zealand. The CAA of New Zealand has issued AD No. DCA/750XL/36, effective date February 7, 2019 (referred to after this as “the MCAI”), to correct an unsafe condition for certain Pacific Aerospace Limited Model 750XL airplanes. The MCAI states:

DCA/750XL/36 is prompted by a review of the installation of the wing leading edge fuel pickup assemblies. It was found that the fuel pickup assemblies could have been installed in a pre-stressed condition, which could result in cracks in the wing spar web, or cracks in the fuel pickup pipe. The [CAA] AD is issued to introduce the instructions in

Pacific Aerospace Mandatory Service Bulletin (MSB) PACSB/XL/109 issue 1, dated 16 January 2019.

The MCAI requires inspecting the installation of the fuel pickup assembly and the wing spar web on both wings and, if any defects are found, taking all necessary corrective actions.

You may examine the MCAI in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0576.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Pacific Aerospace Mandatory Service Bulletin PACSB/XL/109, Issue 1, dated January 16, 2019.

The service information contains procedures for inspecting the wing leading edge tank fuel pickup assembly to determine if the assembly is under stress and for accomplishing additional inspections and corrective actions if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in

ADDRESSES.

Costs of Compliance

The FAA estimates that this AD affects 23 airplanes of U.S. registry. The FAA also estimates it will take about 1 work-hour per airplane to comply with the inspection required by this AD. The average labor rate is \$85 per work-hour.

Based on these figures, the FAA estimates the inspection cost of this AD on U.S. operators to be \$1,955 or \$85 per airplane.

In addition, the FAA estimates that any necessary follow-on actions will

take 4 work-hours and require parts costing \$500, for a cost of \$840 per airplane. The FAA has no way of determining the number of airplanes that may need these actions.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–20–20 Pacific Aerospace Limited:
Amendment 39–21758; Docket No. FAA–2021–0576; Project Identifier 2019–CE–008–AD.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pacific Aerospace Limited Model 750XL airplanes, serial numbers 177, 186 through 213, 220, 8001, and 8002, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 3600, Pneumatic System.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of the installation of the wing leading edge tank fuel pickup assembly in a pre-stressed condition, which could cause cracks in the wing spar web or the fuel pickup assembly pipe. The FAA is issuing this AD to prevent cracks in the wing spar web and the fuel pickup pipe. This condition could result in reduced structural integrity of the wing spar or cause a fuel leak, which could result in an engine fire.

(f) Compliance

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

(g) Required Actions

Within 165 hours time-in-service after the effective date of this AD, inspect the angle of the support bracket on the wing leading edge tank fuel pickup assembly and, before further flight, take any necessary additional actions and corrective actions by following the Accomplishment Instructions in Pacific Aerospace Mandatory Service Bulletin PACSB/XL/109, Issue 1, dated January 16, 2019.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your

principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (i)(1) of this AD or email: 9-AVS-AIR-730-AMOC@faa.gov.

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

(i) Related Information

(1) For more information about this AD, contact Mike Kiesov, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; fax: (816) 329–4090; email: mike.kiesov@faa.gov.

(2) Refer to Civil Aviation Authority (CAA) of New Zealand AD No. DCA/750XL/36, dated February 7, 2019, for more information. You may examine the CAA AD in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0576.

(j) Material Incorporated by Reference

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

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

(i) Pacific Aerospace Mandatory Service Bulletin PACSB/XL/109, Issue 1, dated January 16, 2019.

(ii) Reserved.

(3) For service information identified in this AD, contact the Civil Aviation Authority of New Zealand, Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011; phone: +64 4 560 9400; fax: +64 4 569 2024; email: info@caa.govt.nz.

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued on September 23, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–22460 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0575; Project Identifier MCAI–2020–00545–R; Amendment 39–21749–; AD 2021–20–11]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 429 helicopters. This AD was prompted by reports of incorrectly staked spherical bearings in the directional control bellcrank assembly. This AD requires a one-time inspection of the lower surface of the spherical bearing in the directional control bellcrank assembly to determine if it is properly staked and, depending on the findings, applicable corrective actions. For certain helicopters, this AD also requires repetitive inspections and, depending on the findings, applicable corrective actions. This AD also provides a terminating action for the repetitive inspections. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of November 22, 2021.

ADDRESSES: For service information identified in this final rule, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; telephone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email productsupport@bellflight.com; or at <https://www.bellflight.com/support/contact-support>. You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0575.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0575; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the Transport Canada AD, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 429 helicopters. The NPRM published in the **Federal Register** on July 23, 2021 (86 FR 38946). In the NPRM, the FAA proposed to require a one-time inspection of the lower surface of the spherical bearing in the directional control bellcrank assembly to determine if it is properly staked and, depending on the findings, applicable corrective actions. In the NPRM, the FAA also proposed to require, for certain helicopters, repetitive inspections and, depending on the findings, applicable corrective actions. The NPRM was prompted by Transport Canada AD CF-2020-11, dated April 16, 2020 (Transport Canada AD CF-2020-11), issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition for Bell Textron Canada Limited (Bell) Model 429 helicopters, serial numbers 57001 through 57210, 57212 through 57344, 57346 through 57371, 57374 through 57377, and 57380. Transport Canada advises that there are reports of incorrectly staked spherical bearings in the directional control bellcrank assembly. This condition, if not addressed, could result in wear or elongation of the bore in the bellcrank, which could result in reduced helicopter directional control.

Accordingly, Transport Canada AD CF-2020-11 requires a one-time

inspection to determine if a spherical bearing is properly staked in the directional control bellcrank assembly, and, depending on the findings, replacement of the spherical bearing with a new spherical bearing, repair of an affected bellcrank assembly and repetitive inspections of that repaired bellcrank assembly, or replacement of the affected bellcrank assembly with a serviceable part. Transport Canada AD CF-2020-11 also provides terminating actions for the requirements of that AD.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from one commenter, Air Methods. The following presents the comment received on the NPRM and the FAA's response.

Request To Include Additional Revision Level in Credit Paragraph

Air Methods requested that Bell Alert Service Bulletin 429-19-50, Revision B, dated December 19, 2019 (Bell Alert Service Bulletin 429-19-50, Revision B) be included in the "Credit for Previous Actions" paragraph of the proposed AD. The commenter stated that Revision B of the service bulletin was released on December 19, 2019.

The FAA infers that the commenter mentioned the date of Revision B of the service bulletin to show that it was released prior to the effective date of the final rule. The FAA acknowledges the commenter's request and agrees to provide clarification. The requirements of paragraphs (g) and (h) of this AD refer to Bell Alert Service Bulletin 429-19-50, Revision B, as the appropriate source of information for doing the actions required by those paragraphs. Paragraph (f), "Compliance," of this AD states "comply with this AD within the compliance times specified, unless already done." The words "unless already done" in paragraph (f) of this AD, in conjunction with the requirements of paragraphs (g) and (h) of this AD, which specify that operators use Bell Alert Service Bulletin 429-19-50, Revision B, as the appropriate source of information, already account for the use of Bell Alert Service Bulletin 429-19-50, Revision B, prior to the effective date of this AD. Therefore, if operators have accomplished the actions required for compliance with this AD before the effective date of this AD, no further action is necessary and it is not necessary to include Bell Alert Service Bulletin 429-19-50, Revision B, in paragraph (j) of this AD (the "Credit for

Previous Actions" paragraph). The FAA has not revised this AD in this regard.

Conclusion

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with Canada, Transport Canada, its technical representative, has notified the FAA of the unsafe condition described in its AD. The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Bell Alert Service Bulletin 429-19-50, Revision B. This service information specifies procedures for an initial inspection of the lower surface of the spherical bearing in the directional control bellcrank assembly to determine if it is properly staked, additional inspections, and corrective actions. The corrective actions include installation of a new spherical bearing, repair (including re-identification of the bellcrank assembly part number), and replacement of the bellcrank assembly. The additional inspections include an inspection of the upper surface of the spherical bearing in the directional control bellcrank assembly to determine if it is properly staked, an inspection of the bore in the bellcrank assembly for excessive wear (including mechanical or corrosion damage that exceed 0.001 inch (0.03 millimeter) maximum depth for 4 of the circumference, and any cracking); and, for any helicopter with a bellcrank assembly that is repaired, repetitive inspections of the lower surface of the spherical bearing to determine if it has moved.

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

Other Related Service Information

The FAA also reviewed Bell Alert Service Bulletin 429-19-50, dated November 27, 2019; and Revision A, dated December 2, 2019. Bell Alert Service Bulletin 429-19-50, dated November 27, 2019, specifies procedures for an initial inspection of the spherical bearing in the directional control bellcrank assembly to determine

if it is properly staked and replacement of the spherical bearing with a new spherical bearing if it is determined that the spherical bearing was not properly staked.

Bell Alert Service Bulletin 429–19–50, Revision A, dated December 2, 2019, specifies procedures for an initial inspection of the lower surface of the spherical bearing in the directional

control bellcrank assembly to determine if it is properly staked, additional inspections, and corrective actions. The corrective actions include installation of a new spherical bearing. The additional inspections include an inspection of the upper surface of the spherical bearing in the directional control bellcrank assembly to determine if it is properly staked, and an inspection of the bore in

the bellcrank assembly for excessive wear.

Costs of Compliance

The FAA estimates that this AD affects 120 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × \$85 per hour = \$85 per inspection cycle.	\$0	\$85 per inspection cycle	\$10,200 per inspection cycle.

The FAA estimates the following costs to do any necessary actions that would be required based on the results

of the inspection. The agency has no way of determining the number of

helicopters that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement Spherical Bearing	7 work-hours × \$85 per hour = \$595	\$56	\$651.
Repair/replacement Bellcrank	4 work-hours × \$85 per hour = \$340	2,856	3,196.
Repetitive Inspections	1 work-hour × \$85 per hour = \$85 per inspection cycle.	0	85 per inspection cycle.

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 helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–20–11 Bell Textron Canada Limited (Type Certificate Previously Held by Bell

Helicopter Textron Canada Limited): Amendment 39–21749; Docket No. FAA–2021–0575; Project Identifier MCAI–2020–00545–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 429 helicopters, certificated in any category, serial numbers 57001 through 57210 inclusive, 57212 through 57344 inclusive, 57346 through 57371 inclusive, 57374 through 57377 inclusive, and 57380.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of incorrectly staked spherical bearings in the directional control bellcrank assembly. The FAA is issuing this AD to address incorrectly staked spherical bearings in the directional control bellcrank assembly. This condition, if not addressed, could result in wear or elongation of the bore in the bellcrank, which could result in reduced helicopter directional control.

(f) Compliance

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

(g) Required Inspection and Corrective Actions

Within 25 hours time-in-service (TIS) or 90 days, whichever occurs first after the effective date of this AD: Inspect the lower surface of the spherical bearing on the directional control bellcrank assembly to determine if it is properly staked, in accordance with the Accomplishment Instructions, Part I, step 7., of Bell Alert Service Bulletin 429–19–50, Revision B, dated December 19, 2019 (BASB 429–19–50, Revision B). After the inspection, before further flight, do the applicable action required by paragraph (g)(1) or (2) of this AD.

(1) If the lower surface of the spherical bearing is improperly staked (any discrepancy is found *e.g.*, the witness marks are not present and intact or the staked lip is not uniform along the chamfer): Inspect the bore in the bellcrank assembly for excessive wear (including mechanical or corrosion damage that exceed 0.001 inch (0.03 millimeter) maximum depth for $\frac{1}{4}$ of the circumference, and any cracking); in accordance with the Accomplishment Instructions, Part I, steps 10. through 13., of BASB 429–19–50, Revision B, and depending on the findings, do the applicable actions required by paragraph (g)(1)(i) or (ii) of this AD before further flight.

(i) If the bore in the bellcrank assembly shows signs of excessive wear: Repair the bellcrank, including re-identifying the bellcrank assembly part number, in accordance with the Accomplishment Instructions, Part II, steps 1. through 13., of BASB 429–19–50, Revision B.

(ii) If the bore diameter is within 0.001 inch (0.03 millimeter) maximum depth for $\frac{1}{4}$ of the circumference: Install a new spherical bearing, in accordance with the Accomplishment Instructions, Part II, steps 4. through 12., of BASB 429–19–50, Revision B.

(2) If the lower surface of the spherical bearing is properly staked: Inspect the upper surface of the spherical bearing on the directional control bellcrank assembly to determine if it is properly staked, in accordance with the Accomplishment Instructions, Part I, steps 8. and 9., of BASB 429–19–50, Revision B, and depending on the findings, do the applicable actions required by paragraph (g)(2)(i) or (ii) of this AD before further flight.

(i) If the spherical bearing is properly staked: No further action is required by this AD.

(ii) If the spherical bearing is not properly staked (any discrepancy is found *e.g.*, the witness marks are not present and intact or the staked lip is not uniform along the chamfer): Inspect the bore in the bellcrank assembly for excessive wear (including mechanical or corrosion damage that exceed 0.001 inch (0.03 millimeter) maximum depth for $\frac{1}{4}$ of the circumference, and any cracking), in accordance with the Accomplishment Instructions, Part I, steps 10. through 13., of BASB 429–19–50, Revision B, and depending on the findings,

do the applicable actions required by paragraph (g)(2)(ii)(A) or (B) of this AD before further flight.

(A) If the bore in the bellcrank assembly shows signs of excessive wear: Repair the bellcrank, including re-identifying the bellcrank assembly part number, in accordance with the Accomplishment Instruction, Part II, steps 1. through 13., of BASB 429–19–50, Revision B.

(B) If the bore diameter is within 0.001 inch (0.03 millimeter) maximum depth for $\frac{1}{4}$ of the circumference: Install a new spherical bearing, in accordance with the Accomplishment Instructions, Part II, steps 4. through 12., of BASB 429–19–50, Revision B.

(h) Required Post Repair Inspections

For any helicopter on which the bellcrank has been repaired as required by paragraphs (g)(1)(i) or (g)(2)(ii)(A) of this AD: Within 100 hours TIS after the repair, and thereafter at intervals not to exceed 100 hours TIS, inspect the lower surface of the spherical bearing to determine if it has moved, in accordance with the Accomplishment Instructions, Part III, step 7., of BASB 429–19–50, Revision B. If the spherical bearing has moved (is loose): Before further flight, inspect the bore in the bellcrank assembly to determine if the diameter exceeds 0.6283 inch (15.9588 millimeters), in accordance with the Accomplishment Instructions, Part III, steps 8. through 11., of BASB 429–19–50, Revision B.

(1) If the diameter of the bore in the bellcrank assembly exceeds 0.6283 inch (15.9588 millimeters): Before further flight replace the bellcrank assembly.

(2) If the diameter of the bore in the bellcrank assembly does not exceed 0.6283 inch (15.9588 millimeters): Before further flight install a new spherical bearing in accordance with the Accomplishment Instructions, Part II, steps 4. through 12., of BASB 429–19–50, Revision B.

(i) Terminating Action

Replacement of a bellcrank assembly with a new part (never installed on a helicopter or has accumulated zero hours TIS) is terminating action for the requirements of this AD for that helicopter only.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (j)(1) or (2) of this AD.

(1) Bell Alert Service Bulletin 429–19–50, dated November 27, 2019.

(2) Bell Alert Service Bulletin 429–19–50, Revision A, dated December 2, 2019.

(k) Alternative Methods of Compliance (AMOCs)

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

identified in paragraph (l)(1) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(l) Related Information

(1) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email andrea.jimenez@faa.gov.

(2) Bell Alert Service Bulletin 429–19–50, dated November 27, 2019; and Bell Alert Service Bulletin 429–19–50, Revision A, dated December 2, 2019; which are not incorporated by reference, contain additional information about the subject of this AD. This service information is available at the contact information specified in paragraphs (m)(3) and (4) of this AD.

(3) The subject of this AD is addressed in Transport Canada AD CF–2020–11, dated April 16, 2020. You may view the Transport Canada AD at <https://www.regulations.gov> in Docket No. FAA–2021–0575.

(m) Material Incorporated by Reference

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

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

(i) Bell Alert Service Bulletin 429–19–50, Revision B, dated December 19, 2019.

(ii) [Reserved]

(3) For Bell Helicopter service information identified in this AD, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; telephone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email productsupport@bellflight.com; or at <https://www.bellflight.com/support/contact-support>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on September 16, 2021.

Ross Landes,

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

[FR Doc. 2021–22469 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2021-0612; Project Identifier MCAI-2021-00650-R; Amendment 39-21755; AD 2021-20-17]

RIN 2120-AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding emergency Airworthiness Directive (AD) 2018-23-52, which applied to all Leonardo S.p.a. Model AW169 and AW189 helicopters. AD 2018-23-52 required inspecting the nut, cotter pin, lock-wire, and hinge bracket connected to the tail rotor servo-actuator (TRA) feedback lever link, and each connection of the TRA feedback lever link, and repair if necessary. AD 2018-23-52 also required applying a paint stripe or torque seal on the nut and reporting certain information. This AD requires repetitive inspections of the TRA, repetitive inspections and checks of the tail rotor duplex bearings (TR DB), installation of an improved TRA and TR DB, repetitive installations and checks of thermal strips, replacement of the improved TR DB (life limit), and applicable corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD was prompted by a report of an accident of a Model AW169 helicopter, which was observed to have lost yaw control prior to the accident and a determination that certain inspections and checks of the TR DB, installation of an improved TRA and TR DB, certain other actions, and applicable corrective actions are necessary to address the unsafe condition. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 22, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the 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 material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0612.

ad.easa.europa.eu. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0612.

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-2021-0612; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0197, dated September 10, 2020 (EASA AD 2020-0197), to correct an unsafe condition for all Leonardo S.p.A. (formerly Finmeccanica S.p.A., AgustaWestland S.p.A.) Model AW169 and AW189 helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede Emergency AD 2018-23-52, Product Identifier 2018-SW-093-AD, dated November 8, 2018 (Emergency AD 2018-23-52). Emergency AD 2018-23-52 applied to all Leonardo S.p.a. Model AW169 and AW189 helicopters. The NPRM published in the **Federal Register** on August 5, 2021 (86 FR 42754). The NPRM was prompted by a report of an accident of a Model AW169 helicopter, which was observed to have lost yaw control prior to the accident and a determination that certain inspections and checks of the TR DB, installation of an improved TRA and TR DB, certain other actions, and applicable corrective actions are necessary to address the

unsafe condition. The NPRM proposed to require repetitive inspections of the TRA, repetitive inspections and checks of the TR DB, installation of an improved TRA and TR DB, repetitive installations and checks of thermal strips, replacement of the improved TR DB (life limit), and applicable corrective actions, as specified in an EASA AD.

The FAA is issuing this AD to address failure of the TRA feedback lever. This condition could result in loss of tail rotor control and subsequent loss of control of the helicopter. See the EASA AD 2020-0197 for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 14 CFR Part 51

EASA AD 2020-0197 requires the following actions:

- Repetitive inspections of the slippage marking of the castellated nut installed on the back-end of the affected TRA.
- Repetitive inspections of the roughness and breakaway force of the affected TR DB.
- Repetitive installations of a thermal strip on the spacer next to the TR DB.
- Repetitive checks of the condition of the thermal strip and the indicated temperature.
- Repetitive inspections/checks for particles and additional roughness of the TR DB.
- Installation of an improved TRA.
- Installation of an improved TR DB.
- Repetitive replacements of the improved TR DB (life limit).
- An inspection of an affected TR DB if the thermal strip is detached, partially detached, or unreadable.
- Reporting information to the manufacturer.

- Sending parts to the manufacturer.
- Applicable corrective actions.

Corrective actions include accomplishing instructions to address the following findings: Evidence of rotation of an affected TRA nut; thermal strip temperatures that exceed specified values; and any discrepancies found during the inspection of an affected TR DB. Discrepancies include roughness (meaning lack of free and easy rotation), measured breakaway force(s) outside the allowed range, any wear or other damage (including, but not limited to, broken seals), and the presence of particles.

EASA AD 2020–0197 also prohibits (re)installation of an affected TRA and an affected TR DB on a helicopter. EASA AD 2020–0197 also specifies, for certain helicopters, terminating action

for the repetitive inspections of the slippage marking of the castellated nut.

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.

Differences Between This AD and EASA AD 2020–0197

EASA AD 2020–0197 requires sending parts to the manufacturer. This AD does not require that action.

EASA AD 2020–0197 specifies the earlier revisions of Leonardo S.p.A. Emergency Alert Service Bulletin (EASB) 169–148, Revision D, dated August 4, 2020; and Leonardo S.p.A. EASB 189–237, Revision D, dated August 4, 2020; are acceptable for compliance for certain actions. This AD

does not allow credit for the earlier revisions.

Where Note 1 of EASA AD 2020–0197 allows a non-cumulative tolerance of 10 percent to be applied to the compliance times for the actions to allow for synchronization of the required actions with other maintenance tasks, this AD does not allow that tolerance.

Interim Action

The FAA considers this AD to be an interim action and further AD action might follow.

Costs of Compliance

The FAA estimates that this AD affects 10 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections and checks ...	Up to 9 work-hours × \$85 per hour = \$765, per inspection/check cycle.	\$0	Up to \$765, per inspection/check cycle.	Up to \$7,650, per inspection/check cycle
Thermal strip installation	1 work-hour × \$85 per hour = \$85, per installation cycle.	\$4	\$89, per installation cycle	\$890, per installation cycle
Installation of improved TRA and TR DB.	Up to 18 work-hours × \$85 per hour = \$1,530.	Up to \$39,000	Up to \$40,530	Up to \$405,300
Replacement of improved TR DB.	10 work-hours × \$85 per hour = \$850, per replacement cycle.	\$1,500	\$2,350, per replacement cycle.	\$23,500, per replacement cycle.

The FAA estimates that it would take about 1 hour per product to comply with the on-condition reporting requirement in this AD. The average labor rate is \$85 per hour. Based on these figures, the FAA estimates the cost

of reporting the inspection and check results on U.S. operators to be \$85 per product.

The FAA estimates the following costs to do any necessary on-condition inspections and thermal strip

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

ESTIMATED COSTS OF ON-CONDITION INSPECTIONS AND INSTALLATIONS

Labor cost	Parts cost	Cost per product
4 work-hours × \$85 per hour = \$340	\$0	\$340

The FAA has received no definitive data that would enable the agency to provide cost estimates for the other on-condition actions specified in this AD.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD

has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Pkwy., Fort Worth, TX 76177–1524.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue

rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–20–17 Leonardo S.p.a.: Amendment 39–21755; FAA–2021–0612; Project Identifier MCAI–2021–00650–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

This AD replaces Emergency AD 2018–23–52, Product Identifier 2018–SW–093–AD, dated November 8, 2018 (Emergency AD 2018–23–52).

(c) Applicability

This AD applies to all Leonardo S.p.a. Model AW169 and AW189 helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code 6400, Tail Rotor System.

(e) Unsafe Condition

This AD was prompted by a report of an accident of a Model AW169 helicopter, which was observed to have lost yaw control prior to the accident. The FAA is issuing this AD to address failure of the tail rotor servo-actuator (TRA) feedback lever. This condition could result in loss of tail rotor control and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0197, dated September 10, 2020 (EASA AD 2020–0197).

(h) Exceptions to EASA AD 2020–0197

(1) Where EASA AD 2020–0197 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) This AD does not allow the compliance time tolerance specified in Note 1 of EASA AD 2020–0197.

(3) The initial compliance time for the inspection specified in paragraph (1) of EASA AD 2020–0197 is within the compliance time specified in paragraph (1) of EASA AD 2020–0197, except for Group 1 helicopters on which the inspection identified in paragraph (1) of EASA AD 2020–0197 has not been done, the initial inspection is within 10 hours time-in-service after the effective date of this AD.

(4) The initial compliance time for the inspection specified in paragraph (2) of EASA AD 2020–0197 is within the compliance time specified in paragraph (2) of EASA AD 2020–0197, except for Group 1 and 2 helicopters on which the inspection identified in paragraph (2) of EASA AD 2020–0197 has not been done, the initial compliance time is within 50 hours time-in-service after the effective date of this AD.

(5) The initial compliance time for the installation specified in paragraph (3) of EASA AD 2020–0197 is within the compliance time specified in paragraph (3) of EASA AD 2020–0197, except for Group 1 and 2 helicopters on which the installation identified in paragraph (3) of EASA AD 2020–0197 has not been done, the initial compliance time is within 20 hours time-in-service after the effective date of this AD.

(6) The initial compliance time for the check (inspection) specified in paragraph (4) of EASA AD 2020–0197 is within the compliance time specified in paragraph (4) of EASA AD 2020–0197, except for Group 1 and 2 helicopters on which the check (inspection) identified in paragraph (4) of EASA AD 2020–0197 has not been done, the initial compliance time is within 10 hours time-in-service after the effective date of this AD.

(7) The initial compliance time for the inspection/check specified in paragraph (5) of EASA AD 2020–0197 is within the compliance time specified in paragraph (5) of EASA AD 2020–0197 except for Group 1 and 2 helicopters on which the inspection

identified in paragraph (5) of EASA AD 2020–0197 has not been done, the initial compliance time is within 10 hours time-in-service after the effective date of this AD.

(8) Where paragraphs (6), (8), (9), and (11) of EASA AD 2020–0197 specify contacting Leonardo for corrective action instructions, the corrective action instructions must be accomplished in accordance with FAA-approved procedures.

(9) Where paragraphs (9) and (10) of EASA AD 2020–0197 use the term “discrepancy,” for this AD, discrepancies include roughness (meaning lack of free and easy rotation), measured breakaway force(s) outside the allowed range specified in the service information identified in paragraphs (2) and (7) of EASA AD 2020–0197, any wear or other damage (including, but not limited to, broken seals), and the presence of particles.

(10) Where paragraph (12) of EASA AD 2020–0197 requires reporting results to the manufacturer “as required by paragraphs (12.1) and (12.2) of this [EASA] AD”, for this AD, only report the inspection and check results specified in paragraph (12.1) of EASA AD 2020–0197. Submit the report at the applicable time specified in paragraph (h)(10)(i) or (ii) of this AD.

(i) If the inspection or check was done on or after the effective date of this AD: Submit the report within 2 days after the inspection or check.

(ii) If the inspection or check was done before the effective date of this AD: Submit the report within 2 days after the effective date of this AD.

(11) Where paragraph (13) of EASA AD 2020–0197, and the service information specified in EASA AD 2020–0197, specify returning parts and grease containers to the manufacturer, this AD does not include those requirements.

(12) Where EASA AD 2020–0197 requires compliance from March 20, 2020 (the effective date of EASA AD 2020–0048, dated March 6, 2020), this AD requires using the effective date of this AD.

(13) Where EASA AD 2020–0197 requires compliance from its effective date, this AD requires using the effective date of this AD.

(14) This AD does not allow credit for the actions specified in EASA AD 2020–0197 if those actions were done using the service information specified in paragraphs (h)(14)(i) through (ix) of this AD:

(i) Leonardo S.p.A. Emergency Alert Service Bulletin (EASB) 169–148, dated May 29, 2019;

(ii) Leonardo S.p.A. EASB 169–148, Revision A, dated September 5, 2019;

(iii) Leonardo S.p.A. EASB 169–148, Revision B, dated February 4, 2020;

(iv) Leonardo S.p.A. EASB 169–148, Revision C, dated April 6, 2020;

(v) Leonardo S.p.A. EASB 189–237, dated May 29, 2019;

(vi) Leonardo S.p.A. EASB 189–237, Revision A, dated September 5, 2019;

(vii) Leonardo S.p.A. EASB 189–237, Revision B, dated February 4, 2020;

(viii) Leonardo S.p.A. EASB 189–237, Revision B, dated February 4, 2020, with Errata Corrigé;

(ix) Leonardo S.p.A. EASB 189–237, Revision C, dated April 6, 2020.

(15) This AD does not require the "Remarks" section of EASA AD 2020-0197.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020-0197, dated September 10, 2020.

(ii) [Reserved]

(3) For EASA AD 2020-0197, contact the 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>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. 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-2021-0612.

(5) You may view this material that is incorporated by reference at 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>.

Issued on September 23, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021-22471 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0608; Project Identifier 2019-SW-119-AD; Amendment 39-21750; AD 2021-20-12]

RIN 2120-AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AB139, AW139, AB412, and AB412 EP helicopters. This AD was prompted by failure of an Emergency Flotation System (EFS) float compartment to inflate during maintenance of the EFS. This AD requires inspecting certain EFSs and depending on the results, marking certain parts or removing certain parts from service, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products. **DATES:** This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 22, 2021.

ADDRESSES: For EASA material incorporated by reference (IBR) in this AD, contact the 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 material on the EASA website at <https://ad.easa.europa.eu>. For Leonardo Helicopters and Safran material identified in this final rule, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39-0331-225074; fax +39-0331-229046; or at <https://customerportal.leonardocompany.com/en-US/>. You may view this material at the FAA, Office of the Regional Counsel,

Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. The EASA material is also available in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0608.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0608; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019-0311, dated December 19, 2019 (EASA AD 2019-0311), to correct an unsafe condition for Leonardo S.p.A., formerly Finmeccanica Helicopter Division, AgustaWestland, Agusta S.p.A., Model AB139, AW139, AB412, and AB412EP helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Leonardo S.p.a. Model AB139, AW139, AB412, and AB412EP helicopters. The NPRM published in the **Federal Register** on July 30, 2021 (86 FR 40962). The NPRM was prompted by failure of an EFS float compartment to inflate during maintenance of the EFS. The NPRM proposed to require inspecting each EFS supply hose and depending on the results, re-identifying or removing the EFS supply hose from service, as specified in an EASA AD.

The FAA is issuing this AD to address a blocked float supply hose. See EASA AD 2019-0311 for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information Under 14 CFR Part 51

EASA AD 2019–0311 specifies inspecting certain EFSs and depending on the results, re-identifying the float supply hose with a green heat shrinkable sleeve if the float supply hose passes an inspection, or replacing the float supply hose with a serviceable float supply hose. EASA AD 2019–0311 also prohibits installing a float supply hose unless it passes the inspection and is re-identified.

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.

Other Related Service Information

The FAA reviewed Safran Service Bulletin 025–69–19, Revision 00, dated November 22, 2019 (SB 025–69–19), which is attached as Annex A to Leonardo Helicopters Alert Service Bulletin (ASB) No. 139–610 and Emergency ASB No. 412–157, each dated December 17, 2019. SB 025–69–19 specifies procedures for inspecting for blockage through the float supply hoses of the EFS inflation system.

Differences Between This AD and the EASA AD

EASA AD 2019–0311 requires inspecting each affected part in Group A within 400 flight hours (FH) or 12 months, whichever occurs first, whereas this AD requires inspecting each affected part in that group within 100 hours time-in-service instead. EASA AD 2019–0311 requires inspecting each affected part in Group C within 300 FH or during the next scheduled “18 months” inspection, whichever occurs first, whereas this AD requires inspecting each affected part in that group within 15 hours time-in-service instead to address the unsafe condition as soon as practical as there are no Group C aircraft registered in the U.S.; the proposed compliance time matches those same model aircraft found in

Group D. Where the service information referenced in EASA AD 2019–0311 specifies “operator able to perform the EFS maintenance in accordance with Aircraft Maintenance Manual (AMM) or Aircraft Maintenance Publication (AMP) can perform the procedure defined in this Service Bulletin,” this AD requires that the work be accomplished by a mechanic that meets the requirements of 14 CFR part 65 subpart D. Where EASA AD 2019–0311 specifies replacing an affected float supply hose that fails the inspection, this AD requires removing the float supply hose from service instead.

Costs of Compliance

The FAA estimates that this AD affects 129 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD.

Inspecting each EFS supply hose takes about 0.25 work-hour for an estimated cost of \$21 per hose. Re-identifying each EFS supply hose would take a minimal amount of time at a nominal cost.

Replacing an EFS supply hose takes up to 8 work-hours and parts cost between \$2,500 and \$9,500 for a set of float supply hoses, for an estimated cost of up to \$10,180 per helicopter.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–20–12 Leonardo S.p.a: Amendment 39–21750; Docket No. FAA–2021–0608; Project Identifier 2019–SW–119–AD.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AB139, AW139, AB412, and AB412 EP helicopters, certificated in any category, with an affected part as identified in European Union Aviation Safety Agency (EASA) AD 2019–0311, dated December 19, 2019 (EASA AD 2019–0311), installed.

(d) Subject

Joint Aircraft System Component (JASC) Code: 3212, Emergency Flotation Section.

(e) Unsafe Condition

This AD was prompted by failure of an Emergency Flotation System (EFS) float compartment to inflate during maintenance of the EFS. The FAA is issuing this AD to address a blocked float supply hose. The unsafe condition, if not addressed, could result in partial inflation of an EFS float during an emergency landing on water and subsequently preventing a timely egress from the helicopter, which could result in injury to helicopter occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0311.

(h) Exceptions to EASA AD 2019–0311

(1) Where EASA AD 2019–0311 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2019–0311 requires compliance in terms of flight hours, this AD requires using hours time-in-service (TIS).

(3) Where paragraph (1) of EASA AD 2019–0311 requires inspecting each affected part within the compliance time specified in Table 2 of its AD, this AD requires:

(i) Inspecting each affected part in Group A within 100 hours TIS after the effective date of this AD.

(ii) Inspecting each affected part in Group C within 15 hours TIS after the effective date of this AD.

(4) Where the service information referenced in paragraph (1) of EASA AD 2019–0311 specifies “operator able to perform the EFS maintenance in accordance with Aircraft Maintenance Manual (AMM) or Aircraft Maintenance Publication (AMP) can perform the procedure defined in this Service Bulletin,” this AD requires that the work be accomplished by a mechanic that meets the requirements of 14 CFR part 65 subpart D.

(5) Where paragraph (2) of EASA AD 2019–0311 specifies replacing an EFS supply hose that fails the inspection, this AD requires removing the hose from service.

(6) This AD does not require the “Remarks” section of EASA AD 2019–0311.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2019–0311 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

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

Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(k) Related Information

For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email andrea.jimenez@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0311, dated December 19, 2019.

(ii) [Reserved]

(3) For EASA AD 2019–0311, contact the 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>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0608.

(5) You may view this material that is incorporated by reference at 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>.

Issued on September 20, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–22470 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2021–0460; Project Identifier MCAI–2020–01620–R; Amendment 39–21744; AD 2021–20–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS355E, AS355F, AS355F1, and AS355F2 helicopters. This AD was prompted by multiple fatigue cracks in power turbine (PT) 3rd stage wheels. This AD requires revising the existing Rotorcraft Flight Manual (RFM) for your helicopter and installing a placard. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain documents listed in this AD as of November 22, 2021.

ADDRESSES: For Airbus Helicopters service information identified in this final rule, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>. For Rolls-Royce service information identified in this final rule, contact Rolls-Royce Corporation, 450 South Meridian Street, Mail Code NB–01–06, Indianapolis, IN 46225; telephone (317) 230–1667; email: CMSEindyOSD@rolls-royce.com; or at <https://www.rolls-royce.com>. You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. Service information that is incorporated by reference is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0460.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0460; or in person at Docket

Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Michael Hughlett, Aerospace Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email michael.hughlett@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model AS355E, AS355F, AS355F1, and AS355F2 helicopters with a Rolls-Royce Corporation (formerly Allison) engine Model 250-C20F installed. The NPRM published in the **Federal Register** on June 11, 2021 (86 FR 31194). In the NPRM, the FAA proposed to require revising the existing RFM for your helicopter to replace a note with a caution to not allow rotor speed to stagnate between 279 and 374 revolutions per minute (RPM). The NPRM also proposed to require installing a placard to avoid 71–95% N2 steady-state speed (avoid operation at 279–374 RPM). The owner/operator (pilot) may revise the existing RFM for your helicopter and the owner/operator must enter compliance with the applicable paragraphs of the AD into the aircraft records in accordance with 14 CFR 43.9(a)(1) through (4) and 14 CFR 91.417(a)(2)(v). This is an exception to the FAA's standard maintenance regulations.

The NPRM was prompted by EASA AD 2020-0266, dated December 8, 2020 (EASA AD 2020-0266), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters (AH), formerly Eurocopter, Eurocopter France, Aerospatiale Model AS 355 E, AS 355 F, AS 355 F1, and AS 355 F2 helicopters, all serial numbers, if equipped with Rolls-Royce Corporation (formerly Allison) (RRC) engine Model 250-C20F. EASA advises of multiple fatigue cracks in PT 3rd stage wheels. Investigation has revealed that crack initiation at the hub trailing edge could

occur in low-cycle fatigue and progress in high-cycle fatigue up to separation of the blade. According to EASA, RRC has determined that detrimental vibrations could occur within a particular range of turbine speeds, below the normal operating range of this helicopter, which are a potential contributing factor to these failures. This condition, if not addressed, could result in fatigue failure of a PT 3rd stage wheel, and subsequent loss of engine power, release of debris and damage to the helicopter, and loss of control of the helicopter.

Accordingly, EASA AD 2020-0266 requires revising the Normal Procedures Section of the applicable RFM or RFM supplement, informing flight crews, and installing a placard in full view of both pilots.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from one commenter, Airbus Helicopters, who asked why the Special Flight Permits paragraph specifies a different Nr range (71–88%) from the avoidance rate of 71–95% described in a previous paragraph. The FAA has determined that the difference was in error and has corrected the avoidance rate in the Special Flights Permits paragraph of this AD. The correct avoidance rate is between 71–95% N2.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. Except for the correction to the avoidance rate specified in the Special Flight Permits paragraph, this AD is adopted as proposed in the NPRM. This change will not increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin No. AS355-71.00.21, Revision 1, dated November 10, 2020. This service information specifies replacing a note with a caution in the Flight Manual to not allow rotor speed to stagnate between 279 and 374 RPM during engine acceleration. This service information also specifies

procedures for making and installing a label (placard) for the pilot and co-pilot to avoid 71–95% N2 steady-state speed (avoid operation at 279–374 RPM).

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

Other Related Service Information

The FAA also reviewed Rolls-Royce Alert Commercial Engine Bulletin A-1400, Revision 7, dated January 10, 2019. This service information specifies the speed avoidance range and operating procedures depending on the PT wheel part number installed.

Differences Between This AD and the EASA AD

EASA AD 2020-0266 requires compliance within 50 flight hours or 30 days, whichever occurs first after the effective date of its AD, whereas this AD requires compliance within 50 hours time-in-service after the effective date of this AD instead.

Costs of Compliance

The FAA estimates that this AD affects 29 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Revising the existing RFM for your helicopter will take about 0.25 work-hour for an estimated cost of \$21 per helicopter and \$609 for the U.S. fleet. Installing a placard will take about 0.25 work-hour and parts cost are a nominal amount, for an estimated cost of \$21 per helicopter and \$609 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–20–06 Airbus Helicopters:

Amendment 39–21744; Docket No. FAA–2021–0460; Project Identifier MCAI–2020–01620–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS355E, AS355F, AS355F1, and AS355F2 helicopters, certificated in any category, with a Rolls-Royce Corporation (formerly Allison) engine Model 250–C20F installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 7250, Turbine section.

(e) Unsafe Condition

This AD was prompted by multiple fatigue cracks in power turbine (PT) 3rd stage

wheels. The FAA is issuing this AD to prevent fatigue failure of a PT 3rd stage wheel. The unsafe condition, if not addressed, could result in loss of engine power, release of debris and damage to the helicopter, and loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Within 50 hours time-in-service after the effective date of this AD:

- (1) Revise the existing Rotorcraft Flight Manual (RFM) for your helicopter by inserting the page applicable to your helicopter model and version from Appendix 4.A. through D., of Airbus Helicopters Alert Service Bulletin No. AS355–71.00.21, Revision 1, dated November 10, 2020 (ASB AS355–71.00.21 Rev 1). Inserting a different document with information identical to that in Appendix 4.A. through D., of ASB AS355–71.00.21 Rev 1, as applicable to your helicopter model and version, is acceptable for compliance with the requirement of this paragraph. The action required by this paragraph may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with § 43.9(a)(1) through (4) and § 91.417(a)(2)(v). The record must be maintained as required by § 91.417, § 121.380, or § 135.439.
- (2) Install a placard in full view of the pilot and co-pilot by following the Accomplishment Instructions, paragraph 3.B., of ASB AS355–71.00.21 Rev 1.

Note 1 to paragraph (g)(2): Airbus Helicopters service information refers to a placard as a label.

(h) Special Flight Permits

Special flight permits are permitted so long as continuous engine operation between 71 and 95% N2 is avoided.

(i) Alternative Methods of Compliance (AMOCs)

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

(j) Related Information

- (1) For more information about this AD, contact Michael Hughlett, Aerospace Engineer, General Aviation & Rotorcraft Section, International Validation Branch,

FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email michael.hughlett@faa.gov.

(2) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD 2020–0266, dated December 8, 2020. You may view the EASA AD on the internet at <https://www.regulations.gov> in Docket No. FAA–2021–0460.

(k) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin No. AS355–71.00.21, Revision 1, dated November 10, 2020.

(ii) [Reserved]

(3) For service information identified in this AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on September 15, 2021.

Ross Landes,

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

[FR Doc. 2021–22466 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0496; Project Identifier MCAI–2020–00393–R; Amendment 39–21700; AD 2021–17–17]

RIN 2120–AA64

Airworthiness Directives; Airworthiness Directives; Airbus Helicopters and Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, AS-365N2, AS 365 N3, EC120B, EC130B4, EC130T2, EC 155B, EC155B1, SA-365N, and SA-365N1 helicopters; and Airbus Helicopters Deutschland GmbH (AHD) Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, MBB-BK117 C-2, and MBB-BK117 D-2 helicopters. This AD was prompted by failure of an Emergency Flotation System (EFS) float compartment to inflate during maintenance of the EFS. This AD requires inspecting certain EFSs and depending on the results, marking certain parts or removing certain parts from service, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference (IBR). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 22, 2021.

ADDRESSES: For EASA material incorporated by reference (IBR) in this AD, contact the 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 material on the EASA website at <https://ad.easa.europa.eu>. For Safran Aerosystems service information identified in this final rule, contact Safran Aerosystems, Technical Publication Department, 61 rue Pierre Curie CS20001, 78373 Plaisir Cedex, France; telephone (33) 1 61 34 23 23; fax (33) 1 61 34 24 41; or at <https://www.safran-aerosystems.com/customers-0>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0496.

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-

0496; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228-7330; fax (516) 794-5531; email 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0064, dated March 19, 2020 (EASA AD 2020-0064), to correct an unsafe condition for Airbus Helicopters (AH), formerly Eurocopter, Eurocopter France, Aerospatiale Model EC 120 B, EC 175 B, AS 332 C, AS 332 C1, AS 332 L, AS 332 L1, AS 350 B, AS 350 B1, AS 350 B2, AS 350 BA, AS 350 BB, AS 350 B3, AS 350 D, EC 130 B4, EC 130 T2, AS 355 E, AS 355 F, AS 355 F1, AS 355 F2, AS 355 N, AS 355 NP, SA 365 N, SA 365 N1, AS 365 N2, AS 365 N3, EC 155 B, and EC 155 B1 helicopters. EASA AD 2020-0064 also corrects an unsafe condition for Airbus Helicopters Deutschland GmbH (AHD), formerly Eurocopter Deutschland GmbH; and Airbus Helicopters Inc., formerly American Eurocopter LLC, Eurocopter España S.A. Model MBB-BK117 C-2, MBB-BK117 D-2, EC 135 P1, EC 135 P2, EC 135 P2+, EC 135 P3, EC 135 T1, EC 135 T2, EC 135 T2+, EC 135 T3, EC 635 P2+, EC 635 P3, EC 635 T1, EC 635 T2+, and EC 635 T3 helicopters. Model EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters are not certificated by the FAA and are not included on the U.S. type certificate data sheet except where the U.S. type certificate data sheet explains that the Model EC635T2+ helicopter having serial number 0858 was converted from Model EC635T2+ to Model EC135T2+; this AD therefore does not include Model EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Helicopters Model AS332C, AS332C1, AS332L,

AS332L1, AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, AS-365N2, AS 365 N3, EC120B, EC130B4, EC130T2, EC 155B, EC155B1, SA-365N, and SA-365N1 helicopters, and Airbus Helicopters Deutschland GmbH (AHD) Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, MBB-BK117 C-2, and MBB-BK117 D-2 helicopters. The NPRM published in the **Federal Register** on June 16, 2021 (86 FR 31995). The NPRM was prompted by failure of an Emergency Flotation System (EFS) float compartment to inflate during maintenance of the EFS. The NPRM proposed to require inspecting certain EFSs and depending on the results, marking certain parts or removing certain parts from service specified in EASA AD 2020-0064.

Discussion of Final Airworthiness Directive

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for a minor change. In the NPRM, the FAA proposed to require actions specified in EASA AD 2020-0064 through incorporation by reference, except for certain differences. The FAA has obtained approval to use this process from certain manufacturers, including Airbus Helicopters and Airbus Helicopters Deutschland GmbH (AHD); however, the FAA has not worked with Safran Aerosystems for approval of this process. EASA AD 2020-0064 requires using Safran Aerosystems Service Bulletin (SB) 025-69-18, original issue (Revision 0), dated December 11, 2019 or Revision 1, dated February 4, 2020 (SB 025-69-18 Rev 0 or SB 025-69-18 Rev 1), and allows the use of later approved revisions, to accomplish certain actions. In this AD, a clarification has been added into this final rule to directly use SB 025-69-18 Rev 1 or Safran Aerosystems SB 025-69-18, Revision 2, dated March 24, 2021 (SB 025-69-18 Rev 2), instead of using SB 025-69-18 Rev 0 or SB 025-69-18 Rev 1 through incorporation by reference of EASA AD 2020-0064.

The FAA has determined that this minor change:

- Is consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Does not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0064 specifies inspecting certain EFSs and depending on the results, marking a float supply hose with a green dot with indelible ink if the float supply hose passes an inspection, replacing the float supply hose with a serviceable float supply hose, or replacing an affected EFS with a serviceable EFS. EASA AD 2020–0064 also prohibits installing a float supply hose unless it passes the inspection and is marked.

The FAA reviewed SB 025–69–18 Rev 1 and SB 025–69–18 Rev 2, which apply to certain Safran Aerosystems EFS and float supply hoses. Each revision of this service information specifies procedures for inspecting single- and multi-section EFS inflation system float supply hoses for blockage, and depending on the results, replacing the hose and contacting Safran Aerosystems, or marking the hose. SB 025–69–18 Rev 2 was issued to correct a list of possibly affected parts (Table 3).

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.

Differences Between This AD and the EASA AD

EASA AD 2020–0064 applies to Airbus Helicopters Model EC120B, EC175B, AS332C, AS332C1, AS332L, AS332L1, AS350B, AS350B1, AS350B2, AS350BA, AS350BB, AS350B3, AS350D, EC130B4, EC130T2, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, SA–365N, SA–365N1, AS–365N2, AS 365 N3, EC155 B, and EC155B1 helicopters and Airbus Helicopters Deutschland GmbH Model MBB–BK 117 C–2, MBB–BK 117 D–2, EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, EC635 P2+, EC635P3, EC635T1, EC635T2+, and EC635T3 helicopters, whereas this AD does not include Model AS350BB, EC175B, EC635P2+, EC635P3, EC635T1, EC635T2+, and EC635T3 helicopters because these models are not FAA type-certificated. Where the service information referenced in EASA AD 2020–0064 requires certain compliance times depending on whether the helicopter is operated over water, this AD requires compliance within 100

hours time-in-service (TIS) instead. Where the service information referenced in EASA AD 2020–0064 specifies “work must be performed on the helicopter by the operator,” this AD requires that the work be accomplished by a mechanic that meets the requirements of 14 CFR part 65 subpart D. Where some of the service information referenced in EASA AD 2020–0064 specifies replacing or removing an affected hose that fails the inspection, this AD requires removing the hose from service instead. Where some of the service information referenced in EASA AD 2020–0064 specifies to discard certain parts, this proposed AD requires removing those parts from service instead. Where some of the service information referenced in EASA AD 2020–0064 specifies to return the EFS to the Safran Aerosystems network or clogged hoses to Safran Aerosystems Services, this AD does not include those requirements. Where the service information referenced in EASA AD 2020–0064 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

Costs of Compliance

The FAA estimates that this AD affects 1,900 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD.

Inspecting the EFS takes up to about 8 work-hours for an estimated cost of up to \$680 per helicopter and \$1,292,000 for the U.S. fleet.

Replacing an EFS hose takes about 1 work-hour and parts cost between \$500 and \$2,000 per hose, and up to \$11,000 for a set of float supply hoses, for an estimated cost of up to \$11,085 per helicopter.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–17–17 Airbus Helicopters and Airbus Helicopters Deutschland GmbH (AHD): Amendment 39–21700; Docket No. FAA–2021–0496; Project Identifier MCAI–2020–00393–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to the following helicopters, certificated in any category, with an affected part as defined in European Union Aviation Safety Agency (EASA) AD 2020–0064, dated March 19, 2020 (EASA AD 2020–0064), installed:

- (1) Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS350B,

AS350BA, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, AS-365N2, AS 365 N3, EC120B, EC130B4, EC130T2, EC 155B, EC155B1, SA-365N, and SA-365N1 helicopters, and

Note 1 to paragraph (c)(1): Helicopters with an AS350B3e designation are Model AS350B3 helicopters.

(2) Airbus Helicopters Deutschland GmbH (AHD) Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, MBB-BK117 C-2, and MBB-BK117 D-2 helicopters.

Note 2 to paragraph (c)(2): Helicopters with an EC135P3H designation are Model EC135P3 helicopters. Helicopters with an EC135T3H designation are Model EC135T3 helicopters. Helicopters with an MBB-BK117 C-2e designation are Model MBB-BK117 C-2 helicopters.

(d) Subject

Joint Aircraft System Component (JASC) Code: 2500, Cabin Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by failure of an Emergency Flotation System (EFS) float compartment to inflate during maintenance of the EFS. The FAA is issuing this AD to address a blocked float supply hose. The unsafe condition, if not addressed, could result in partial inflation of an EFS float during an emergency landing on water and subsequently preventing a timely egress from the helicopter, which could result in injury to helicopter occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020-0064.

(h) Exceptions to EASA AD 2020-0064

(1) Where EASA AD 2020-0064 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (1) of the EASA AD requires inspecting each affected part within the compliance time defined in section 1.E of the applicable ASB, this AD requires inspecting each affected part within 100 hours time-in-service (TIS) after the effective date of this AD.

(3) Where the service information referenced in paragraph (1) of EASA AD 2020-0064 specifies that "the work must be performed on the helicopter by the operator," this AD requires that the work be accomplished by a mechanic that meets the requirements of 14 CFR part 65 subpart D.

(4) Where the service information referenced in EASA AD 2020-0064 specifies replacing or removing an affected hose that fails the inspection, this AD requires removing the hose from service.

(5) Where the service information referenced in EASA AD 2020-0064 specifies to discard certain parts, this AD requires removing those parts from service.

(6) Where the service information referenced in EASA AD 2020-0064 specifies returning the EFS to the Safran Aerosystems network for compliance or returning clogged hoses to Safran Aerosystems Services, this AD does not include those requirements.

(7) This AD does not mandate compliance with the "Remarks" section of EASA AD 2020-0064.

(i) Clarification of Required Service Information

As required by the Definitions section and paragraph (4.2) of EASA AD 2020-0064, this AD requires using Safran Aerosystems Service Bulletin (SB) 025-69-18, Revision 1, dated February 4, 2020, or Safran Aerosystems SB 025-69-18, Revision 2, dated March 24, 2021.

(j) No Reporting Requirement

Although the service information referenced in EASA AD 2020-0064 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7330; fax 516-794-5531; email 9-avs-nyacc-cos@faa.gov.

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020-0064, dated March 19, 2020.

(ii) Safran Aerosystems Service Bulletin (SB) 025-69-18, Revision 1, dated February 4, 2020.

(iii) Safran Aerosystems SB 025-69-18, Revision 2, dated March 24, 2021.

(3) For EASA AD 2020-0064, contact the 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>. For Safran Aerosystems service information identified in this AD, contact Safran Aerosystems, Technical Publication Department, 61 rue Pierre Curie CS20001, 78373 Plaisir Cedex, France; telephone (33) 1 61 34 23 23; fax (33) 1 61 34 24 41; or at <https://www.safran-aerosystems.com/customers-0>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. 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-2021-0496.

(5) You may view this material that is incorporated by reference at 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>.

Issued on September 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-22467 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0579; Project Identifier MCAI-2020-00267-R; Amendment 39-21748; AD 2021-20-10]

RIN 2120-AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AB139 and AW139 helicopters. This AD was prompted by a report of several occurrences of a cracked main gearbox (MGB) spherical bearing lock nut (lock nut). This AD requires removing from service a certain part-numbered MGB lock nut that is installed on certain part-numbered MGBs and replacing it with newly designed MGB lock nut. This AD also prohibits installing any MGB with the affected MGB lock nut and prohibits installing any affected MGB lock nut on any helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of November 22, 2021.

ADDRESSES: For service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39-0331-225074; fax +39-0331-229046; or at <https://customerportal.leonardocompany.com/en-US/>.

You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. Service information that is incorporated by reference is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0579.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0579; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Aerospace Engineer, Dynamic Systems Section, Technical Innovation Policy Branch, Policy & Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email rao.edupuganti@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Leonardo S.p.A. Model AB139 and AW139 helicopters, without MGB lock nut part number (P/N) 3G6320A09152 installed and with MGB P/N 3G6320A00131, 3G6320A00132, 3G6320A00133, 3G6320A00134, 3G6320A00135, 3G6320A00136, 3G6320A22031, 4G6320A00132, or

4G6320A00133 installed; or MGB P/N 3G320A00133 with serial number (S/N) M23, or MGB P/N 3G6320A00134, with S/N M6, N76, N92, P124, P129, P131, P162, P184, Q230, Q243, Q249, R272, V21, V39, V96, V163, V211, V241, V272, V281, V384, V386, or V622 installed; or MGB P/N 3G6320A00136 with S/N AW1, AW2, AW3, AW5, or AW10 installed. The NPRM published in the **Federal Register** on July 26, 2021 (86 FR 39984). In the NPRM, the FAA proposed to require within 100 hours time in service (TIS) or during the next scheduled MGB overhaul, whichever occurs first after the effective date of this AD, removing a certain part-numbered MGB lock nut from service and replacing it with a different part-numbered MGB lock nut. The NPRM also proposed to prohibit installing an MGB having an affected MGB lock nut and also prohibit installing an affected MGB lock nut on any helicopter as of the effective date of the NPRM.

The NPRM was prompted a series of EASA ADs beginning with EASA AD 2019-0036, dated February 15, 2019 (EASA AD 2019-0036), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for all serial-numbered Leonardo S.p.A. Helicopters (formerly Finmeccanica S.p.A., AgustaWestland S.p.A., Agusta S.p.A.; and AgustaWestland Philadelphia Corporation, formerly Agusta Aerospace Corporation) Model AB139 and AW139 helicopters. EASA advised that an occurrence was reported of a cracked MGB lock nut P/N 3G6310A09151, which is used to keep the planetary gears in position. EASA AD 2019-0036 required replacing each MGB lock nut with an airworthy MGB lock nut. EASA advised this condition, if not detected and corrected, could lead to failure of the MGB planetary gears, resulting in loss of control of the helicopter.

After EASA issued EASA AD 2019-0036, an additional occurrence was reported of a cracked MGB lock nut P/N 3G6320A09151. Accordingly, EASA superseded EASA AD 2019-0036 with EASA AD 2019-0174, dated July 18, 2019 (EASA AD 2019-0174), which retained the requirements of EASA AD 2019-0036 but reduced the compliance times. After EASA issued EASA AD 2019-0174, Leonardo Helicopters issued Alert Service Bulletin No. 139-609, dated December 18, 2019 to provide instructions for replacing the affected MGB lock nut with MGB lock nut P/N 3G6320A09152, which has a redesigned flange reducing the stress at the bearing nut locations where cracks were detected.

Accordingly, EASA then issued EASA AD 2020-0011, dated January 29, 2020, and corrected January 30, 2020 (EASA AD 2020-0011), which superseded EASA AD 2019-0174, and partially retained the requirements of EASA AD 2019-0174. EASA AD 2020-0011 revised the compliance times in EASA AD 2019-0174, required replacing each affected MGB lock nut with a newly designed MGB lock nut, and prohibited installing an affected MGB on any helicopter. After EASA issued EASA AD 2020-0011, EASA identified certain MGB part numbers that were inadvertently categorized incorrectly and therefore listed in the wrong group of helicopters. Accordingly, EASA issued EASA AD 2020-0011R1, dated November 20, 2020 (EASA AD 2020-011R1), thereby revising EASA AD 2020-0011. EASA AD 2020-0011R1 retains the requirements of EASA AD 2020-0011 and corrects Appendix 1 of EASA AD 2020-0011.

After EASA issued EASA AD 2020-0011R1, Leonardo Helicopters issued Alert Service Bulletin No. 139-609, Revision A, dated April 13, 2021 (ASB 139-609 Rev A), which identifies an additional part-numbered MGB, which is also affected by the unsafe condition. Accordingly, EASA superseded EASA AD 2020-0011R1 with EASA AD 2021-0121, dated May 4, 2021 (EASA AD 2021-0121). EASA AD 2021-0121 adds an additional part-numbered MGB with a certain S/N to the list of affected parts. EASA AD 2021-0121 retains the requirements of EASA AD 2020-0011R1, and corrects Table 1 and Appendix 1 of EASA AD 2020-0011R1.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

The FAA reviewed ASB 139-609 Rev A, which specifies procedures for replacing an affected MGB lock nut with

the new MGB lock nut, within certain compliance times for certain part-numbered MGBs with certain serial numbers.

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

Other Related Service Information

The FAA also reviewed Leonardo Helicopters ASB No. 139–567, Revision B, dated October 18, 2019, which provides additional information for replacing the MGB lock nut.

Differences Between This AD and EASA AD 2021–0121

EASA AD 2021–0121 requires a compliance time based on number of landings, whereas this AD requires a compliance time based on hours TIS. The service information referenced in EASA AD 2021–0121 requires submitting certain information and parts to Leonardo, whereas this AD does not. EASA AD 2021–0121 applies to all serial-numbered Model AB139 and AW139 helicopters, whereas this AD only applies to Model AB139 and AW139 helicopters without certain part-numbered MGB lock nuts installed and with certain part-numbered MGBs installed.

Costs of Compliance

The FAA estimates that this AD affects 130 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Replacing each affected MGB lock nut with a newly designed MGB lock nut takes about 190 work-hours (during next MGB overhaul) and parts cost about \$7,600 for an estimated cost of \$23,750 per replacement.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–20–10 Leonardo S.p.a.: Amendment 39–21748; Docket No. FAA–2021–0579; Project Identifier MCAI–2020–00267.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AB139 and AW139 helicopters, certificated in any category, without main gearbox (MGB) spherical bearing lock nut (lock nut) part number (P/N) 3G6320A09152 installed and with:

- (1) MGB P/N 3G6320A00131, 3G6320A00132, 3G6320A00133, 3G6320A00134, 3G6320A00135,

3G6320A00136, 3G6320A22031, 4G6320A00132, or 4G6320A00133 installed, or

(2) MGB P/N 3G320A00133 with serial number (S/N) M23, or MGB P/N 3G6320A00134, with S/N M6, N76, N92, P124, P129, P131, P162, P184, Q230, Q243, Q249, R272, V21, V39, V96, V163, V211, V241, V272, V281, V384, V386, or V622 installed, or

(3) MGB P/N 3G6320A00136 with S/N AW1, AW2, AW3, AW5, or AW10 installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6320, Main Rotor Gearbox.

(e) Unsafe Condition

This AD was prompted by a cracked MGB lock nut. The FAA is issuing this AD to replace an affected MGB lock nut with a new MGB lock nut. The unsafe condition, if not addressed, could result in failure of the MGB planetary gears, resulting in loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 100 hours time-in-service, or during the next scheduled MGB overhaul, whichever occurs first after the effective date of this AD, remove each MGB lock nut P/N 3G6320A09151 from service and replace with MGB lock nut P/N 3G6320A09152 in accordance with Annex A, steps 1 through 17, of Leonardo Helicopters Alert Service Bulletin No. 139–609, Revision A, dated April 13, 2021, except you are not required to send parts to Leonardo Helicopters.

Note to paragraph (g)(1): Leonardo Helicopters service information refers to an MGB lock nut as a ring nut.

(2) As of the effective date of this AD, do not install any MGB having MGB lock nut P/N 3G630A09151 on any helicopter, and do not install any MGB lock nut P/N 3G630A09151 on any helicopter.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For more information about this AD, contact Rao Edupuganti, Aerospace Engineer, Dynamic Systems Section, Technical Innovation Policy Branch, Policy & Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email rao.edupuganti@faa.gov.

(2) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD 2021-0121, dated May 4, 2021. You may view the EASA AD at <https://www.regulations.gov> in Docket No. FAA-2021-0579.

(k) Material Incorporated by Reference

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

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

(i) Leonardo Helicopters Alert Service Bulletin No. 139-609, Revision A, dated April 13, 2021.

(ii) [Reserved]

(3) For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39-0331-225074; fax +39-0331-229046; or at <https://customerportal.leonardocompany.com/en-US/>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

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

Issued on September 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-22468 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2021-0578; Project Identifier 2018-SW-084-AD; Amendment 39-21741; AD 2021-20-03]

RIN 2120-AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AW169 helicopters. This AD was prompted by reports of in-flight pilot collective stick oscillation. This AD requires a one-time measurement of the friction of the pilot collective stick assembly to verify that it is within the allowable range and, depending on findings, making an adjustment to restore the acceptable level of friction, as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 22, 2021.

ADDRESSES: For material 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 material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N 321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0578.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0578; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the EASA AD, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7323; email Darren.Gassetto@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018-0203, dated September 12, 2018 (EASA AD 2018-0203) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for Leonardo S.p.A., formerly Finmeccanica S.p.A. and AgustaWestland S.p.A., Model AW169 helicopters, all serial numbers equipped with pilot collective stick assemblies having part number (P/N) 6F6711A07832 or P/N 6F6711A07831.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Leonardo S.p.a. Model AW169 helicopters. The NPRM published in the **Federal Register** on July 23, 2021 (86 FR 38950). The NPRM was prompted by reports of in-flight pilot collective stick oscillation. The NPRM proposed to require a one-time measurement of the friction of the pilot collective stick assembly to verify that it is within the allowable range and, depending on findings, making an adjustment to restore the acceptable level of friction, as specified in EASA AD 2018-0203.

The FAA is issuing this AD to address incorrect adjustment of the pilot collective stick fixed friction. The unsafe condition, if not addressed, could result in reduced controllability of the helicopter, and subsequent damage to the helicopter and injury to occupants. See EASA AD 2018-0203 for additional background information.

Discussion of Final Airworthiness Directive**Comments**

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

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

Related Service Information Under 14 CFR Part 51

EASA AD 2018-0203 requires a one-time measurement of the friction of the

pilot collective stick assembly to verify that it is within the allowable range specified in the service information (collective up and collective down directions 9.00/18.00N (Newton) or 2.02/4.05 lbf (pound force)) and, depending on the findings, accomplishment of the corrective action. The corrective action is making an adjustment to the pilot collective stick assembly to restore the acceptable

level of friction. EASA AD 2018–0203 also specifies that after installation of an affected part, or following maintenance of an affected part that involves removal from the helicopter and re-installation, before the next flight after the part installation, the collective fixed friction must be measured and, depending on the findings, the corrective action must be accomplished.

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.

Costs of Compliance

The FAA estimates that this AD affects 6 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Functional check-friction measurement	2 work-hours × \$85 per hour = \$170	\$0	\$170	\$1,020

The FAA estimates the following costs to do any necessary adjustment that would be required based on the

results of the inspection. The agency has no way of determining the number of

helicopters that might need this adjustment:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Adjustment	2 work-hours × \$85 per hour = \$170	\$0	\$170

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–20–03 Leonardo S.p.a.: Amendment 39–21741; Docket No. FAA–2021–0578; Project Identifier 2018–SW–084–AD.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW169 helicopters, certificated in any category, with an affected part as identified in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0203, dated September 12, 2018 (EASA AD 2018–0203) installed.

(d) Subject

Joint Aircraft Service Component (JASC) Codes: 6700, Rotorcraft Flight Control; 6710, Main Rotor Control.

(e) Unsafe Condition

This AD was prompted by reports of in-flight pilot collective stick oscillation. The FAA is issuing this AD address incorrect adjustment of the pilot collective stick fixed friction. The unsafe condition, if not addressed, could result in reduced controllability of the helicopter, and subsequent damage to the helicopter and injury to occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2018–0203.

(h) Exceptions to EASA AD 2018–0203

(1) Where EASA AD 2018–0203 refers to flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2018–0203 refers to its effective date, this AD requires using the effective date of this AD.

(3) This AD does not mandate compliance with the “Remarks” section of EASA AD 2018–0203.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2018–0203 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

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

(l) Material Incorporated by Reference

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

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

(i) European Aviation Safety Agency (EASA) AD 2018–0203, dated September 12, 2018.

(ii) [Reserved]

(3) For EASA AD 2018–0203, contact the 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>.

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at

<https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0578.

(5) You may view this material that is incorporated by reference at 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>.

Issued on September 15, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–22463 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2021–0565; Project Identifier 2018–SW–111–AD; Amendment 39–21743; AD 2021–20–05]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a Model AW189 helicopters. This AD was prompted by a report of an incorrect connection of the inflation hoses to the tee manifolds of the inflation line on the emergency flotation system (EFS) assembly. This AD requires visually inspecting the yellow sleeves and hoses installed on each EFS assembly and depending on the inspection results, accomplishing the corrective actions in the applicable service information as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of November 22, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the 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 view this

material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0565.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0565; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the EASA AD, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7323; email Darren.Gassetto@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0279, dated December 14, 2018 (EASA AD 2018–0279), to correct an unsafe condition for Leonardo S.p.a. (formerly Finmeccanica Helicopter Division, AgustaWestland) Model AW189 helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Leonardo S.p.a. Model AW189 helicopters. The NPRM published in the **Federal Register** on July 15, 2021 (86 FR 37258). The NPRM was prompted by a report of a discrepancy found during a maintenance inspection related to the connection of the inflation hoses to the helicopter tee manifolds. EASA AD 2018–0279 states the yellow sleeve on the right-hand (RH) aft EFS assembly was installed on the straight-to-straight hose instead of the straight-to-45 degree hose, which caused the two hoses to be incorrectly connected to the tee manifolds at the inflation line. The

NPRM proposed to require accomplishing the actions specified in EASA AD 2018–0279, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under “Differences Between this Proposed AD and EASA AD 2018–0279.”

The FAA is issuing this AD to prevent partial inflation of the flotation bags which could prevent a timely egress from the helicopter and consequent injury to helicopter occupants. See EASA AD 2018–0279 for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters.

Related Service Information Under 1 CFR Part 51

EASA AD 2018–0279 requires a visual inspection of each affected EFS assembly for correct installation of the yellow sleeves and proper connection of the inflation hoses to the float assembly and the bottle assembly. Depending on these inspection results, if an incorrect installation of the yellow sleeve or an incorrect connection of the inflation hoses is detected, EASA AD 2018–0279 requires, before next flight, removing incorrectly installed yellow sleeves, and incorrectly installed hoses, restoring markings on re-installed yellow sleeves, and re-connecting or re-installing hoses in accordance with the applicable service information. EASA AD 2018–0279 also prohibits installing any affected EFS assembly on any helicopter.

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.

Differences Between This AD and EASA AD 2018–0279

EASA AD 2018–0279 applies to Model AW189 helicopters, all serial numbers (S/Ns), whereas this AD only applies to Model AW189 helicopters with EFS assemblies having certain part-numbered aft assemblies with certain S/Ns installed.

Costs of Compliance

The FAA estimates that this AD affects 4 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Visually inspecting each EFS assembly takes about 0.75 work-hours for an estimated cost of \$64 per inspection and \$260 for the U.S. fleet.

Performing the corrective actions on each EFS assembly takes about 1.25 work-hours for an estimated cost of \$113 per EFS assembly.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–20–05 Leonardo S.p.a.: Amendment 39–21743; Docket No. FAA–2021–0565; Project Identifier 2018–SW–111–AD.

(a) Effective Date

This airworthiness directive (AD) is effective November 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW189 helicopters, certificated in any category, with an affected emergency flotation system (EFS) assembly as defined in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0279, dated December 14, 2018 (EASA AD 2018–0279).

(d) Subject

Joint Aircraft Service Component (JASC) Code: 3212, Emergency Flotation Section; 2560, Emergency Equipment.

(e) Unsafe Condition

This AD was prompted by a report of an incorrect connection of the inflation hoses to the tee manifolds of the inflation line on the EFS assembly. The FAA is issuing this AD to detect incorrect installation of the inflation hoses on the EFS assembly. The unsafe condition, if not addressed, could result in partial inflation of the flotation bags in a ditching event, preventing a timely egress from the helicopter and consequent injury to the helicopter occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2018–0279.

(h) Exceptions to EASA AD 2018–0279

(1) Where EASA AD 2018–0279 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2018–0279 requires compliance from its effective date, this AD requires using the effective date of this AD.

(3) Where the service information required by EASA AD 2018–0279 specifies recording compliance with the service bulletin in the helicopter logbook, this AD does not include that requirement.

(4) Where EASA AD 2018–0279 identifies all Model AW189 helicopters, all serial numbers in the applicability, this AD is only applicable to Model AW189 with an affected EFS assembly as defined in the definitions paragraph of the EASA AD.

(5) This AD does not require the “Remarks” section of EASA AD 2018–0279.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2018–0279 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

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

(l) Material Incorporated by Reference

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

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

(i) European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0279, dated December 14, 2018.

(ii) [Reserved]

(3) For EASA AD 2018–0279, contact the 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 material on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this material that is incorporated by reference at 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>.

Issued on September 15, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–22465 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket Number USCG–2021–0789]

RIN 1625–AA00

Safety Zone; Oaks Park Halloween Fireworks Display, Willamette 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 all navigable waters, surface to bottom, within a 500-yard radius of a fireworks display on the Willamette River near Oaks Amusement Park on SE Oaks Park Way for the Oaks Park Halloween Fireworks Display in Portland, OR on October 31, 2021. This action is necessary to provide for the safety of life on navigable waters during fireworks display. Entry of vessels or persons, transiting though, mooring, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Sector Columbia River (COTP) or a designated representative.

DATES: This rule is effective from 6:30 p.m. to 8 p.m. on October 31, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2021–0789 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, 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

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because request date of the fireworks display safety zone was July 28, 2021 which is less than the 135 day requirement for establishing a safety zone. It is impracticable to publish an NPRM because we must establish this safety zone by October 31, 2021, and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety created by the fireworks display. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

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 Columbia

River (COTP) has determined that potential hazards associated with the fireworks display on October 31, 2021, will be a safety concern for anyone within a 500-yard radius of the fireworks display. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display is taking place.

IV. Discussion of the Rule

This rule establishes a safety zone for the Oaks Park Halloween Fireworks Display from 6:30 p.m. to 8 p.m. on October 31, 2021, on a fireworks barge located on the Willamette River, surface to bottom, near Oaks Amusement Park on SE Oaks Park Way, Portland, OR, at approximate location 45°28'21.78" N; 122°39'59.50" W. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the fireworks display is taking place. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. 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 in the enforcement of the safety zone. 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.

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 size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone which would impact a small designated area on the Willamette River for less than 2 hours during the evening when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would 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 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 This rule a safety zone lasting only 1.5 hours that will prohibit entry within 500 yards of a fireworks display. 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.T13–0789 to read as follows:

§ 165.T13–0789 Safety Zone; Oaks Park Halloween Fireworks Display, Willamette River, Portland, OR.

(a) *Location.* The following area is a safety zone: All navigable waters of the Willamette River, surface to bottom, 500 feet from the fireworks display barge site at approximately 45°28′21.78″ N; 122°39′59.50″ W.

(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 6:30 p.m. until 8 p.m. on October 31, 2021. It will be subject to enforcement this entire period unless the Captain of the Port, Sector Columbia River determines it is no longer needed.

(e) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

Dated: October 12, 2021.

M.S. Jackson,

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

[FR Doc. 2021–22639 Filed 10–15–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AR13

Certification of Evidence for Proof of Service

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its adjudication regulations concerning the nature of evidence that VA will accept as proof of military service and character of discharge. In the past, VA only accepted original service documents, copies of service documents issued by the service department or by a public custodian of records, or photocopies of service documents if they were certified to be true copies of documents acceptable to VA by an accredited agent, attorney or service organization representative who had successfully completed VA-prescribed training on military records. This change allows VA to accept uncertified copies of service documents as evidence of military service if VA is satisfied that the documents are free from alteration. The intended effect of this amendment is to streamline and improve the timeliness of adjudication and claims processing for VA benefits—without compromising program integrity.

DATES: This rule is effective November 17, 2021.

FOR FURTHER INFORMATION CONTACT:

David Klusman, Lead Program Analyst, Pension and Fiduciary Service (21PF), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–8863. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on April 1, 2021, at 86 FR 17098, VA proposed to amend its adjudication regulations concerning the nature of evidence that VA will accept as proof of military service and character of discharge. The 60-day public comment period ended on June 1, 2021. VA received six comments from interested individuals and organizations.

All six comments were supportive of the proposed rule; however, two commentors additionally expressed concern about VA implementing an accurate method of identifying alterations and other methods of VA security along with this authorization with respect to utilizing uncertified copies of service documents. Neither commenter recommended revision to the proposed regulatory text based on this concern, and one commenter stated that his concern about implementing an accurate method of identifying alterations could be subsequently addressed in VA's M21–1 Adjudication Procedures Manual.

VA appreciates the two commenters' concerns. VA notes that the commenters do not suggest that the validity or advisability of the regulation would depend on how VA chooses to address this concern. Rather, the premise of the commenters' concern is that the proposed rule should be put into effect, and the commenters are merely noting this will create a downstream program integrity concern that VA will have to manage. VA agrees and is in the process of developing instructions for Veterans Benefits Administration (VBA) personnel pertaining to this issue. VA views these concerns as capable of being addressed at the subregulatory level, and does not make any changes to the proposed regulatory text based on them. VA also notes that the proposed regulatory text uses similar language already contained in 38 CFR 3.204 for determining if photocopies of documents necessary to establish birth, death, marriage, or relationship under the provisions of 38 CFR 3.205 through 3.215 are acceptable as evidence. And if VA is not satisfied that the uncertified copy of a service document is free from alteration and that the document is genuine and the information contained

in it is accurate, VA will request the claimant or claimant's representative submit a copy as defined below in 38 CFR 3.203(a)(1)(i)–(iii) while simultaneously requesting verification of service from the service department. VA has taken these concerns into consideration, but makes no change to the final rule based on them.

One of the commenters also stated that there should be an extension period to when Veterans can submit claims prior to discharge from service if they start showing any signs of a mental ailment. VA's rulemaking addresses the nature of evidence that VA will accept as proof of military service and character of discharge; it does not address the timing of filing claims or how early a claim may be filed. Thus, this statement from the commenter is outside the scope of the present rulemaking. However, VA notes that it currently administers the Benefits Delivery at Discharge (BDD) program that allows Veterans to submit disability compensation claims 90 to 180 days prior to their anticipated separation date from active duty. VA makes no change to the final rule based on the comment.

Executive Orders 12866 and 13563

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

The Secretary certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility

Act, 5 U.S.C. 601–612. The factual basis for this certification is that there are no small entities involved with the process and/or benefits associated with this rulemaking. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

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

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.100, Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces; 64.101, Burial Expenses Allowance for Veterans; 64.104, Pension for Non-Service-Connected Disability for Veterans; 64.105, Pension to Veterans Surviving Spouses, and Children; 64.106, Specially Adapted Housing for Disabled Veterans; 64.109, Veterans Compensation for Service-Connected Disability; and 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

Congressional Review Act

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

List of Subjects in 38 CFR Part 3

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

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on October 8, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication

electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

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

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

PART 3—ADJUDICATION

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

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

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

■ 2. Revise § 3.203(a)(1) to read as follows:

§ 3.203 Service records as evidence of service and character of discharge.

(a) * * *

(1) The evidence is a document issued by the service department. A copy of an original document is acceptable if:

(i) The copy was issued by the service department; or

(ii) The copy was issued by a public custodian of records who certifies that it is a true and exact copy of the document in the custodian's custody; or

(iii) The copy was submitted by an accredited agent, attorney or service organization representative who has successfully completed VA-prescribed training on military records, and who certifies that it is a true and exact copy of either an original document or of a copy issued by the service department or a public custodian of records; or

(iv) The Department of Veterans Affairs is satisfied that an otherwise uncertified copy submitted by the claimant or by the claimant's representative is free from alteration; and

* * * * *

[FR Doc. 2021–22554 Filed 10–15–21; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 51 and 52****[EPA–HQ–OAR–2014–0464; FRL–8992–01–OAR]****Denial of Petition for Reconsideration and Administrative Stay: “Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting”****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notification of action denying petition for reconsideration and administrative stay.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice that it has responded to a petition for reconsideration and administrative stay of a final action under the Clean Air Act (CAA) published in the **Federal Register** on November 24, 2020, titled, “Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting,” (“Project Emissions Accounting rule”). On January 22, 2021, the Environmental Defense Fund (EDF), the Natural Resources Defense Council (NRDC), the Environmental Integrity Project (EIP), the Sierra Club, and the Adirondack Council (“petitioners”) submitted a petition requesting that the EPA reconsider and stay the effective date of the Project Emissions Accounting rule. The EPA has denied this petition in a letter to the petitioners for the reasons that the EPA explains in that letter. The EPA is not taking action at this time on the petitioners’ additional request to withdraw the memorandum titled “Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program” (March 13, 2018) (“March 2018 Memorandum”).

DATES: October 18, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Tanya Abrahamian, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Air Quality Policy Division, 109 T.W. Alexander Drive, Mail Code C539–04, Research Triangle Park, NC 27711; phone number: (919) 541–5690; email address: abrahamian.tanya@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Where can I get copies of this document and other related information?**

This **Federal Register** document, the petition for reconsideration and

administrative stay, and the response letter to the petitioners are available in the docket that the EPA established for the Project Emissions Accounting rulemaking, under Docket ID NO. EPA–HQ–OAR–2018–0048.

All documents in the docket are listed in the index at <https://www.regulations.gov>. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

Due to public health concerns related to COVID–19, the EPA Docket Center and Reading Room are open to the public by appointment only. Our Docket Center staff also continues to provide remote customer service via email, phone, and webform. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID–19.

In addition, the EPA has established a website for the New Source Review permitting program, including New Source Review rulemakings, at: <https://www.epa.gov/nsr>. This **Federal Register** document, the petition for reconsideration and administrative stay, and the response letter denying the petition are also available on this website along with other information.

II. Judicial Review

Section 307(b)(1) of the CAA governs judicial review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, if “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.” Judicial challenges to the EPA’s denials of petitions for reconsideration of CAA actions belong in the same venue as any challenge to

the action that such petitions request the agency to reconsider.¹

On January 19, 2021, the States of New Jersey, Maryland, Minnesota, Oregon, and Washington, and the Commonwealth of Massachusetts, the Commonwealth of Pennsylvania, and the District of Columbia filed a petition for review of the Project Emissions Accounting rule in the D.C. Circuit. On January 22, 2021, EDF, NRDC, EIP, the Sierra Club, and the Adirondack Council filed a petition for review on the same action in the D.C. Circuit. Those cases have been consolidated and are temporarily being held in abeyance.

The D.C. Circuit is the appropriate venue for challenges to the final action titled, “Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting,” 85 FR 74890 (November 24, 2020), because it is nationally applicable. *See* 85 FR 74908. Therefore, challenges to the action denying the administrative petition on the Project Emissions Accounting rule must also be filed in the D.C. Circuit.

Under CAA section 307(b), any petition for review of this action denying the petitions for reconsideration and/or stay must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date this document is published in the **Federal Register**.

III. Description of Action

On November 24, 2020, the EPA finalized the Project Emissions Accounting rule, which codified in the New Source Review (NSR) regulations the EPA’s interpretation of the NSR applicability test contained in the March 2018 Memorandum.² That memorandum and the subsequent Project Emissions Accounting rule

¹ *Cf. Natural Res. Def. Council, Inc. v. Thomas*, 838 F.2d 1224, 1249 (D.C. Cir. 1988) (the clause in CAA section 307(b) governing “nationally applicable regulations” provides jurisdiction over both the direct challenge to the regulations and the petition for reconsideration).

² Memorandum from E. Scott Pruitt, to Regional Administrators, “Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program,” March 13, 2018 available at: https://www.epa.gov/sites/production/files/2018-03/documents/nsr_memo_03-13-2018.pdf. The March 2018 Memorandum explained that “the EPA interpreted the current NSR regulations as providing that emissions decreases as well as increases are to be considered in Step 1 of the NSR applicability process, where those decreases and increases are part of a single project.” More specifically, in the March 2018 Memorandum the EPA interpreted the major NSR regulations to mean that emissions increases and decreases could be considered in Step 1 for projects that involve multiple types of emissions units in the same manner as they are considered for projects that only involve new or only involve existing emissions units.

clarified that both increases and decreases in emissions resulting from a proposed project can be considered in Step 1 of the NSR major modification applicability test.³

On January 22, 2021, following promulgation of the final rule, the EPA Administrator received a petition for reconsideration of the final rule pursuant to CAA section 307(d)(7)(B). The petition for reconsideration was filed by EDF, NRDC, EIP, the Sierra Club, and the Adirondack Council. The petition for reconsideration requests that the EPA (1) stay the effectiveness of the rule during reconsideration for 90 days; (2) conduct reconsideration proceedings and withdraw the Project Emissions Accounting rule within the 90-day stay period; and, (3) immediately withdraw the March 2018 Memorandum. CAA section 307(d)(7)(B) requires the EPA to convene a proceeding for reconsideration of a rule if a party raising an objection to the rule “can demonstrate to the Administrator that it was impracticable to raise such objection within [the public comment period] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.” The EPA has carefully reviewed the petition for reconsideration and evaluated all issues raised. The EPA has determined that they do not meet the CAA section 307(d)(7)(B) criteria for mandatory reconsideration, and has sent a letter to the petitioner denying the petition for reconsideration and request for administrative stay of the Project Emissions Accounting rule. The letter articulates the rationale for the EPA’s

final response and is available in the docket for this action.

Michael S. Regan,
Administrator.

[FR Doc. 2021–22611 Filed 10–15–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0254; FRL–8727–03–R9]

Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; West Mojave Desert, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendment.

SUMMARY: On September 27, 2021, the Environmental Protection Agency (EPA) issued a final rule titled “Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; West Mojave Desert, California.” That publication incorrectly listed the transportation conformity budgets for the West Mojave Desert Nonattainment Area (West Mojave Desert) for the 2008 ozone NAAQS. Additionally, the regulatory text in that publication inadvertently included portions of the State’s submittal addressing contingency measures for failure to attain or to make reasonable further progress (RFP). This document corrects these errors and amends the regulatory text.

DATES: This rule will be effective on November 17, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2020–0254. 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: Tom Kelly, Air Planning Office (AIR–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3856, or by email at kelly.thomas@epa.gov.

SUPPLEMENTARY INFORMATION: On September 27, 2021, the EPA issued a final rule titled “Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; West Mojave Desert, California.”¹ That publication incorrectly listed the transportation conformity budgets provided in Table VI–3 of the “2018 Updates to the California State Implementation Plan” (“2018 SIP Update”).² The corrected values for the transportation conformity budgets are shown in Table 1 below.

TABLE 1—TRANSPORTATION CONFORMITY BUDGETS FOR 2020, 2023 AND 2026 FOR THE 2008 OZONE NAAQS IN THE WEST MOJAVE DESERT

[Average summer weekday, tons per day]^a

Budget year	VOC	NO _x
2020	7.9	17.6
2023	6.8	11.0
2026	6.2	10.2

^aSource: Table VI–3 from the 2018 SIP Update.

Other aspects of our final action regarding transportation conformity budgets are accurately described in the final rule, and the correct numbers were included in our May 10, 2021 proposed rule for this action.³

Additionally, while the final rule deferred action on the attainment plan’s contingency measures for failure to attain or to make RFP, the regulatory text adopted by the final rule inadvertently included portions of the State’s submittals related to the contingency measures element. This action corrects the regulatory text at 40 CFR 52.220(c)(514)(ii)(A)(9) and 40 CFR 52.220(c)(563)(ii)(A)(1), (c)(563)(ii)(B)(1), and (c)(563)(ii)(C)(1) to specify that these portions of the submittals are excluded from the EPA’s approval.

The EPA has determined that this action falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA)

¹ 86 FR 53223.

² Letter dated December 5, 2018, from Richard Corey, Executive Officer, CARB, to Mike Stoker, Regional Administrator, EPA Region IX, and electronically transmitted to the EPA’s State Planning Electronic Collaboration System on December 11, 2018.

³ 86 FR 24809.

³ An existing major stationary source triggers major NSR permitting requirements when it undergoes a “major modification.” The EPA’s implementing regulations for NSR establish a two-step process for determining major NSR applicability for projects at stationary sources. To be subject to major NSR requirements, the project must result in both (1) a significant emissions increase from the project (the determination of which is called “Step 1” of the NSR applicability analysis); and (2) a significant net emissions increase at the stationary source, taking account of emissions increases and emissions decreases attributable to other projects undertaken at the stationary source within a specific time frame (called “Step 2” of the NSR applicability analysis, or “contemporaneous netting”). For this two-step process, the NSR regulations define what emissions rate constitutes “significant” for each NSR regulated pollutant. See 40 CFR 52.21(a)(2)(iv)(a); 40 CFR 51.165(a)(1)(v); 40 CFR 51.166(b)(2)(i); 40 CFR part 51, appendix S, section II.A.5.(i).

which, upon finding “good cause,” authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment for this action are unnecessary because the underlying rule for which this correcting amendment has been prepared was already subject to a 30-day comment period, and this action merely corrects an error in the rule text. Further, this action is consistent with the purpose and rationale of the final rule, which is corrected herein. Because this action does not change the EPA’s analyses or overall actions, no purpose would be served by additional public notice and comment. Consequently, additional public notice and comment are unnecessary.

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);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Is not subject to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4);
- Does not impose a significant intergovernmental mandate or significantly or uniquely affect small governments, as described in sections 203 and 204 of the UMRA;
- 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 this error correction action does not involve technical standards; and
- Does not involve special consideration of environmental justice related issues as required by 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 (CRA) (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 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 California 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.

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

Dated: October 5, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the EPA amends chapter I, title 40 of the Code of Federal Regulations 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 F—California

- 2. Section 52.220 is amended by revising paragraphs (c)(514)(ii)(A)(9), (c)(563)(ii)(A)(1), (c)(563)(ii)(B)(1), and (c)(563)(ii)(C)(1) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(514) * * *

(ii) * * *

(A) * * *

(9) 2018 Updates to the California State Implementation Plan, adopted on

October 25, 2018, chapter VI (“SIP Elements for the Western Mojave Desert”), excluding section VI.D (“Contingency Measures”); and pages A–19 through A–22 of Appendix A (“Nonattainment Area Inventories”).

* * * * *

(563) * * *

(ii) * * *

(A) * * *

(1) CARB Review of the Mojave Desert AQMD and Antelope Valley AQMD Federal 75 ppb Ozone Attainment Plans for the Western Mojave Desert Nonattainment Area, released April 21, 2017, excluding section V.D (“Contingency Measures”).

* * * * *

(B) * * *

(1) AVAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area), adopted on March 21, 2017, except the following portions: Chapter 2—Emission Inventories; “Contingency Measures” (page 18); “Reasonable Further Progress Requirements,” including Table 3 (pages 18–20); “Conformity Budgets” (page 21); “Transportation Conformity,” including Table 4 (pages 21–23); Appendix A—Base Year Emission Inventory; and Appendix B—Future Year Emission Inventories.

* * * * *

(C) * * *

(1) MDAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area), adopted on February 27, 2017, except the following portions: Chapter 2—Emission Inventories; “Contingency Measures” (page 20); “Reasonable Further Progress Requirements,” including Table 3 (pages 20–22); “Conformity Budgets” (page 23); “Transportation Conformity,” including Table 4 (pages 23–25); Appendix A—Base Year Emission Inventory; and Appendix B—Future Year Emission Inventories.

* * * * *

[FR Doc. 2021–22165 Filed 10–15–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS-R6-ES-2018-0081;
FF09E22000 FXES11130900000 212]

RIN 1018-BD47

Endangered and Threatened Wildlife and Plants; Reclassification of the Humpback Chub From Endangered to Threatened With a Section 4(d) Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reclassifying the humpback chub (*Gila cypha*) from endangered to threatened under the Endangered Species Act of 1973, as amended (Act), due to substantial improvements in the species' overall status since its original listing as endangered in 1974. This action is based on a thorough review of the best available scientific and commercial information available, which indicates that the humpback chub no longer meets the definition of an endangered species under the Act. The humpback chub will remain protected as a threatened species under the Act. We are also finalizing a rule under section 4(d) of the Act that provides for the conservation of the humpback chub.

DATES: This rule is effective November 17, 2021.

ADDRESSES: This final rule, supporting documents we used in preparing this rule, and public comments we received are available on the internet at <http://www.regulations.gov> under Docket No. FWS-R6-ES-2018-0081. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800-877-8339.

FOR FURTHER INFORMATION CONTACT: Tom Chart, Director, telephone: 303-236-9885. Direct all questions or requests for additional information to HUMPBAC CHUB QUESTIONS, U.S. Fish and Wildlife Service, Upper Colorado River Endangered Fish Recovery Program, P.O. Box 25486, DFC, Lakewood, CO 80225. Persons who use a TDD may call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, if a species is determined to no longer be an endangered or threatened

species, we may reclassify the species or remove it from the Federal Lists of Endangered and Threatened Wildlife and Plants due to recovery. A species is an "endangered species" for purposes of the Act if it is in danger of extinction throughout all or a significant portion of its range and is a "threatened species" if it is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. We are reclassifying the humpback chub from endangered to threatened (*i.e.*, "downlisting") because we have determined that the species is no longer in danger of extinction throughout all or a significant portion of its range. Downlisting a species can only be completed by issuing a rule.

What this document does. This rule reclassifies the humpback chub from endangered to threatened (*i.e.*, to "downlists" the species), with a rule issued under section 4(d) of the Act, based on the species' current status, which has been improved through implementation of conservation actions.

The basis for our action. Under the Act, we can determine that a species is an endangered or threatened species based on any one or more of the following five factors or the cumulative effects thereof: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Based on an assessment of the best available information regarding the status of and threats to the humpback chub, we have determined that the species no longer meets the definition of endangered under the Act, but does meet the definition of threatened.

We are promulgating a section 4(d) rule. The rule we are promulgating under section 4(d) of the Act ("4(d) rule") provides exceptions to take prohibitions for activities that will further recovery of the species. This final rule recognizes that, based on the best available science, the humpback chub no longer meets the definition of an endangered species, but will remain protected as a threatened species under the Act. This progress towards recovery is a result of conservation efforts implemented by stakeholders. Collaborative conservation efforts have reduced the intensity of threats to the species and improved its population numbers. The 4(d) rule will accommodate recovery activities such as nonnative control efforts, habitat

restoration, monitoring, research, stocking, and refuge maintenance.

Previous Federal Actions

On March 11, 1967, the Secretary of the Interior published a final rule (32 FR 4001) listing the humpback chub as an endangered species in accordance with the Endangered Species Preservation Act of 1966 (80 Stat. 926; 16 U.S.C. 668aa(c)). Subsequently, the humpback chub retained classification as an endangered species under the Endangered Species Conservation Act of 1969 (16 U.S.C. 668aa) and the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and on January 4, 1974, the species was included in a final rule (39 FR 1158) establishing a list of endangered native wildlife at 50 CFR part 17. On March 21, 1994, we designated critical habitat for humpback chub along 610 kilometers (km) (379 miles (mi)) of the Colorado River basin (59 FR 13374).

We issued the first recovery plan for the humpback chub on August 22, 1979. We revised the recovery plan on September 19, 1990, and we further amended and supplemented the 1990 revised plan with new recovery goals on August 1, 2002. The recovery criteria presented in the 2002 recovery plan remain reasonable measures to gauge progress towards recovery and a valuable reference as we refine our vision of recovery for the humpback chub, and work to update the recovery plan.

On January 22, 2020, we proposed to downlist the humpback chub from "endangered" to "threatened" (85 FR 3586). Please refer to that proposed rule for a detailed description of the Federal actions concerning this species that occurred prior to January 22, 2020.

Summary of Changes From the Proposed Rule

As explained below under Summary of Comments and Recommendations, we made several changes in this final rule in response to public comments we received on our January 22, 2020, proposed rule (85 FR 3586). In incorporating the primary changes resulting from public input, we:

- Completed minor editorial changes and reorganized various sections of the rule to increase readability;
- Updated population status for all extant populations to include the most recent monitoring data;
- Revisited the analysis of future water availability and included newly available climate information;
- Revisited management actions performed by the two multi-stakeholder programs and included analysis of

actions newly implemented or planned, including, but not limited to, actions affecting river flows, food supply, and nonnative fish;

- Considered new information regarding the continued existence of the Upper Basin Recovery Program and funding for the two multi-stakeholder programs implementing management actions to benefit humpback chub; and
- Revisited our analysis of the species' status in a significant portion of its range based on the ruling of the court in *Center for Biological Diversity v. Everson*, 2020 WL 437289 (D.D.C. Jan. 28, 2020).

We have incorporated this information below under Summary of Biological Status and Threats and Determination of Humpback Chub Status, in this rule. Additionally, we updated the species status assessment (SSA) report to clarify the historical and current species range (Service 2018b, entire).

Supporting Documents

A species status assessment (SSA) team prepared an SSA report for the humpback chub. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we sought peer review of the SSA report. The Service sent the SSA report to 3 independent peer reviewers and received 3 responses. The purpose of peer review is to ensure that our reclassification determinations and 4(d) rules are based on scientifically sound data, assumptions, and analyses. The peer reviewers have expertise in the biology, habitat, and threats to the species. The Service also sent the SSA report to over 25 State, Tribal, Federal, and private partners, including scientists with expertise in desert river biology, ecology, and hydrology, for review. We received review from 29 individuals across 12 partner organizations (Service 2018b, pp. iv–v).

Final Reclassification Determination Background

It is our intent to discuss only those topics directly related to downlisting humpback chub in this rule. The

citations represent only the sources required to support this action or to provide context for it, and are not the sum total of all literature pertaining to the species. For more information on the description, taxonomy, biology, ecology, and habitat of the species, please refer to the species status assessment (SSA) report for the humpback chub (Service 2018b, entire), as well as the materials cited in this rule. These documents will be available as supporting materials on <http://www.regulations.gov> under Docket No. FWS–R6–ES–2018–0081.

The humpback chub is a fish endemic to the warm-water portions of the Colorado River basin of the southwestern United States. The humpback chub lives in discrete, rocky, canyon-bound river reaches characterized by swift currents in portions of Utah, Colorado, and Arizona. Multiple adaptations allow the humpback chub to survive the highly variable flow conditions of these desert river ecosystems, such as a long lifespan of approximately 20 to 40 years, large body size up to 480 millimeters (mm) (19 inches (in)), high reproductive potential by producing up to 2,500 eggs per year, tolerance to a wide range of water qualities, and a variable diet.

There are currently five extant, or occupied, humpback chub populations: Desolation and Gray Canyons (the Green River in Utah), Black Rocks (the Colorado River in Colorado), Westwater Canyon (the Colorado River in Utah), Cataract Canyon (the Colorado River in Utah), and Grand Canyon (the Colorado and Little Colorado Rivers in Arizona). Although it provides suitable habitats for humpback chub, the Dinosaur National Monument population is extirpated. Five of these populations (the Dinosaur National Monument, Desolation and Gray Canyons, Black Rocks, Westwater Canyon, and Cataract Canyon populations) are in the upper basin, and one population (the Grand Canyon population) is in the lower basin.

Recovery

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species unless we determine that such a plan will not promote the conservation of the species. Under section 4(f)(1)(B)(ii), recovery plans must, to the maximum extent practicable, include objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of section 4 of the Act, that the species be removed from the List.

Recovery plans provide a roadmap for us and our partners on methods of enhancing conservation and minimizing threats to listed species, as well as measurable criteria against which to evaluate progress towards recovery and assess the species' likely future condition. However, they are not regulatory documents and do not substitute for the determinations and promulgation of regulations required under section 4(a)(1) of the Act. A decision to revise the status of a species, or to delist a species, is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species, regardless of whether that information differs from the recovery plan.

There are many paths to accomplishing recovery of a species, and recovery may be achieved without all of the criteria in a recovery plan being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished. In that instance, we may determine that the threats are minimized sufficiently and that the species is robust enough that it no longer meets the definition of an endangered species or a threatened species. In other cases, we may discover new recovery opportunities after having finalized the recovery plan. Parties seeking to conserve the species may use these opportunities instead of methods identified in the recovery plan. Likewise, we may learn new information about the species after we finalize the recovery plan. The new information may change the extent to which existing criteria are appropriate for identifying recovery of the species. The recovery of a species is a dynamic process requiring adaptive management that may, or may not, follow all of the guidance provided in a recovery plan.

We published the first recovery plan for the humpback chub in 1979, and published an updated plan in 1990 (Service 1979; Service 1990). In 2002, the humpback chub recovery goals supplemented and amended the 1990 recovery plan, and provided objective and measurable demographic criteria and recommendations for site-specific management actions needed for recovery (Service 2002). For detailed description of recovery planning for the humpback chub and descriptions of the 2002 recovery criteria, please refer to the Recovery Planning and Recovery Criteria section in the January 22, 2020, proposed rule (85 FR 3586).

The current status of humpback chub partially meets the 2002 recovery

criteria. Many demographic criteria are met by the five extant populations of humpback chub, which have not declined significantly over the past decade. However, recovery criteria are not fully met because the adult population of Dinosaur National Monument declined and the population is now considered extirpated. We expect to revise the recovery plan for humpback chub when this rulemaking is complete in order to incorporate the new scientific information.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an endangered species or a threatened species. The Act defines an endangered species as a species that is “in danger of extinction throughout all or a significant portion of its range,” and a threatened species as a species that is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects. We consider these same five factors in downlisting a species from endangered to threatened (50 CFR 424.11(c) through (e)).

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or

required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term “foreseeable future” extends only so far into the future as we can reasonably determine that both the future threats and the species’ responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species’ likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species’ biological response include species-specific factors such as lifespan, reproductive rates or productivity,

certain behaviors, and other demographic factors.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent a decision by the Service on whether the species should be listed as an endangered or threatened species under the Act. It does, however, provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS–R6–ES–2018–0081 on <http://www.regulations.gov>.

To assess humpback chub viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes). In general, the more resilient and redundant a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species’ ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species’ viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species’ life-history needs. The next stage involved an assessment of the historical and current condition of the species’ demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species’ responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to

sustain populations in the wild over time. We use this information to inform our regulatory decision.

Summary of Biological Status and Threats

The following discussion is a summary of the results and conclusions from the SSA report for the humpback chub, which contains a more complete description of our scientific analysis (Service 2018b, *entire*).

For our analysis, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the factors, both positive and negative, that influence the viability of the humpback chub, currently and into the future (Service 2018b, *entire*). We evaluated the species' current levels of resiliency, redundancy, and representation, and projected plausible changes to these "3Rs" into the future (Service 2018b, *entire*). Below, we summarize the results of our analysis. Please refer to the SSA report (Service 2018b, *entire*) and the Summary of Biological Status and Threats section in the proposed rule (85 FR 3586–3594; January 22, 2020) for a more detailed discussion of the factors affecting the humpback chub and its viability.

Summary of Species Needs

Individual humpback chub need diverse, rocky, canyon river habitat for spawning, rearing, feeding, and sheltering; suitable river flow and water temperature regimes for spawning, egg incubation, larval development, and growth; and an adequate and reliable food supply, including aquatic and terrestrial insects, crustaceans, and plant material (Service 2018b, pp. 15–33). Humpback chub populations need: Habitats with few predatory nonnative fish species, allowing the young to survive and recruit; suitable water quality with few toxic inputs, such as fire ash or other contaminants, supporting survival of all life stages; and unimpeded range and connectivity between discrete canyon habitats, providing free movement of individuals among populations. At the species level, the humpback chub needs multiple populations to provide adequate redundancy against potential catastrophic events and sufficient genetic diversity (representation) to ensure adaptive traits of the species (Service 2018b, pp. 15–33).

Summary of Species Current Condition

As documented in more detail in our SSA report (Service 2018b, *entire*), to evaluate the current condition of the

humpback chub, we evaluated a number of stressors that influence the resiliency of populations. The stressors that influence resiliency of humpback chub populations include river flows (Factor A) and predatory nonnative fish (Factor C) in the upper basin populations; and river flows (Factor A), water temperature (Factor A), food supply (Factor A), and predatory nonnative fish (Factor C) in the lower basin (Service 2018b, pp. 34–100). Some stressors, such as low river flows and warm water temperatures, may also act cumulatively to increase the impact of predatory nonnative fish. Certain needs or stressors require continued management, such as river flow and nonnative fish in all five extant populations, and water temperature and food supply in the Grand Canyon population. Ongoing management actions are primarily undertaken by two multi-stakeholder management programs, the Upper Colorado River Endangered Fish Recovery Program (Upper Basin Recovery Program) and the Glen Canyon Dam Adaptive Management Program (Glen Canyon Dam AMP). Below, we summarize the current condition for the species first in the upper basin and then in the lower basin, with more detail provided in our SSA report (Service 2018b, pp. 34–124).

Summary of Current Conditions in the Upper Basin—Currently, four populations of humpback chub occur in the upper basin (Desolation and Gray Canyons, Black Rocks, Westwater Canyon, and Cataract Canyon), with one additional extirpated population (Dinosaur National Monument). The Upper Basin Recovery Program's conservation and management actions have maintained and improved resource conditions for humpback chub populations in the upper basin over the last 15 years. The Westwater Canyon population has increased substantially over the past 5 years (Hines *et al.* 2020, pp. 10, 28, 32), and the Black Rocks populations has remained stable (Francis *et al.* 2021, pp. 36–38). The best available information indicates that the Desolation and Gray Canyons, and Cataract Canyon populations are also stable (Ahrens 2019, pp. 2, 7; Caldwell 2021, p. 17). Currently, management actions in the upper basin have improved river flows such that habitats are suitable to support humpback chub populations. Although nonnative predatory fish species that prey on humpback chub, such as northern pike (*Esox lucius*), walleye (*Sander vitreus*), and smallmouth bass (*Micropterus dolomieu*), have been documented near multiple humpback chub populations,

the upper basin populations are largely free of these predators. Below, we summarize the condition of humpback chub habitats and populations in the upper basin, with additional detail provided in the SSA report (Service 2018b, pp. 34–124).

In the upper basin, the four extant populations (Desolation and Gray Canyons, Black Rocks, Westwater Canyon, and Cataract Canyon) and one extirpated population (Dinosaur National Monument) currently have high-quality rocky canyon habitat, an adequate food base, and unimpeded connectivity (Service 2018b, pp. 83–85). Federal, State, and Tribal land ownership largely protects the humpback chub's canyon habitats in the upper basin, and recreation is the primary activity in these canyons. Water temperature is suitable and unaltered by reservoir releases in the upper basin, except for a portion of the extirpated Dinosaur National Monument population in the Green River that is cooled by releases from the Flaming Gorge Dam. Fish passage structures ensure movement can occur between the populations in the upper basin (Service 2018b, pp. 83–85).

The stressors of highest concern to the humpback chub in the upper basin are reduced river flows and predatory, nonnative fish. Over the last 50 years, the operation of large, Federal dams altered river flows and temperature regimes of upper basin rivers by reducing spring peak flows and increasing summer and winter base flows, conditions generally unsuitable for humpback chub. Additionally, large municipal and agricultural water withdrawals during the 20th century reduced the amount of water in the upper basin rivers. Water withdrawals have remained relatively stable over approximately the last 20 years (Colorado Water Conservation Board 2019, p. 1; 2020 p. 1; Wyoming Solar Energy Association 2019, p. 3), while severe and persistent drought has reduced water supply in the upper basin since 2000 (Udall and Overpeck 2017, p. 2406; Williams *et al.* 2020, p. 315). Climatic warming and increased evapotranspiration have exacerbated declines in precipitation since 2000 (Milly and Dunne 2020, pp. 1252–1254; Williams *et al.* 2020, pp. 314–317), resulting in reduced water availability to the upper basin rivers (Udall and Overpeck 2017, pp. 2404–2406) used by the humpback chub.

The humpback chub evolved in an environment relatively free of predators and competitors, so the species is ill-adapted to live with the many nonnative fish that have been introduced into the

Colorado River basin. The humpback chub is a soft-rayed fish with no defense mechanisms to protect itself from nonnative predatory fish species. Over 50 nonnative fish species have been introduced into the upper basin, some of which prey on or compete with young humpback chub, thereby reducing survival rates of juvenile humpback chub. Smallmouth bass present the largest predatory threat to native fish in the upper basin (Johnson *et al.* 2008, p. 1946), but northern pike and walleye are also problematic nonnative predators. Humpback chub are at most risk from predation if nonnative predators colonize their canyon habitats, which may result in severe, localized predation on young humpback chub. Nonnative predators can also emigrate from nearby source populations and exert predatory pressure on humpback chub populations. Adult northern pike and walleye migrate through upper basin humpback chub populations in low densities, but do not yet reside and reproduce in any population. Nearby populations of smallmouth bass have not colonized Black Rocks, Westwater Canyon, or Cataract Canyon, but have been collected there in low densities. Smallmouth bass inhabit and reproduce in Dinosaur National Monument and Desolation and Gray Canyons, and periodically increase in density in response to low river flows and warm water temperatures that promote their reproduction and growth. Although a concern, nonnative predators occur in low densities in humpback chub habitats in the upper basin but have not colonized these habitats.

The Upper Basin Recovery Program oversees management actions needed to improve conditions for the humpback chub in the upper basin. Over the past 15 years, the Upper Basin Recovery Program has implemented a large suite of actions to improve the resources of highest concern for humpback chub, including, but not limited to: providing and protecting river flows; managing and removing predatory, nonnative fish; and installing and operating fish passage structures.

Despite the severe drought experienced in the upper basin over the past 15 to 20 years, management of river flows has restored much of the important intra- and inter-annual variability of river flow that the humpback chub needs to breed, feed, and shelter. Changes in the operation of large Federal dams and provision of water dedicated to environmental flows have managed flows to benefit the humpback chub. Despite a severe reduction in water availability due to

drought since 2000, water managers have provided flow regimes in upper basin rivers that support humpback chub. For example, both Flaming Gorge Dam (the Green River) and the Aspinall Unit (the Colorado River) changed operational release patterns in 2006 and 2012, respectively, to reduce adverse effects of altered flow regimes and to provide downstream flows to benefit the humpback chub and other fish species (Service 2018b, p. 39). Operational release patterns at Flaming Gorge Dam, implemented since 2006, have been evaluated for their effectiveness, and revised flow recommendations have been drafted to further improve river flow conditions for humpback chub and other fish species (LaGory *et al.* 2019, pp. 4–24, 5–6, 5–20–5–32). Implementing, evaluating, and revising flow recommendations demonstrates a commitment by stakeholders to provide flow regimes that benefit the humpback chub.

To maintain flows, the Upper Basin Recovery Program acquired water stored in reservoirs in the Yampa and Colorado Rivers and releases this water to support the humpback chub when needed, such as during low-flow periods during the summer (Service 2018b, p. 39). Stakeholders in the Upper Basin Recovery Program implement various other actions to improve flow conditions for humpback chub, such as voluntary releases of water to augment the spring peak on the Colorado River mainstem (Coordinated Reservoir Operations), which has occurred 12 times since 1997 (Service 2018b, p. 39). Furthermore, the Colorado Water Conservation Board holds instream flow water rights on two reaches of the Colorado River to maintain minimum flows in the river, which may benefit downstream habitats and designated critical habitat for humpback chub.

In the upper basin, the Upper Basin Recovery Program also implements a comprehensive suite of nonnative fish management actions to limit predation by nonnative fish species (Service 2018b, p. 90). The two core actions to reduce predation of humpback chub are removing predatory fish from approximately 966 km (600 mi) of river and screening reservoirs to prevent predators from escaping into the downstream habitats used by humpback chub. Additionally, State partners in the Upper Basin Recovery Program no longer stock certain nonnative predators, and instead stock fish species that are more compatible with the recovery of humpback chub, such as sterile individuals that will not establish populations in river habitats. State partners also have implemented harvest

regulations that promote the removal of nonnative predatory fish throughout the upper basin, including sponsoring incentivized harvest in some locations.

Over the last 20 years, partners have installed five fish passage structures in the Colorado, Gunnison, and Green Rivers to provide ecological connectivity between the upper basin populations. Fish passages built by the Upper Basin Recovery Program partners allow humpback chub in all four extant upper basin populations to emigrate to any of the other three extant populations and the extirpated Dinosaur National Monument population. Unimpeded movement between all upper basin populations provided by the fish passage structures allows for genetic exchange and maintenance of genetic diversity of populations.

Upper basin populations have been monitored using catch per unit effort (CPUE) protocols since the mid-1980s, but more rigorous mark-recapture population estimation techniques began in some humpback chub populations in the late 1990s. Abundance estimates generally have some uncertainty, with wide confidence intervals in older estimates and more precision in recent estimates. Despite the uncertainty associated with population monitoring techniques, these abundance estimates and associated CPUE data provide important demographic information about humpback chub populations.

The Black Rocks and Westwater Canyon populations both declined from around year 2000, when they were first estimated, through about 2006, after which they both stabilized through about 2012 (Service 2018b, p. 101). The most recent preliminary estimates of the Black Rocks population, for years 2016 and 2017, indicate continued stabilization of the population at around 430 adults (Francis *et al.* 2021, pp. 36–38). A large group of juvenile humpback chub documented in 2017 may increase the size of the Black Rocks population in future years (Francis *et al.* 2021, pp. 36, 38). The most recent estimates of the Westwater Canyon population, for years 2016 and 2017, indicate the population increased substantially to around 3,300 adults (Hines *et al.* 2020, pp. 10, 28, 32), likely the result of several years of recruitment since 2015. For the last 19 years, adult survival for humpback chub in Black Rocks and Westwater Canyon was relatively stable around 75 percent (Hines *et al.* 2020, pp. 10, 33; Francis *et al.* 2021, pp. 39–40). Emigration of humpback chub between Black Rocks and Westwater Canyon demonstrate connectivity, with approximately 2 percent of each population emigrating to the other population each year, for a net

contribution of approximately 50 individuals a year to the Black Rocks population (Hines *et al.* 2020, p. 17; Francis *et al.* 2021, p. 41).

Adult abundance trends in Desolation and Gray Canyons are generally similar to those for Westwater and Black Rocks because they were highest around year 2000 and subsequently declined through about 2006 (Service 2018b, p. 101). However, estimates from 2001 to 2003 have low precision and did not employ the same sampling regime as subsequent sampling. Since 2003, when standardized sampling began, preliminary analysis of long-term demographic metrics, catch rates, and site-specific abundance estimates indicate that the Desolation and Gray Canyons humpback chub population is stable (Caldwell 2021, p. 17). Specifically, canyon-wide catch rates of adults and the proportion of first year adults have remained consistent (Caldwell 2021, pp. 17, 27–31). Using estimates from 2006 to 2019, the adult abundance trends for long-term monitoring sites in Desolation and Gray Canyons are stable or increasing (Caldwell 2021, pp. 17, 32–33). Results from standardized, long-term monitoring in 2018 and 2019 demonstrates that the Desolation and Gray Canyons population is likely stable.

The Cataract Canyon population is small, with fewer than 500 adults. Swift currents make this population difficult to monitor. Abundance of humpback chub in Cataract Canyon is estimated by CPUE rather than more robust mark-recapture techniques, which makes estimating a population trend for Cataract Canyon difficult. Monitoring efforts from 2017 documented the highest annual CPUE for humpback chub in Cataract Canyon over the last 26 years (Ahrens 2017, p. 7), and the CPUE measured in 2019 was also above average (Ahrens 2019, pp. 2, 10). Analysis of CPUE by year since the 1990s demonstrates the population is stable, as the CPUE for humpback chub in Cataract Canyon has been increasing, but not in a statistically significant manner (Ahrens 2019, pp. 2, 7). Additionally, new sampling techniques in 2017 and 2019 increased the ability to document the presence of juvenile humpback chub in Cataract Canyon (Ahrens 2017, p. 2; Ahrens 2019, p. 3).

Unlike the other four populations in the upper basin, the Dinosaur National Monument population is currently below detection limits for humpback chub and is now considered functionally extirpated. By 1998, humpback chub in Dinosaur National Monument were absent or rare in

habitats where the species was likely common in the 1940s (Tyus 1998, p. 192). The last collections of humpback chub in this population were in the Yampa River in 2004 (Service 2018b, p. 114) and in the Green River in 2006 (Bestgen and Irving 2006, p. 2). The decline of the humpback chub population in Dinosaur National Monument likely started with the treatment of the Green River with rotenone (a chemical used to kill fish) following the completion of Flaming Gorge Dam in 1962 (Service 2018b, p. 81). Starting in 1963, any remaining humpback chub in the Green River portion of the Dinosaur National Monument population were negatively affected for decades by the cold, stable releases from Flaming Gorge Dam. Since 2006, operational changes at Flaming Gorge Dam have improved the water temperature and flow conditions in the Green River so that they could be more suitable for humpback chub. These operational flow regimes at Flaming Gorge Dam have been evaluated and could be revised to further reduce impacts on humpback chub and other native fish species (LaGory *et al.* 2019, pp. 4–24, 5–6, 5–20–5–32).

Flows in the Yampa River portion of the Dinosaur National Monument population are largely unregulated, but the Yampa River has experienced large-scale water withdrawals and low river flows, especially in the early 2000s. The extreme low flows in 2002 likely resulted in the extirpation of the remaining humpback chub in the Yampa River and allowed smallmouth bass to proliferate throughout the upstream reaches. Since 2007, water acquired by the Upper Basin Recovery Program and released from Elkhead Reservoir has supported improved flow conditions in the Yampa River (Service 2018b, p. 39), but smallmouth bass continue to dominate the Yampa River upstream of humpback chub habitats.

Dinosaur National Monument may now have suitable resource conditions to support a reestablishment effort of humpback chub. The rocky canyon habitats preferred by the humpback chub are still present in Dinosaur National Monument, and the native fish community is largely intact. Although management actions have improved resource conditions in Dinosaur National Monument, immigration from other humpback chub populations is too low for the species to recolonize naturally, and the population is considered extirpated. Because habitats could potentially support a population, the Upper Basin Recovery Program has convened a team to consider translocation or stocking to restore the

humpback chub to the Dinosaur National Monument population.

Summary of Current Conditions in the Lower Basin—The lower basin has one large population of humpback chub located in the Grand Canyon. Resource conditions in the lower basin are of sufficient quality and quantity to support population resiliency. Humpback chub are reproducing in many of these broadly distributed areas, demonstrating that the species can complete its entire life history in multiple, diverse locations within the Grand Canyon in the lower basin. Below, we summarize current conditions for humpback chub in the lower basin, with additional detail provided in the SSA report (Service 2018b, pp. 34–124).

Although the Grand Canyon population is the only humpback chub population in the lower basin, the population is large and includes: A core population area in the Little Colorado River and nearby mainstem Colorado River; a recent range expansion into western Grand Canyon; and individuals translocated into tributary habitats in Havasu Creek and the upper Little Colorado River. The Grand Canyon population has high-quality canyon reaches that provide unimpeded connectivity between its habitats. In this population, there are no barriers to movement, except for those created by natural falls or chutes in tributary habitats. Translocated humpback chub placed above these natural barriers helped improve redundancy of humpback chub populations in the lower basin. Landownership surrounding the Grand Canyon population is Federal and Tribal, so human access and use are well-regulated.

The stressors of highest concern to humpback chub in the lower basin are altered river flows, reduced water temperature, inadequate food supply, and predatory nonnative fish. Releases from the Glen Canyon Dam alter the flow and temperature regimes of the Colorado River throughout much of the Grand Canyon population by reducing spring peaks, increasing base flows, and cooling the river through much of the year. Despite flow and temperature changes, humpback chub continue to use the mainstem near the mouth of the Little Colorado River for all life stages, except spawning, egg incubation, and larval development, which occur primarily in the Little Colorado River (Service 2018b, p. 59). Furthermore, the species has recently expanded into the western Grand Canyon (Van Haverbeke *et al.* 2017; Rogowski *et al.* 2018, p. 26) as the elevation of Lake Mead has

receded, possibly the result of warmer water temperatures in the mainstem portion of the river (Van Haverbeke *et al.* 2017, p. 285).

The Long-Term Experimental and Management Plan prescribes the release patterns from the Glen Canyon Dam, helping to reduce and minimize impacts to humpback chub habitats in the Grand Canyon (U.S. Department of the Interior (DOI) 2016, pp. 1–2). Starting in 2004, the temperature of water released through the Glen Canyon Dam increased in the summer and fall periods to 16 degrees Celsius (°C) (61 degrees Fahrenheit (°F)). Warmer temperatures generally allow individual humpback chub to grow larger and more quickly, but warmer water may also allow predatory, nonnative fish to invade and expand into humpback chub habitats.

Predatory nonnative fish in the lower basin include warm-water species that have escaped from Lake Powell and cold water salmonids such as brown trout (*Salmo trutta*) and rainbow trout (*Oncorhynchus mykiss*) that prey on juvenile humpback chub in the cold tailwaters of Glen Canyon Dam (Ward and Morton-Starnier 2015, p. 1184). Although these two predators overlap with humpback chub in portions of the mainstem Colorado River, the predators are concentrated in the colder water immediately below Glen Canyon Dam and tributaries of the Colorado River in the Grand Canyon, so are not distributed fully throughout humpback chub habitats in the lower basin. The majority of the areas inhabited by humpback chub, including the Little Colorado River and western Grand Canyon, are dominated by native fish (Pillow *et al.* 2018, p. 7; Stone *et al.* 2018, p. 119; Van Haverbeke *et al.* 2019, p. 8; Kegerries *et al.* 2020, p. 146; Van Haverbeke *et al.* 2020, p. 8). Nonnative fish are likely limited by abiotic (physical) factors in the Little Colorado River, such as carbon dioxide and sediment regimes, which allows humpback chub and other native fish species to dominate this important habitat (Stone *et al.* 2018, p. 119). Similarly, turbidity could be limiting nonnative species in the western Grand Canyon allowing for humpback chub range expansion (Kegerries *et al.* 2020, pp. 152–154).

In the lower basin, the Glen Canyon Dam AMP coordinates the protection of natural resources of the Colorado River flowing through the Grand Canyon, including the humpback chub, from Glen Canyon Dam to the Lake Mead inflow. Actions undertaken to support recovery of humpback chub include, but are not limited to: Management actions to reduce nonnative fish species; altering dam releases to study possible

improvements of important food sources for humpback chub, such as mayflies, stoneflies, and caddisflies; and the translocation of humpback chub to new habitats.

In the lower basin, management actions are geared toward the removal of both warm water and cold water nonnative fish species, but these actions do not occur unless predetermined conditions are met (DOI 2016, pp. B–22–B–31; NPS 2018, pp. 7–26). Removal of nonnative trout occurs in locations managed for humpback chub, but, currently, removal of nonnative species in the lower basin occurs only in Bright Angel Creek. The National Park Service (NPS) has recently implemented an “Expanded Nonnative Species Management Plan” to prevent, control, minimize, or eradicate potentially harmful nonnative aquatic species (NPS 2018, p. 1). Recent increases in the nonnative green sunfish (*Lepomis cyanellus*) and brown trout in the Glen Canyon reach have raised concerns about risks to humpback chub and have prompted NPS to consider additional tools and new approaches to control nonnative aquatic species (NPS 2018, pp. 1–3).

In the lower basin, temperature, daily flow variation, and competition with other fish species influence the aquatic food base available to humpback chub, which may limit the size of the Grand Canyon population of humpback chub. Dam releases for hydropower production that match intra-daily electrical demand, a process known as “hydropeaking,” could limit the availability of important macroinvertebrates eaten by humpback chub and other native fish species, by desiccating insect eggs that are laid during high water periods but then are exposed as flows recede (Miller *et al.* 2020, p. 584). It is unclear if hydropeaking reduces the availability of aquatic insects for humpback chub in the Grand Canyon (Kennedy *et al.* 2016, p. 1), so the Glen Canyon Dam AMP is testing a series of flows specifically to improve the production of macroinvertebrates. The experiments are ongoing and it is unclear if these production flows have increased long-term macroinvertebrate density (Kennedy and Meuhlbauer 2020, pp. 12–20) or improved condition of humpback chub.

Since 2003, partners in the Glen Canyon Dam AMP have translocated humpback chub to tributaries of the Colorado River to establish population redundancy and introduce humpback chub to areas with low densities of nonnative fish. Humpback chub translocated upstream in the Little

Colorado River above Chute Falls, a natural barrier to fish movement, demonstrated higher growth rates and earlier sexual maturity than those below the falls, and are also likely reproducing in the translocation area (Stone *et al.* 2020, p. 1). A 3-year effort to introduce humpback chub into Shinumo Creek in the lower basin indicated that the tributary provided favorable conditions for growth and survival despite high emigration rates (Spurgeon *et al.* 2015, p. 502), but a 2014 fire and subsequent flooding extirpated humpback chub from the area (Healy *et al.* 2020a, p. 9). A later effort in Havasu Creek found that translocated individuals survived and grew at rates that matched the Little Colorado River core population, and these individuals potentially established a self-sustaining population (Healy *et al.* 2020a, pp. 1–2). In addition, humpback chub were translocated into Bright Angel Creek in 2018 and 2020, and evaluation is underway (Healy *et al.* 2020b, pp. 3–5). These efforts indicate that humpback chub tolerates translocation for conservation, which may be an important tool to its recovery in the future.

The lower basin’s Grand Canyon population of humpback chub is the largest and most extensively distributed population of all the populations across the species’ range, with broadly distributed groups of humpback chub in mainstem and tributary habitats between Glen Canyon Dam and Lake Mead. The core area includes the Little Colorado River and nearby portions of the mainstem Colorado River. A substantial population decline occurred in the Little Colorado River during the 1990s, followed by a strong increase around 2007 (Van Haverbeke *et al.* 2019, pp. 21, 41). This core group remained relatively stable from 2008 to 2014, with a high abundance of approximately 11,500 to 12,000 adults (Service 2018b, pp. 117–119; Van Haverbeke *et al.* 2019, p. 41). Significantly lower abundance estimates in 2015 and 2016 likely resulted from humpback chub remaining in the mainstem Colorado River (Van Haverbeke *et al.* 2019, p. 25), not a reduction in population size. Since 2017, spring adult and subadult abundances equal or exceed previous estimates (Van Haverbeke *et al.* 2019, pp. 8, 41–42), demonstrating this population continues to be large and stable. Increases in adult abundance after 2006 were likely due to increased recruitment corresponding with warmer temperatures of released water and reduced nonnative, predatory trout numbers near the confluence with the Little Colorado River.

In addition to the core population in and near the Little Colorado River, the Grand Canyon population also has multiple aggregations of adult and subadult humpback chub distributed in the mainstem Colorado River. Humpback chub catch rates within these aggregations have increased significantly since 2010, especially in western Grand Canyon (Van Haverbeke *et al.* 2020, pp. 9, 31). In fact, relatively large numbers of humpback chub in the western Grand Canyon, including age-0 individuals (life stage after larvae, within the first year of life), downstream of Diamond Creek indicate the likelihood of a new subpopulation (Van Haverbeke *et al.* 2017, pp. 285, 288–289; Rogoswki *et al.* 2018, pp. 26, 33–34). Length frequencies for the humpback chub in western Grand Canyon indicate local, natural recruitment (Van Haverbeke *et al.* 2017, p. 288; Rogoswki *et al.* 2018, p. 34). Evidence of reproduction and recruitment that does not appear to be reliant on the Little Colorado River indicates that the western Grand Canyon is likely a second, subpopulation in the lower basin, which would improve redundancy in the lower basin.

Lastly, translocation efforts are potentially establishing a third, smaller subpopulation in Havasu Creek. Beginning in 2016, natural recruitment to sexual maturity of humpback chub that were produced in Havasu Creek occurred simultaneously with increases in abundance for this population (Healy *et al.* 2020a, pp. 2, 8). Although the Havasu Creek population is still new and its long-term success is not guaranteed, it provides additional redundancy to the Grand Canyon population, the lower basin, and the species.

Summary of Species' Current Condition—The humpback chub has many traits that enable individuals to be resilient in the face of environmental or demographic stochasticity, including a long life span, high reproductive potential, use of habitats and water quality that are arduous to other fish species, adaptation to a wide variety of flow and thermal regimes, and a variable omnivorous diet. Population resiliency is demonstrated by the stability of small populations (Cataract Canyon), population increases after previous declines (Grand Canyon and Westwater Canyon), population establishment after translocations (Havasu Creek), expansion into new areas (western Grand Canyon), and stabilization after previous declines (Black Rocks). In addition, the large population size of the Little Colorado River portion of the Grand Canyon

population in the lower basin reduces risk from stressor and environmental stochasticity. Similarly, the large Westwater Canyon population supports a strong core population in the upper basin.

The current distribution of the humpback chub in five extant populations across the upper and lower basins, with new populations emerging in the lower basin, provides redundancy for the humpback chub and reduces catastrophic risk. The distribution of the four extant populations in the upper basin across different river basins and many miles of rivers also reduces catastrophic risk. Black Rocks and Westwater Canyon are the only two populations that are in relatively close proximity. In the lower basin, the single humpback chub population is large and widespread, a distribution that provides redundancy and reduces catastrophic risk to the species. In the lower basin, humpback chub may be expanding their range into western Grand Canyon and reproducing in newly established locations, such as Havasu Creek, which may also provide redundancy to the large Little Colorado River core area.

Humpback chub populations also have adequate representation, as the multiple populations distributed across the range support the species' genetic diversity. The species' genetic diversity has not declined over the past decade (Bohn *et al.* 2019, p. 25). Upper basin populations are generally more diverse than the lower basin population, demonstrating adequate exchange of individuals between populations in the upper basin (Bohn *et al.* 2019, pp. 8, 24–25). Recent analysis recommends that genetic diversity of the species be managed as three units: Upper Colorado River (Cataract Canyon, Black Rocks, and Westwater Canyon), Green River (Desolation and Gray Canyons), and the Lower Basin (Grand Canyon and tributaries) (Bohn *et al.* 2019, p. 8).

Summary of Future Conditions—In our SSA report, we evaluated future conditions for the humpback chub using projections for the stressors, habitat factors, and demographic factors that influence its resiliency, redundancy, and representation (Service 2018b, pp. 125–153). For this species status assessment, we defined viability as the ability of the species to sustain populations in natural ecosystems over a biologically meaningful timeframe, in this case, 16 and 40 years into the future. These timeframes are periods that allow us to reasonably project the potential effects of various stressors within the range of the species and account for multiple generations of the humpback chub. These projections are

consistent with the time scale for which we have data available on the species and its stressors. We projected the resiliency, redundancy, and representation of the humpback chub under three plausible future scenarios, both 16 and 40 years into the future. We developed future scenarios to help capture uncertainty associated with the future and describe the range of plausible future conditions within the overall range of the humpback chub. Below, we summarize the three future scenarios that we used to evaluate a range of plausible future conditions for the humpback chub, which are discussed in greater detail in our SSA report (Service 2018b, pp. 134–135).

Future Scenario 1 describes a reduction or elimination in current voluntary management actions for the species, but recognizes that conservation actions established under binding operational plans and agreements would continue; as such, Scenario 1 describes a plausible future with reduced conservation actions. Future Scenarios 2 and 3 include the established management actions undertaken in Scenario 1, along with currently implemented voluntary management actions, and additional proactive and adaptive management actions that may be needed in the future; both Scenarios 2 and 3 are plausible futures with continued commitment to conservation actions. Scenarios 2 and 3 differ in their confidence in the effectiveness of the conservation actions: Scenario 2 considers that implemented actions are not fully effective to mitigate impacts of drought, future water development, nonnative fishes, or other threats, whereas Scenario 3 considers that implemented actions are sufficient to mitigate impacts of drought, future water development, nonnative fishes, and other threats. Scenarios 2 and 3 were developed to recognize the uncertainty concerning management actions' ability to mitigate stressors impacting humpback chub, especially future water availability and nonnative fish.

Under Scenario 1, conditions would severely degrade within both 16 and 40 years, primarily in the upper basin because collaborative partnerships would be eliminated or reduced. However, if collaborative partnerships remain in place and their conservation actions are effective as described under Scenario 3, resource conditions improve at 16- and 40-year timeframes. Under Scenario 2, degradation of resources takes place, even as conservation actions continue, resulting in neutral conditions within 16 years, but poor

conditions within 40 years. Although there is high uncertainty regarding resource conditions under Scenario 2 at 40 years, extrapolation of the expected resource conditions from 2034 onward demonstrates a continuing decline in resource conditions. The potential extirpation of multiple populations could most likely occur in the upper basin under the short 16-year timeframe in Scenario 1 and the longer 40-year timeframe under Scenario 2. Under Scenario 3, ongoing threat management proves successful in the long term, improving resource conditions. The health (resiliency) and distribution (redundancy) of all five extant populations reduces the risk from a potential catastrophic event under Scenario 3.

Scenarios 1 and 2 projected that within 40 years the populations and overall viability of humpback chub would be at increased risk and could decline (Service 2018b, pp. 159–163). Future conditions for humpback chub would only improve under Scenario 3 if long-term management actions are successful. The SSA report contains a more detailed discussion of our evaluation of the biological status of the humpback chub and the influences that may affect its continued existence (Service 2018b, pp. 154–163).

New Scientific Information—New scientific and commercial data completed after the SSA report (Service 2018b, entire) helps improve our understanding of the humpback chub and the management actions needed to conserve the species. We included this new information above in our summary of current conditions for both the upper and lower basins. Since 2018, new monitoring data indicates that all four extant upper basin populations are likely stable or increasing, reducing the uncertainty of the trajectory of these populations. In the lower basin, monitoring indicates that the Little Colorado River core area is stable, that humpback chub have expanded their range into western Grand Canyon, and that a translocated population in Havasu Creek is naturally recruiting. Population demographics for all extant populations of the species indicates that management actions enacted recently, such as operational flow regimes from dams and nonnative fish removal, are assisting the species. This information increases support for Scenario 3, as continued management actions in both basins are resulting in improved population resiliency across the current range of the species.

To date, the Upper Basin Recovery Program has not been formally extended and is scheduled to expire in 2023, so

Scenario 1 in the SSA report (2018b, entire), with its reduction of conservation efforts, remains plausible. Partners are committed to implementing recovery actions after 2023, as demonstrated by their ongoing negotiations to define the future of the partnership. However, until the structure and funding for this partnership is defined, the analysis of future conditions under Scenario 1 as presented in the SSA report (Service 2018b, entire) remains unchanged.

The purpose of the SSA was to characterize the current and future viability of the humpback chub in terms of the 3Rs, considering the potential current and future effects of stressors. In our SSA report, we described the current condition and three plausible future conditions for the humpback chub in terms of its resiliency, redundancy, and representation (Service 2018b, entire).

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have not only analyzed individual effects of stressors on individuals, populations, and the species, but we have also analyzed their potential cumulative effects. We incorporate the cumulative effects into our SSA analysis when we characterize the current and future condition of the species across the upper and lower basins and five populations. Our assessment of the current and future conditions encompasses and incorporates the threats individually and cumulatively (Service 2018b, entire). Our current and future condition assessment is iterative because it accumulates and evaluates the effects of all the factors that may be influencing the species, including negative influences from stressors and positive influences from conservation efforts. We evaluate potential effects from these influences consistently across the same subset of habitat and demographic needs for the species, both currently and into the future. Because the SSA framework considers not just the presence of the factors, but also to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

In our determination, we correlate the threats acting on the species to the factors in section 4(a)(1) of the Act. We summarize the status assessment for the humpback chub below.

The biological information we reviewed and analyzed as the basis for our findings is documented in the SSA report (Service 2018b, entire), a

summary of which is provided above. The projections for the future condition of the species are based on our expectations of the potential stressors that may affect the humpback chub. The potential stressors we evaluated in detail in the SSA report (Service 2018b, entire) that fall under Factors A, B, C, and E of the Act are: River flows (Factor A) and predatory nonnative fish (Factor C) in the upper basin populations; and river flows (Factor A), water temperature (Factor A), food supply (Factor A), and predatory nonnative fish (Factor C) in the lower basin population (Service 2018b, pp. 34–100). Existing regulatory mechanisms (Factor D) are discussed below.

Some stressors, such as low river flows and warm water temperatures, may also act cumulatively to increase the impact of predatory nonnative fish. Certain needs or stressors require continued management, such as river flow and nonnative fish in all five extant populations, and water temperature and food supply in the Grand Canyon population. Ongoing management actions are primarily undertaken by two multi-stakeholder management programs, the Upper Colorado River Endangered Fish Recovery Program (Upper Basin Recovery Program) and the Glen Canyon Dam Adaptive Management Program (Glen Canyon Dam AMP).

Our analysis found that the primary drivers for the humpback chub's current and future condition are diminishing river flow (Factor A), increasing water temperature (Factor A), expanding populations of nonnative fish (Factor C), and food availability in the Grand Canyon (Factor A). Low river flows and warm water temperatures may also act cumulatively to increase predation by nonnative predators. We summarize these stressors below, with more detail provided in the SSA report (Service 2018b, pp. 126–133).

River flow and temperature—The presence and operation of large dams alters suitable river flow and temperatures. Historically, dam operations did not always provide river flow conditions that supported humpback chub, but recent modifications to operations have reduced some impacts from the presence of dams. In the upper basin, modifications including restoring much of the important intra- and inter-annual variability of river flow have helped improve conditions for the humpback chub. Revised operational regimes are subsequently monitored, evaluated, and revised for their effectiveness to improve conditions for the humpback

chub (LaGory *et al.* 2019, pp. 4–24, 5–6, 5–20–5–32).

We also evaluated how the effects of climate change could impact river flows and water temperatures by using hydroclimate projections of future water resources in the Colorado River basin. Hydroclimate projections predict that decreased warm-season runoff will reduce water supply, primarily from increased frequency and severity of drought, which will further result in warmer water temperatures (U.S. Bureau of Reclamation 2016, pp. i–ii). Climatic warming and increased evapotranspiration are expected to exacerbate a decline in water supply beyond declines in precipitation (Udall and Overpeck 2017, pp. 2404–2406; Milly and Dunne 2020, pp. 1252–1254; Williams *et al.* 2020, pp. 314–317). Warmer, lower flows in the upper basin increase the risk of nonnative fish species impacting humpback chub populations by supporting the growth and reproduction of smallmouth bass. Warmer releases from Lake Powell could also impact abundance and distribution of nonnative fish in the Grand Canyon.

Currently, river flow conditions and temperatures are largely adequate for humpback chub in both the upper and lower basins because reservoir managers have exercised flexibility in their operations to support humpback chub while meeting downstream delivery obligations. Furthermore, current river flow conditions have supported native fish strongholds in humpback chub habitats despite nearby populations of predatory nonnative fish. Future river flow and temperature conditions are uncertain because regional climatic patterns predict reduction in water availability that may exceed the ability of operational flexibility to provide adequate flows.

Food availability—Humpback chub require an adequate and reliable food supply, which can consist of a variety of insects, crustaceans, and plants. Food is supplied by the instream production of invertebrates, insect emergences, and floods laden with debris. In the upper basin, although food supply has not been measured, it is not estimated to be a limiting factor. Conversely, below Glen Canyon Dam in the lower basin, the condition of the humpback chub populations is hypothesized to be impacted by low aquatic insect diversity and stream productivity. To improve egg-laying conditions for aquatic insects, the primary food source for the humpback chub in the Colorado River, the Glen Canyon Dam AMP is conducting experiments to evaluate densities of macroinvertebrates under

various flow regimes (Kennedy and Meuhlbauer 2020, pp. 12–20) to see if they will appreciably improve humpback chub condition. Therefore, low food availability could be a stressor to the species in the lower basin.

Predation—Predation and competition by nonnative fish are stressors to humpback chub in both the upper and lower basins. Juvenile humpback chub are vulnerable to predation from predatory, nonnative fish during the first few years of life. Nonnative fish can also compete for resources with adult humpback chub, reducing the ability of the humpback chub to breed, feed, and shelter. Although the humpback chub has no natural defense mechanism to protect itself from nonnative predators, the more arduous hydrological conditions of the humpback chub's canyon habitats are less favorable to the nonnative predators, which may limit the effects of nonnative fish. However, predation from nonnative fish may also increase when warm water temperatures act cumulatively with low flows.

In the upper basin, predation and competition by nonnative fish, particularly smallmouth bass, walleye, and northern pike, are potential threats to the viability of humpback chub. All upper basin humpback chub populations have dense nonnative predator populations nearby and experience predation pressure when adult predators emigrate. However, only the extant Desolation and Gray Canyons and the extirpated Dinosaur National Monument experience localized reproduction of smallmouth bass. Smallmouth bass colonization of multiple humpback chub populations would significantly decrease the viability of the species in the upper basin, but this has not yet occurred. In-river removal of nonnative predators focused on disrupting spawning successfully reduces adult densities of northern pike (Bestgen *et al.* 2020, pp. 11–12) and smallmouth bass (Hawkins 2019, pp. 12, 23) in certain reaches of the upper basin, but environmental conditions conducive to reproduction can produce strong year classes of young fish. This demonstrates that long-term commitment to nonnative predator control can improve conditions for the humpback chub and other native fish, but must be performed consistently in order to control nonnative fish populations. Commitments to multifaceted management of nonnative fish has reduced the threat posed by nonnative predators in the upper basin, but if management actions decrease, the threat would likely increase.

In the lower basin, current densities of nonnative predators are low in areas inhabited by humpback chub, such as the Little Colorado River and western Grand Canyon, likely because of abiotic factors, such as turbidity, water chemistry, and temperature (Pillow *et al.* 2018, p. 7; Van Haverbeke *et al.* 2019, p. 8; Kegerries *et al.* 2020, p. 146). Management actions in place to prevent and respond to establishment of new species, including the NPS “Expanded Nonnative Species Management Plan,” provides additional tools and new approaches for controlling nonnative aquatic species (NPS 2018, pp. 1–3). Recent increases in brown trout density in the Lees Ferry reach of the Colorado River and the discovery of green sunfish immediately below Glen Canyon Dam demonstrate that risks do exist in the lower basin, but these risks are currently upstream of humpback chub habitats. Lower elevations of Lake Powell enhance risk of warm water nonnative predator establishment in the Grand Canyon via increased risk of fish escaping through Glen Canyon Dam and warmer water releases that support nonnative predators.

Currently, nonnative fish moderately impact two (one extant and one extirpated) populations of humpback chub, while the remaining four extant populations are not currently being impacted. The threat of nonnative fish is being managed in the upper basin through multifaceted management actions, including but not limited to in-river nonnative predator removal, active flow management, and reservoir containment. In the lower basin, abiotic conditions currently limit the threat of nonnative fish. There remains risk for future increases in impacts from nonnative fish caused by altered flow conditions, but the magnitude of these impacts is uncertain. Therefore, nonnative predatory fish are not currently a threat to the species, but could become a threat in the future if management actions decrease.

Regulatory mechanisms—Regulatory mechanisms (Factor D) and other management efforts benefit the humpback chub. Most resources affecting humpback chub are strictly regulated through Federal, State, and Tribal mechanisms. Humpback chub are considered a sensitive species in Utah (Utah Division of Wildlife Resources 2017, p. 2), a State threatened species in Colorado (Colorado Parks and Wildlife 2020, p. 3), a Tier 1 vulnerable species in Arizona (Arizona Game and Fish 2019, p. 32), and an endangered species under Navajo Nation Code (Navajo Nation 2020, p. 2), which provide various protections within those

boundaries. The humpback chub's canyon habitats are largely protected by Federal, State, and Tribal land ownership, and humans primarily use humpback chub habitats for recreation. Releases from large dams, primarily operated by the U.S. Bureau of Reclamation (USBR), are now operated to promote river function and fish habitat under binding operational and management plans described in the Records of Decision for the Aspinall Unit (USBR 2012, p. 1), Flaming Gorge Dam (USBR 2006, pp. 1–2), and Glen Canyon Dam (DOI 2016, pp. 1–2). In the upper basin, the Colorado Water Conservation Board holds instream flow water rights on two reaches of the Colorado River to maintain minimum flows in the river, which may benefit downstream-designated critical habitat for the humpback chub. Water use and delivery in the Colorado River basin is strictly regulated under existing Federal, State, and Tribal laws commonly referred to as the “Law of the River,” including, but not limited to, the Colorado River Compact of 1922, the Upper Colorado River Basin Compact of 1948, the Colorado River Storage Project Act of 1956, the Colorado River Basin Project Act of 1968, and individual State and Tribal statutes that regulate water appropriation.

The Upper Basin Recovery Program and Glen Canyon Dam AMP are key regulatory mechanisms that shape the current and future condition of humpback chub. These programs are considered regulatory mechanisms because they are authorized through, and comply with, Federal legislation and the Law of the River. The Upper Basin Recovery Program was authorized under Public Law 106–392 and has been renewed on a periodic basis by acts of Congress. The Glen Canyon Dam AMP was established under the Record of Decision to operate Glen Canyon Dam needed to comply with the Grand Canyon Protection Act of 1992 (USBR 1996, pp. G–3–G–4), and funding for the program was authorized under Public Law 106–377. The Upper Basin Recovery Program coordinates and implements the majority of management actions in the upper basin, while the Glen Canyon Dam AMP undertakes management actions for the mainstem Colorado River in the lower basin. For example, both programs provide adequate habitat conditions by managing river flow and water temperature and by managing nonnative fish species. Conservation efforts implemented by the two programs over the past three decades demonstrate the

success of these collaborative partnerships.

The cooperative agreement implementing the Upper Basin Recovery Program was first signed in 1988, extended in 2001 and 2009, and is scheduled to expire in 2023. Expiration in 2023 creates uncertainty for continued implementation of conservation efforts. However, commitment to continue the decades-long partnership is strong, as demonstrated by ongoing efforts to extend the partnership beyond 2023. Language in Public Law 116–9 requires program stakeholders to work with the Secretary of the Interior to develop a list of actions necessary to assist in the recovery of the endangered fishes in the upper basin, and to estimate the costs of those actions. The partners are actively working to provide this information and to simultaneously define a program structure and funding strategy that would implement the actions after 2023. Partners recognize that declining hydropower production requires the negotiation of new funding strategies (Western Area Power Administration (WAPA) 2020, pp. 8–12, 16) and that funding must be adequate to implement the management actions necessary for humpback chub recovery in the upper basin. Until the Upper Basin Recovery Program partnership is defined and adequately funded, the humpback chub's future resource conditions are not certain because critical management actions, such as leasing water for river flows, in-river nonnative fish removal, fish passage operations, and monitoring may not be implemented.

In the lower basin, the Long-Term Experimental and Management Plan and other legally binding mechanisms provide more certainty for humpback chub conservation actions, including additional adaptive actions likely needed to respond to changing resource conditions (Service 2018b, pp. 12–14). Unlike the Upper Basin Recovery Program, the Glen Canyon Dam AMP and associated funding does not have a scheduled expiration. However, declining hydropower production also impacts the funding strategies for this partnership (WAPA 2020, pp. 8–12, 16). Continued implementation of management actions is critical to the humpback chub's future resource conditions in the lower basin.

Summary of Comments and Recommendations

In the proposed rule published in the **Federal Register** on January 22, 2020 (85 FR 3586), we requested that all interested parties submit written comments on our proposal to downlist

the humpback chub by March 23, 2020. We also contacted appropriate Federal and State agencies, Native American Tribes, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Newspaper notices inviting general public comment were published in the Arizona Daily Sun (Arizona), the Salt Lake Tribune (Utah), and the Grand Junction Sentinel (Colorado). We did not receive any requests for a public hearing. All comments are posted at <http://www.regulations.gov> under Docket No. FWS–R6–ES–2018–0081. All substantive information received during the comment period is either incorporated directly into this final rule or is addressed below.

State Comments

Section 4(b)(5)(A)(ii) of the Act states that the Secretary must give actual notice of a proposed regulation under section 4(a) to the State agency in each State in which the species is believed to occur, and invite the comments of such agency. Section 4(i) of the Act directs that the Secretary will submit to the State agency a written justification for his or her failure to adopt regulations consistent with the agency's comments or petition. We solicited and received comments from the States of Arizona (Arizona Game and Fish Department), Colorado (Colorado Department of Natural Resources), and Utah (Utah Public Lands Policy Coordinating Office). The three States support our reclassification of humpback chub with a section 4(d) rule.

Tribal Comments

We received one letter from a Native American Tribe, the Navajo Nation, in which the Little Colorado River portion of the Grand Canyon population resides. On July 2, 2020, we conducted government-to-government consultation concerning the proposed rule to reclassify humpback chub with a section 4(d) rule. The Navajo Nation supports our reclassification of humpback chub with a section 4(d) rule.

Public Comments

We received 78 letters from the public that provided comments on our January 22, 2020, proposed rule (85 FR 3586). We received letters from the general public, nongovernmental organizations such as water users, power customers, and environmental organizations. All of the comments included their views on whether the humpback chub should be reclassified, with letters of support for and opposition to the downlisting. We considered identical comments

submitted by different entities to be one substantive comment, such as identical letters and emails submitted by multiple water user groups and the Sierra Club. Relevant public comments are addressed in the following summary, and new information was incorporated in this final rule.

Comment (1): Some comments stated that the humpback chub should not be reclassified because population demographics do not meet the current recovery goals. Specifically, those comments stated that upper basin population abundances were too small to warrant reclassification and the current recovery goals include the Dinosaur National Monument population, which has experienced extirpation in the last two decades. Additional comments requested that we use the most recent population monitoring data to characterize the current condition of the species. Specifically, those comments requested that we incorporate updated monitoring information for the Little Colorado River, western Grand Canyon, and all upper basin populations.

Our Response: We used the most recent monitoring data to characterize the status of the species and updated population status descriptions throughout the rule. The current distribution of the humpback chub in five extant populations across the upper and lower basins, with new locations emerging in the lower basin, provides adequate redundancy for the species. Populations are either stable (Grand Canyon, Desolation and Gray Canyons, Cataract Canyon, and Black Rocks), or are increasing (Westwater Canyon and western Grand Canyon), demonstrating their resiliency regardless of abundance. As summarized above, the current condition of the species includes adequate resiliency, redundancy, and representation to support species viability.

We recognize that the extirpation of the Dinosaur National Monument population negatively affected the species and reestablishing that population would have conservation value to the species. Because existing habitats could potentially support a population, the Upper Basin Recovery Program has convened a team to consider translocation or stocking to restore humpback chub to Dinosaur National Monument. We support this conservation effort.

As described under Recovery above, recovery plans provide important guidance to the Service, States, Tribes, and other partners on methods of enhancing conservation and minimizing threats to listed species, as well as

measurable criteria against which to measure progress towards recovery, but they are not regulatory documents and cannot substitute for the determinations and promulgation of regulations required under section 4(a)(1) of the Act. We expect to revise the recovery plan for the humpback chub when this rulemaking is complete.

Our decision to revise the status of the humpback chub is based on an analysis of the best scientific and commercial data available, regardless of whether that information differs from the recovery plan. As described in *Determination of Status* below, our review of the best available scientific and commercial information indicates that the humpback chub meets the definition of a threatened species.

Comment (2): Some comments stated that we should not reclassify the species to threatened because the species will receive less protection under the Act. Furthermore, some comments specifically mentioned that if this rulemaking were finalized, there would be no regulatory mechanisms in place to protect the species from large-scale projects, including hydropower projects proposed for the Little Colorado River currently under Federal Energy Regulatory Commission (FERC) review.

Our Response: Reclassification from endangered to threatened would not remove the species from the Federal List of Endangered and Threatened Wildlife. Therefore, this rule would not eliminate protections afforded by the Act, including prohibitions of take under section 9 of the Act, except as defined under this rule's special 4(d) provisions. Likewise, reclassification would not change in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or the ability of the Service to enter into partnerships for the management and protection of the humpback chub.

As part of this rulemaking, we developed a species-specific 4(d) rule, the provisions of which would promote the conservation of the humpback chub by providing continued protection from take and would facilitate the expansion of the species' range by increasing flexibility in management activities. These activities are intended to support the conservation of humpback chub. All other actions that could impact the species would still be governed by the Act's prohibitions of take under section 9 of the Act.

The Act's section 9 take prohibitions, along with the consultation requirements under section 7 of the Act, would provide adequate regulatory oversight for projects likely to

jeopardize the continued existence or recovery of humpback chub. This includes the proposed hydropower projects in the Little Colorado River under FERC consideration. The Department of the Interior has submitted comments on these projects specific to potential impacts to humpback chub. As stated in both of FERC's May 21, 2020, Preliminary Permits, if a license is pursued, FERC "will comply with the requirements of the [Act] during its review of the application" (FERC 2020a, p. 5; FERC 2020b, p. 5).

Comment (3): Some comments stated that the provisions of the 4(d) rule for humpback chub would not protect humpback chub, specifically the catch and release angling provisions. Conversely, all three States provided comments supporting the 4(d) rule provisions, with the State of Colorado specifically stating that all provisions are relevant to the recovery of the humpback chub.

Our Response: We determined that the specific provisions in the 4(d) rule adequately protect humpback chub while facilitating the conservation and management of humpback chub where they currently occur, and may occur in the future. We included descriptions of reasonable care to limit the take to humpback chub during these important conservation activities. Of particular note, we provide take prohibitions for catch-and-release angling of humpback chub only in areas outside of the core populations, thus protecting humpback chub from intentional angling pressure in these important areas.

Comment (4): One comment stated that the proposed rule fails to adequately address whether the chub's most at-risk populations in the upper basin are still "in danger of extinction" and, if so, whether any of these higher risk populations constitute a "significant portion" of the chub's range thereby requiring the species as a whole to remain federally listed as endangered.

Our Response: Based on the ruling of the court in *Center for Biological Diversity v. Everson*, 2020 WL 437289 (D.D.C. Jan. 28, 2020), we have revised our evaluation of the status of the humpback chub throughout a significant portion of its range to meet the court's requirements under *Status Throughout a Significant Portion of Its Range*, below.

Comment (5): Some comments indicated that we failed to fully analyze and include the current and future effects of climate change in the Colorado River basin that cause river flow declines, such as air temperature increases, increased evapotranspiration,

and precipitation declines. Some commenters provided scientific research on the severe and persistent drought in the Colorado River since 2000, including how existing climatic warming has exacerbated declines in precipitation.

Our Response: We recognize that adequate flow regimes are key to the conservation of humpback chub and that climate change may impact flow regimes in the Colorado River basin. We analyzed the current and expected future condition of flow regimes to support humpback chub in the SSA, including the ongoing and expected impact of climate change on this resource. Because we recognize climate change impacts will likely reduce water supply through a variety of mechanisms, such as less precipitation, warmer air temperatures, drier soils, and increased evapotranspiration, all future scenarios analyzed in the SSA, and used in this rule, assume that the mean annual availability of water (snowpack and runoff) will be lower in the future (Service 2018b, p. 134). However, atmospheric conditions and water supply are not the only factor in realized flows in humpback chub habitats, because all humpback chub habitats are downstream of large federally operated reservoirs. Federal legislation and interstate compacts ensure that water is released downstream through humpback chub habitats, and reservoir operators have flexibility in operations. This flexibility is exercised in the upper basin by providing intra-annual variation in flows (spring peaks and base flows) tailored to the hydrological conditions. This can be demonstrated because, despite a severe reduction in water availability since 2000, water managers have provided intra- and inter-annual variability of flow regimes that support humpback chub.

We recognize that this flexibility of water storage projects may be outpaced by declines in long-term water supply. Considering this important relationship between long-term water supply and reservoir operations, future resource conditions varied according to the likely implementation and effectiveness of reservoir operations compared with declining water supply (Service 2018b, p. 134). For example, Scenario 2 in the SSA considered a future where “water operations cannot provide adequate flows or temperatures in humpback chub habitats because drought or other factors have decreased [long-term] water supply” (Service 2018b, p. 135).

In this final rule, we have included new scientific research concerning climate change and water supply in the

Colorado River basin that has been published since the completion of the SSA report (Service 2018b, entire) and the publication of the proposed rule (January 22, 2020; 85 FR 3586). We incorporated this new research into our final rule in Summary of Biological Status and Threats, including references provided by commenters. Despite the severe drought during the past 15 to 20 years, management of river flows has restored much of the important intra- and inter-annual variability of river flow that the humpback chub needs to breed, feed, and shelter. Although regional climatic patterns are expected to reduce water availability in the future, the flexible operation of large dams may mitigate the impacts of this decrease on humpback chub through flow management and shepherding of water to downstream users. Although operations have been able to provide humpback chub with adequate flows despite the recent severe drought, future climatic conditions could outstrip management flexibility or increase frequency of drier hydrologies, which benefit nonnative species.

Current river flow conditions and temperatures are largely adequate for humpback chub in both basins despite ongoing climatic warming. Therefore, we find that climate change does not place humpback chub at immediate risk of extinction (*i.e.*, the species is not endangered as a result of climate change). The uncertainty concerning the possible severity in water supply declines does pose a threat to humpback chub in the future, such that we conclude that humpback chub is likely to become endangered within the foreseeable future. Therefore, our review of the best available scientific and commercial information, including recent information concerning climate change, indicates that the humpback chub meets the definition of a threatened species rather than an endangered species.

Comment (6): Some comments stated the humpback chub is at risk from non-climate change related modifications to river flows, such as modified temperature regimes below large dams, human water use, declines in spring peak flows, and reduced flows in the Little Colorado River from aquifer diversions. Some comments requested we include additional descriptions of reservoir operation management actions that benefit humpback chub, including water provided to support peak- and base-flows.

Our Response: Modified flow regimes resulting from reservoir operations and human water use could possibly impact humpback chub. We considered these

potential impacts when we completed the SSA report for the humpback chub and in our analysis in the proposed rule. We included additional research and management actions into this rule in Summary of Biological Status and Threats, above, including references provided by commenters.

We considered habitat alterations from dam operations and human water use, including altered river thermal regimes, spring peak flows, and human water withdrawals in the SSA report (Service 2018b, pp. 35, 59, 87, 126). Current river flow conditions and temperatures are largely adequate for humpback chub. Therefore, we find that modified flow regimes from reservoir operations and human water use do not place humpback chub at immediate risk of extinction. Possible water supply declines in the future could pose a threat to humpback chub resource conditions, such that we conclude that humpback chub is likely to become endangered within the foreseeable future. The findings of our analysis is consistent with our determination that the humpback chub meets the definition of a threatened species rather than an endangered species.

Comment (7): Some commenters stated that we should consider impacts from nonnative fish, especially nonnative trout in the Grand Canyon, and smallmouth bass, northern pike, and walleye in the upper basin. Some comments stated that the threat from nonnative fish should preclude its reclassification as threatened. Conversely, water user organizations and all three State wildlife agencies requested that we include additional information concerning nonnative fish management actions into the proposed rule and use that information to justify that the species does warrant reclassification.

Our Response: Nonnative fish impact humpback chub, especially when nonnative fish prey upon humpback chub when their habitats overlap. In the SSA, we considered the presence and impacts of nonnative predators, such as trout in the lower basin (Service 2018b, pp. 71, 91, 128), smallmouth bass, northern pike, and walleye in the upper basin (Service 2018b, pp. 42, 87, 128), and conservation actions designed to mitigate these threats (Service 2018b, pp. 87, 91, 97). We included additional research and management actions into this rule in Summary of Biological Status and Threats, above, including references provided by commenters.

Current conditions of nonnative fish are acceptable to humpback chub because problematic, nonnative predators reproduce in only one extant

population, Desolation and Gray Canyons. Other populations do have nonnative predators nearby, but these predators have not colonized humpback chub habitats. Nonnative fish conditions are expected to remain acceptable in the upper basin because of the commitment to multifaceted nonnative fish management and existence of adequate flow regimes, but the risk for substantial and rapid degradation is present if management actions are ceased. In the lower basin, current densities of nonnative predators are low in areas inhabited by humpback chub, such as the Little Colorado River and western Grand Canyon, and management actions are in place to prevent establishment of new species. The findings of our analysis of the threat of nonnative fish to humpback chub is consistent with our determination that the humpback chub meets the definition of a threatened species rather than an endangered species.

Comment (8): Some comments stated that we did not adequately consider possible impacts of water contamination on humpback chub, including impacts from oil, gas, and uranium extraction and possible contaminant spills.

Our Response: In the SSA report, we stated that humpback chub needs suitable water quality with few contaminants and little risk of spills (Service 2018b, p. 28). We analyzed the current and expected future condition of water quality and found that it is not limiting any populations of humpback chub or predicted to in the foreseeable future (Service 2018b, pp. 50, 73); therefore, water quality was not considered a threat to the viability of the species.

Comment (9): One comment stated that we did not adequately consider possible impacts of the parasitic Asian tapeworm on humpback chub.

Our Response: In the SSA report, we recognized the presence of aquatic parasites in humpback chub habitats, including Asian tapeworm, but determined that no parasites or parasitic outbreak has impacted any humpback population (Service 2018b, p. 23). We analyzed the current and future expected condition of parasites and found that they are not limiting any populations of humpback chub or predicted to in the foreseeable future (Service 2018b, p. 128); therefore, this was not considered a threat to the viability of the species.

Comment (10): Some comments stated that altered habitat was limiting the viability of humpback chub.

Our Response: In the SSA report, we recognized that humpback chub needs diverse rocky canyon habitat (Service

2018b, p. 28). We analyzed the current and future expected condition of this resource for humpback chub and found that humpback chub's rocky canyon habitat is largely unchanged and located in lands administered by Federal, State, and Tribal agencies that protect the current and future condition (Service 2018b, pp. 34, 58, 83, 86). Therefore, habitat alteration was not considered a threat to the viability of the species.

Comment (11): Some comments stated that the populations of humpback chub are fragmented, especially by Glen Canyon Dam, and that lack of connectivity reduces the genetic fitness of the species.

Our Response: In the SSA report, we recognized that the humpback chub requires connectivity (Service 2018b, p. 29). We analyzed the current and future expected condition of connectivity for humpback chub and found that at a species level, Glen Canyon Dam is a barrier to movement between the upper and lower basins. Within the upper basin, there is no impediment to movement among the four extant populations because multiple fish passage projects have been built and operated over the past two decades. Movement of individuals in the upper basin are sufficient to ensure genetic exchange and diversity, but not sufficient to repopulate other areas (Service 2018b, p. 52). In the lower basin, connectivity between the Little Colorado River population and other aggregations downstream is sufficient for genetic exchange, but the demographic effect is unclear (Service 2018b, p. 75). There are no barriers between the Little Colorado River and the newly expanded population in the western Grand Canyon.

Because humpback chub in the upper and lower basin can freely swim between habitats in each basin, population connectivity was not considered a threat to the viability of the species. In the 2002 Recovery Goals we determined that recovery of the species can be achieved via two unconnected recovery units, the lower basin and upper basin, demarcated at Glen Canyon Dam. The findings of our analysis of connectivity within the range of humpback chub is consistent with our determination that the humpback chub meets the definition of a threatened species rather than an endangered species.

Comment (12): Some comments stated that we did not appropriately consider the impact of food supply in the Grand Canyon and requested that we incorporate additional information from recent studies of macroinvertebrate flows in the Grand Canyon.

Our Response: In the SSA report, we recognized that humpback chub need an adequate and reliable food supply (Service 2018b, p. 28). We analyzed the current and future expected condition of this resource for humpback chub and found the aquatic food base in Grand Canyon is affected by temperature, daily flow variation, and fish competition, which may limit the size of the humpback chub population (Service 2018b, p. 68); therefore, we considered this impact to the viability of the species in the proposed rule.

Discharge variation from hydropeaking operations in the Grand Canyon limits the success of aquatic egg-laying insect species whose eggs are desiccated during the incubation cycle. It is unclear if ongoing macroinvertebrate production flow experiments have increased long-term macroinvertebrate density (Kennedy and Meuhlbauer 2020, pp. 12–20) or if they will appreciably improve humpback chub condition. We incorporated this research and management action into this rule in Summary of Biological Status and Threats, including references provided by commenters. The findings of our analysis of food supply within the range of humpback chub is consistent with our determination that the humpback chub meets the definition of a threatened species rather than an endangered species.

Comment (13): Some comments requested that we update our description of the future of the Upper Basin Recovery Program to include the most recent planning of program partners. The comments stated that the uncertainty regarding the future of the Upper Basin Recovery Program, as described in Scenario 1, was not justified because program partners have a strong commitment to future implementation of the program.

Our Response: We have included new information from the planning process to reauthorize the Upper Basin Recovery Program in our Summary of Biological Status and Threats, above. We understand that the partners are working diligently to find a framework for the Upper Basin Recovery Program to continue after 2023. The past performance of the Upper Basin Recovery Program's implementation of recovery actions over the past three decades cannot be discounted. However, at this time, there are no signed extensions or reauthorizations of the program on which we can rely for this rule. Until the Upper Basin Recovery Program partnership is defined, the humpback chub's future resource conditions are not certain

because critical management actions, such as leasing water for river flows, in-river nonnative fish removal, fish passage operations, and monitoring may not be implemented.

We must rely on the best available information when making our determination and at this time we must recognize that there is uncertainty in the future structure and funding for the Upper Basin Recovery Program. Therefore, we did not alter the analysis of Scenario 1 presented in the SSA report.

Determination of Humpback Chub Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an “endangered species” as a species that is “in danger of extinction throughout all or a significant portion of its range,” and a “threatened species” as a species that is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” For a more detailed discussion on the factors considered when determining whether a species meets the definition of an endangered species or a threatened species and our analysis on how we determine the foreseeable future in making these decisions, please see Regulatory and Analytical Framework.

Status Throughout All of Its Range

As required by the Act, we considered the five factors in assessing whether humpback chub is an endangered or threatened species throughout all of its range. We carefully examined the best scientific and commercial information available regarding the past, present, and future threats faced by humpback chub. We reviewed the information available in our files and other available published and unpublished information and information that we received from public comments on our January 22, 2020, proposed rule (85 FR 3586), and we consulted with recognized experts and State agencies. We documented our analysis in an SSA report (Service 2018b, entire).

We identified changes to water flow and temperature (Factor A), food availability (Factor A), and predatory, nonnative fish (Factor C) as potential stressors to humpback chub (Service 2018b, pp. 126–133). There is no evidence that overutilization (Factor B) of humpback chub, disease (Factor C), or other natural and manmade factors affecting the species (Factor E) are

occurring. We evaluated each potential stressor, including its source, affected resources, exposure, immediacy, geographic scope, magnitude, and impacts on individuals and populations, and our level of certainty regarding this information, to determine which stressors were likely to be drivers of the species’ current and future conditions (Service 2018b, pp. 126–133). We also evaluated the effects of stressors that may operate cumulatively, such as low river flows and warm water temperatures that may act cumulatively to increase predation by nonnative predators.

As described in the determinations below, we first evaluate whether the humpback chub is in danger of extinction throughout its range now. We then evaluate whether the species is likely to become in danger of extinction throughout its range in the foreseeable future. We finally consider whether the humpback chub is an endangered or threatened species in a significant portion of its range.

In this finding, we evaluate the best available scientific information about the species’ current and projected future levels of demographic and habitat factors (these are described in the SSA report in terms of resiliency, redundancy, and representation) to describe the viability of the species, and how it may change over time (using three plausible future scenarios). Ultimately, we compare our evaluation of the species risk of extinction against the definition of an endangered species.

As summarized above, resource conditions for the humpback chub across five extant populations, four in the upper basin and one large population in the lower basin, are adequate. Habitats support multiple, resilient populations in the upper basin, including the large Westwater Canyon population, and the large, stable Grand Canyon population in the lower basin, with range expansion into western Grand Canyon. The species currently demonstrates sufficient levels of resiliency, redundancy, and representation across both the upper basin and lower basin populations, such that the potential extirpation of multiple populations is not likely to occur now or in the short term. The current resiliency of the large core population in the lower basin and the current resiliency and redundancy of the four populations in the upper basin decrease the risk to the species from stochastic and catastrophic events, such that the species currently has a low risk of extinction.

Thus, after assessing the best available information, we conclude that the

humpback chub no longer meets the Act’s definition of an endangered species. We therefore proceed with determining whether the humpback chub is likely to become endangered within the foreseeable future throughout all of its range.

The key statutory difference between a threatened species and an endangered species is the timing of when a species may be in danger of extinction, either now (endangered species) or in the foreseeable future (threatened species).

In considering the foreseeable future, we projected a range of plausible future scenarios for the humpback chub and evaluated the condition of demographic factors and habitat factors under each future scenario. We then summarized the future viability for the species in terms of its resiliency, redundancy, and representation under each of the three future scenarios. For the purposes of this finding, we generally define viability as the ability of the species to sustain a population in the wild over a biologically meaningful timeframe, in this case, 16 to 40 years into the future, a biologically meaningful timeframe that represents multiple generations of humpback chub. The timeframe should be sufficient to be able to observe changes in the condition of the species through multiple generations, multiple cycles of changes to climate conditions, such as drought, and is a timeframe in which we can reasonably rely on projections about the future.

To assist us in evaluating the status of the species in the foreseeable future, we evaluated the future condition of the humpback chub under three plausible future scenarios, 16 and 40 years into the future. These scenarios were designed to capture the full range of plausible futures and uncertainty associated with the implementation and effectiveness of conservation actions important to the humpback chub’s survival. Although the likelihood of each scenario occurring in the future may vary, the changes in conservation efforts projected by the three scenarios are all plausible, so the scenarios capture the full range of conditions that the humpback chub could experience 16 and 40 years into the future. We evaluated the viability of the humpback chub under each of these scenarios in terms of its expected resiliency, redundancy, and representation into the foreseeable future.

Looking into the foreseeable future, habitat and demographic conditions for the humpback chub would severely degrade within both 16 and 40 years under Scenario 1, primarily in the upper basin. However, if collaborative partnerships remain in place and their

conservation actions are effective as described under Scenario 3, resource conditions improve at both the 16- and 40-year timeframes. However, under Scenario 2, degradation of resources takes place, even as conservation actions continue, resulting in the same conditions as current condition within 16 years, but reduced conditions within 40 years. Although there is high uncertainty associated with the projection of the resource conditions in 40 years under Scenario 2, extrapolation of the conditions demonstrates a continuing decline in resource conditions under Scenario 2. The potential extirpation of multiple populations could most likely occur in the upper basin under the short 16-year timeframe in Scenario 1 and the longer 40-year timeframe under Scenario 2. Under Scenario 3, ongoing threat management proves successful in the long term, improving resource conditions. Under Scenario 3, the health (resiliency) and distribution (redundancy) of all five extant populations reduces the risk from a potential catastrophic event, but there is less resiliency and redundancy under Scenarios 1 and 2, which represents more risk to the species.

Based on the uncertain trajectory of several of the upper basin populations; the uncertainty associated with certain resource conditions, including nonnative predatory fish, river flow, and food supply in the Grand Canyon; and the unresolved future of the Upper Basin Recovery Program, the future conditions for the populations and overall species viability are at increased risk and could decline within 40 years under Scenarios 1 and 2. Future conditions would only improve under Scenario 3 if long-term management actions are successful.

Therefore, there is enough risk in the foreseeable future associated with potential reductions in conservation actions that are important to the species' survival, such that the humpback chub is likely to become endangered throughout all of its range within the foreseeable future. Specifically, there is enough risk associated with the potential reduction of important management actions, which could occur with reduced funding in the Upper Basin Recovery Program, such that the humpback chub is at risk of extinction in the foreseeable future.

Thus, after assessing the best available information, we determine that the humpback chub is not currently in danger of extinction, but is likely to become in danger of extinction within the foreseeable future throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. The court in *Center for Biological Diversity v. Everson*, 2020 WL 437289 (D.D.C. Jan. 28, 2020) (*Center for Biological Diversity*), vacated the aspect of the Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (79 FR 37578; July 1, 2014) that provided that the Services do not undertake an analysis of significant portions of a species' range if the species warrants listing as threatened throughout all of its range. Therefore, we proceed to evaluating whether the species is endangered in a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is significant; and (2) the species is in danger of extinction in that portion. Depending on the case, it might be more efficient for us to address the "significance" question or the "status" question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

Following the court's holding in *Center for Biological Diversity*, we now consider whether there are any significant portions of the species' range where the species is in danger of extinction now (*i.e.*, endangered). In undertaking this analysis for the humpback chub, we choose to address the status question first—we consider information pertaining to the geographic distribution of both the species and the threats that the species faces to identify any portions of the range where the species is endangered.

For the humpback chub, we considered whether the threats are geographically concentrated in any portion of the species' range at a biologically meaningful scale. We examined the following threats: River flows and water temperature (which could be affected by climate change in the long term) (Factor A), food supply (Factor A), and predatory nonnative fish (Factor C), including cumulative effects. There is no evidence that overutilization (Factor B) of humpback chub, disease (Factor C), or other natural and

manmade factors affecting the species (Factor E) are occurring.

Current river flow conditions and temperatures are largely adequate for humpback chub throughout its range, in both the upper and lower basins, because reservoir operations have had the flexibility and commitment to support humpback chub. Despite the severe drought experienced during the past 15 to 20 years across the species' range, management of river flows has restored much of the important intra- and inter-annual variability of river flow that the humpback chub needs to breed, feed, and shelter. Specifically, in the upper basin, changes in the operation of large Federal dams and provision of water dedicated to environmental flows have reduced the effects of drought on river flows. Therefore, despite a severe reduction in water availability since 2000, water managers have provided flow regimes in upper basin rivers that support humpback chub, and upper basin populations have stabilized or expanded in response. As a result, we did not identify a concentration of threats associated with either river flows or water temperature.

In the lower basin, the Long-Term Experimental and Management Plan prescribes release patterns from Glen Canyon Dam, helping to reduce and minimize impacts to Grand Canyon habitats. This includes experimental releases to support the aquatic food base in Grand Canyon. Currently, the water flows, water temperatures, and food base in the Grand Canyon have supported a large, stable population in the Colorado River and are supporting a range expansion in the western Grand Canyon. As such, we did not identify a concentration of threats in the lower basin.

Current river flow conditions have supported humpback chub populations in both the upper and lower basins and have helped reduce the presence of nonnative predatory fish species in humpback chub habitats, despite populations of predators nearby. Additionally, nonnative fish management actions have helped reduce nonnative predatory species, such as in-river nonnative predator removal, active flow management, and reservoir containment. As a result, nonnative predators are not limiting three out-of-the four extant humpback chub populations in the upper basin, and are a moderate issue for one population in the upper basin. Smallmouth bass inhabit and reproduce in Dinosaur National Monument, so nonnative predators could potentially be an issue if Dinosaur National Monument supported a humpback chub population

and was not extirpated, but we did not identify a concentration of nonnative predators in this area. In the lower basin, nonnative fish are likely limited by abiotic factors, so nonnative predators are not an issue across the majority of humpback chub habitats in the lower basin, including the Little Colorado River and western Grand Canyon (Pillow *et al.* 2018, p. 7; Van Haverbeke *et al.* 2019, p. 8; Kegerries *et al.* 2020, p. 146). Management actions are also in place to prevent establishment of new nonnative species in the lower basin, including the NPS “Expanded Nonnative Species Management Plan,” which provides additional tools and new approaches for controlling nonnative aquatic species (NPS 2018, pp. 1–3). Therefore, we did not identify any concentration of threats associated with nonnative predators across the range of the species.

We found no concentration of threats in any portion of the humpback chub range at a biologically meaningful scale. Thus, there are no portions of the species’ range where the species has a different status from its rangewide status. Therefore, no portion of the species’ range provides a basis for determining that the species is in danger of extinction in a significant portion of its range, and we determine that the species is likely to become in danger of extinction within the foreseeable future throughout all of its range. This is consistent with the courts’ holdings in *Desert Survivors v. Department of the Interior*, No. 16-cv-01165–JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d, 946, 959 (D. Ariz. 2017).

Determination of Status

Our review of the best available scientific and commercial information indicates that humpback chub does not meet the definition of an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act, but does meet the definition of a threatened species in accordance with sections 3(20) and 4(a)(1) of the Act. Therefore, we are downlisting humpback chub in the List of Endangered and Threatened Wildlife from endangered to threatened.

Final Rule Issued Under Section 4(d) of the Act

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is classified, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of

the effect of a listing on proposed and ongoing activities within the range of the species being listed. Because we are reclassifying this species as a threatened species, the prohibitions in section 9 would not apply directly. We are therefore putting into place below a set of regulations to provide for the conservation of the species in accordance with section 4(d), which also authorizes us to apply any of the prohibitions in section 9 to a threatened species. The 4(d) rule, which includes a description of the kinds of activities that would or would not constitute a violation, complies with this policy.

Background

Section 4(d) of the Act contains two sentences. The first sentence states that the “Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation” of species listed as threatened. The U.S. Supreme Court has noted that statutory language like “necessary and advisable” demonstrates a large degree of deference to the agency (see *Webster v. Doe*, 486 U.S. 592 (1988)). Conservation is defined in the Act to mean “the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to [the Act] are no longer necessary.” Additionally, the second sentence of section 4(d) of the Act states that the Secretary “may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants.” Thus, the combination of the two sentences of section 4(d) provides the Secretary with wide latitude of discretion to select and promulgate appropriate regulations tailored to the specific conservation needs of the threatened species. The second sentence grants particularly broad discretion to us when adopting the prohibitions under section 9.

The courts have recognized the extent of the Secretary’s discretion under this standard to develop rules that are appropriate for the conservation of a species. For example, courts have upheld rules developed under section 4(d) as a valid exercise of agency authority where they prohibited take of threatened wildlife, or include a limited taking prohibition (see *Alsea Valley Alliance v. Lautenbacher*, 2007 U.S. Dist. Lexis 60203 (D. Or. 2007); *Washington Environmental Council v. National Marine Fisheries Service*, 2002 U.S. Dist. Lexis 5432 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the

threats a species faces (see *State of Louisiana v. Verity*, 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was initially enacted, “once an animal is on the threatened list, the Secretary has an almost infinite number of options available to him with regard to the permitted activities for those species. He may, for example, permit taking, but not importation of such species, or he may choose to forbid both taking and importation but allow the transportation of such species” (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

Exercising this authority under section 4(d), we have developed a species-specific 4(d) rule that is designed to address the humpback chub’s specific threats and conservation needs. Although the statute does not require us to make a “necessary and advisable” finding with respect to the adoption of specific prohibitions under section 9, we find that this rule as a whole satisfies the requirement in section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the humpback chub. As discussed above under the Determination of Humpback Chub’s Status section, we conclude that the humpback chub is no longer at risk of extinction, but is still likely to become so in the foreseeable future, primarily due to changes to water flow and temperature, food availability, and predatory, nonnative fish. The provisions of this 4(d) rule promote conservation of the humpback chub by providing continued protection from take, encouraging improvements to the species’ habitat, and facilitating the expansion of the species’ range by increasing flexibility in management activities. The provisions in this rule are some of many regulatory tools that we will use to promote the conservation of the humpback chub.

Provisions of the 4(d) Rule

This 4(d) rule provides for the conservation of the humpback chub by prohibiting the following activities, with certain exceptions (discussed below): Importing or exporting; possession and other acts with unlawfully taken specimens; delivering, receiving, transporting, or shipping in interstate or foreign commerce in the course of commercial activity; or selling or offering for sale in interstate or foreign commerce. In addition, anyone taking, attempting to take, or otherwise possessing a humpback chub, or parts thereof, in violation of section 9 of the Act will be subject to a penalty under section 11 of the Act, with certain

exceptions (discussed below). Under section 7 of the Act, Federal agencies must continue to ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of the humpback chub.

Under the Act, “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Some of these provisions have been further defined in regulations at 50 CFR 17.3. Take can result knowingly or otherwise, by direct and indirect impacts, intentionally or incidentally. Allowing incidental and intentional take in certain cases, such as for the purposes of scientific inquiry, monitoring, or to improve habitat or water availability and quality, would help preserve a species’ remaining populations, slow their rate of decline, and decrease synergistic, negative effects from other stressors.

We recognize the special and unique relationship with our State natural resource agency partners in contributing to conservation of listed species. State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist us in implementing all aspects of the Act. In this regard, section 6 of the Act provides that we shall cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with us in accordance with section 6(c) of the Act, who is designated by his or her agency for such purposes, will be able to conduct activities designed to conserve the humpback chub that may result in otherwise prohibited take without additional authorization.

As discussed above under Summary of Biological Status and Threats, changes to water flow and temperature, food availability, and predatory, nonnative fish affect the status of the humpback chub. A range of conservation activities, therefore, have the potential to benefit the humpback chub, including nonnative fish removal, habitat restoration projects, monitoring of humpback chub, management of recreational fisheries, research, educational and outreach programs, and maintenance of humpback chub refuges and stocking programs. Accordingly, this 4(d) rule addresses activities to facilitate conservation and management

of the humpback chub where they currently occur and may occur in the future by excepting them from the Act’s take prohibition under certain specific conditions. These activities are intended to increase management flexibility and encourage support for the conservation and habitat improvement of the humpback chub. Under this 4(d) rule, take will continue to be prohibited, except for actions allowed in this 4(d) rule, provided the actions are approved by the Service, in coordination with any existing designated recovery program, for the purpose of the conservation or recovery of the humpback chub. Approval must be in writing (by letter or email) from a Service biologist or supervisor with authority over humpback chub decisions. Take is allowed under this 4(d) rule as follows, and is further described below:

- Take resulting from creating and maintaining humpback chub refuge populations;
- Take resulting from expanding the range of the species, including translocating wild fish and stocking hatchery-reared fish;
- Incidental take from reducing or eliminating nonnative fish from habitats adjacent to, or occupied by, humpback chub;
- Take resulting from catch-and-release angling activities associated with humpback chub, including incidental take from non-humpback chub-targeted angling in the six core populations and take from humpback chub-targeted angling in any newly established areas; and
- Take associated with chemical treatments in support of the recovery of humpback chub.

These forms of allowable take are explained in more detail below. For all forms of allowable take, reasonable care must be practiced to minimize the impacts from the actions. Reasonable care means limiting the impacts to humpback chub individuals and populations by complying with all applicable Federal, State, and Tribal regulations for the activity in question; using methods and techniques that result in the least harm, injury, or death, as feasible; undertaking activities at the least impactful times and locations, as feasible; procuring and implementing technical assistance from a qualified biologist on projects regarding all methods prior to the implementation of those methods; ensuring the number of individuals removed or sampled minimally impacts the existing wild population; ensuring no disease or parasites are introduced into the existing humpback chub population;

and preserving the genetic diversity of wild populations.

Creation and Maintenance of Refuge Populations

Establishing and maintaining humpback chub refuge populations is an important consideration for long-term humpback chub viability because refuge populations safeguard genetic diversity against catastrophic declines in wild populations and can be necessary to protect a population from extirpation. In the case of declining wild populations, refuge populations provide the flexibility to perform supplemental stocking into existing populations or reintroduction of individuals to extirpated areas. Refuge populations may also allow for stocking of individuals into new areas that expand the range of the species (see *Translocation or Stocking of Humpback Chub*, below). The process of establishing and supplementing refuge populations requires take in the form of collection of wild individuals of various life stages. Furthermore, the long-term care and maintenance of refuge populations will result in take, including death of individuals held in captivity. However, preservation of genetic diversity in refuge populations outweighs any losses to wild populations if performed in a deliberate, well-designed process.

Currently, some, but not all, of the genetic diversity of humpback chub exists in captive refuge populations. Approximately 1,000 individuals from the Grand Canyon population are managed as a refuge population at the Southwestern Native Aquatic Resources and Recovery Center in Dexter, New Mexico; additionally, a small number of adults from the Black Rocks and Desolation and Gray Canyons populations reside at the Ouray National Fish Hatchery. In order to preserve the full breadth of genetic diversity of humpback chub, creation of additional refuge populations could be suggested in the revised humpback chub recovery plan, by the Service, or in other proceedings, such as section 7 consultations between the Service and Federal agencies. We expect to revise the recovery plan for humpback chub when this rulemaking process is complete.

This 4(d) rule describes creation and maintenance of humpback chub refuge populations excepted from take as activities undertaken for the long-term protection of humpback chub genetic diversity. Refuge populations must include specific genetic groupings of humpback chub as defined by the best available science and must be managed

to maintain the genetic diversity of the species. Refuge populations can occur at both captive and wild locations.

The Service must approve in writing the designation of a refuge population, and any removal of individuals from wild populations. Subsequent to those approvals, under this 4(d) rule, the Service would no longer regulate the take associated with maintenance of that population. Take associated with refuge populations could include harvest of wild individuals from extant populations; incidental take during the long-term care of individuals in captivity; take related to disease, parasite, genetic assessment, and management of captive populations; and natural mortality of individuals existing in refuge populations.

Translocation and Stocking of Humpback Chub

Translocating wild humpback chub and stocking hatchery-reared humpback chub are important management actions supporting the long-term viability of the species. Introducing individuals into new areas can provide increased redundancy and decreased risk to catastrophic events by expanding the range of the species. Introducing individuals into wild populations can provide increased resiliency for extant populations by potentially offsetting population declines or increasing genetic diversity. The process of translocating wild individuals can result in take to wild individuals, including possible mortality to fish that are moved. The process of culturing and stocking individuals can also result in take via hatchery methods or incidental mortality of stocked individuals. However, if the translocation or stocking program is performed under a deliberate, well-designed program, the benefits to the species can greatly outweigh the losses.

Translocations of wild humpback chub to new locations have demonstrated success in the Grand Canyon as described above in *The Lower Basin*. Between 2003 and 2015, juvenile humpback chub were translocated from the Little Colorado River to Shinumo Creek, Havasu Creek, and the Little Colorado River above Chute Falls. At all three locations, translocated fish established residency and demonstrated acceptable growth rates, increasing the range of the species (although the Shinumo Creek population was later extirpated via ash-laden floods following a wildfire). The Havasu Creek and Chute Falls populations also demonstrated wild reproduction and recruitment, further supporting the management action of

translocations for expanding the range of the humpback chub. Based on these successes, translocation appears to be a possible tool to reintroduce individuals into the Dinosaur National Monument population or to expand the range of humpback chub into other areas.

Currently, humpback chub are not cultured in hatcheries, nor are any broodstock fish maintained at a hatchery. However, in the future, hatchery production and culture may be a necessary tool either to supplement existing populations or to introduce individuals to new locations without harvesting wild fish.

This 4(d) rule describes translocation and stocking of humpback chub excepted from take as any activity undertaken to expand the range of humpback chub or to supplement existing wild populations. Take from translocation could include harvest and movement of wild individuals from extant populations to new areas and subsequent mortality of fish in new locations. Any translocation program must be approved in writing by the Service. Take from stocking programs could include take during the long-term care of individuals in captivity; take related to disease, parasite, genetic assessment, and management of captive populations while they are in captivity; and take from stocking, including subsequent mortality of stocked individuals. Any harvest of wild fish to support a stocking program must comply with the conditions described above under *Creation and Maintenance of Refuge Populations*. Any stocking of humpback should follow best hatchery and fishery management practices, such as those described in the American Fisheries Society's *Fish Hatchery Management* (Wedemeyer 2002, entire), and be approved by the Service in writing.

Nonnative Fish Removal

Control of nonnative fishes is vital for the continued recovery of humpback chub because predatory nonnative fishes are a principal threat to humpback chub (see Summary of Biological Status and Threats, above). Removal of nonnative fishes reduces predation and competition pressure on humpback chub, increasing humpback chub survival, recruitment, and access to resources. During the course of removing nonnative fishes, take of humpback chub may occur from incidental captures resulting in capture, handling, injury, or possible mortality. However, nonnative removal activities in humpback chub habitats are designed to be selective, allowing for the removal of predatory, nonnative fish while

humpback chub are returned safely to the river. Therefore, if nonnative fish removal is performed under deliberate, well-designed programs, the benefits to humpback chub can greatly outweigh losses.

Currently, active nonnative fish removal is widespread in the upper basin, but is less common in the lower basin. Control of nonnative fishes is conducted by qualified personnel in the upper basin via mechanical removal using boat-mounted electrofishing, nets, and seines, primarily focusing on removal of smallmouth bass, northern pike, and walleye. Removal of nonnative fishes in the upper basin is performed under strict standardized protocols to limit impacts to humpback chub. In the lower basin, nonnative fish actions primarily focus on preventing establishment of new species (such as removal of green sunfish below Glen Canyon Dam) and controlling populations of trout in tributary habitats (such as removal of brown trout in Bright Angel Creek). New techniques, as available and feasible, may also need to be implemented in the future.

This 4(d) rule defines nonnative fish removal as any action with the primary or secondary purpose of mechanically removing nonnative fishes that compete with, predate, or degrade the habitat of humpback chub, and that is approved in writing by the Service for that purpose. These methods include mechanical removal within occupied humpback chub habitats, including, but not limited to, electrofishing, seining, netting, and angling, or other ecosystem modifications such as altered flow regimes or habitat modifications. All methods must be conducted by qualified personnel and used in compliance with applicable Federal, State, and Tribal regulations. Whenever possible, humpback chub that are caught alive as part of nonnative fish removal should be returned to their capture location as quickly as possible.

Catch-and-Release Angling of Humpback Chub

Recreational angling is an important consideration for management of all fisheries, as recreational angling is the primary mechanism by which the public interacts with fishes. Furthermore, angling regulations are an important communication tool. While the humpback chub is not currently a species that is prized for its recreational or commercial value, the species is a large-bodied, catchable-sized fish that could offer potential recreational value in certain situations. Conservation value from public support for humpback chub could arise through newly established

fishing locations and public engagement with this species. Furthermore, anglers target species that co-occur with humpback chub at some locations. As a result, otherwise legal angling activity in humpback chub habitats could result in the unintentional catch of humpback chub by the angling public. Catch-and-release angling, both intentional and incidental, can result in take of humpback chub through handling, injury, and potential mortality. However, the conservation support that angling provides can outweigh losses to humpback chub, if the angling program is designed appropriately.

Currently, State angling regulations require the release of all incidental catches of humpback chub and do not allow anglers to target the species. Therefore, current angling regulations for humpback chub by the States of Arizona, Colorado, and Utah demonstrate a willingness to enact appropriate regulations for the protection of the humpback chub. It is important to continue to protect humpback chub from intentional (*i.e.*, targeted) angling pressure in the six core populations (five extant and one extirpated) because of their importance to the recovery of the species. Supporting recreational fishing access to these areas for species other than humpback chub is an important consideration for State and Tribal entities. We allow incidental take of humpback chub from angling activities that are in accordance with State and Tribal fishing regulations in the six core humpback chub populations, but that do not target humpback chub. That is, incidental take associated with incidental catch-and-release of humpback chub in the core populations would not be prohibited. Reasonable consideration by the States and Tribes for incidental catch of humpback chub in the six core populations include: (1) Regulating tactics to minimize potential injury and death to humpback chub if caught; (2) communicating the potential for catching humpback chub in these areas; and (3) promoting the importance of the six core populations.

Outside of the six core populations, we foresee that Federal, State, or Tribal governments may want to establish a new location where humpback chub could be targeted for catch-and-release angling. Newly established locations could offer a genetic refuge for core populations of humpback chub (see *Creation and Maintenance of Refuge Populations*, above), provide a location for hatchery-reared fish (see *Translocation and Stocking of Humpback Chub*, above), and offer the public a chance to interact with the

species in the wild. Therefore, we allow intentional take of humpback chub from catch-and-release angling activities that target humpback chub and are in accordance with State and Tribal fishing regulations in areas outside of the six core humpback chub populations.

Sport fishing for humpback chub would only be allowed through the 4(d) rule and subsequent State or Tribal regulations created in collaboration with the Service. This rule would allow recreational catch-and-release fishing of humpback chub in specified waters, not including the six core populations. Management as a recreational species would be conducted after completion of, and consistent with the goals within, a revised recovery plan for the species. The principal effect of this 4(d) rule would be to allow take in accordance with fishing regulations enacted by States or Tribes, in collaboration with the Service.

Recreational opportunities may be developed by the States and Tribes in new waters following careful consideration of the locations and impacts to the species. Reasonable consideration for establishing new recreational locations for humpback chub include, but are not limited to: (1) Carefully evaluating each water body and determining whether the water body can sustain angling; (2) ensuring the population does not detrimentally impact core populations of humpback chub through such factors as disease or genetic drift; (3) ensuring adequate availability of humpback chub to support angling; and (4) monitoring to ensure there are no detrimental effects to the population from angling. If monitoring indicates that angling has a negative effect on the conservation of humpback chub in the opinion of the Service, the fishing regulations must be amended or the fishery could be closed by the appropriate State.

Chemical Treatments Supporting Humpback Chub

Chemical treatments of water bodies are an important fisheries management tool because they are the principal method used to remove all fishes from a defined area. That is, chemical treatments provide more certainty of complete removal than other methods, such as mechanical removal. Therefore, chemical treatments are used for a variety of restoration and conservation purposes, such as preparing areas for stocking efforts, preventing nonnative fishes from colonizing downstream areas, and resetting locations after failed management efforts. Chemical treatments of water bodies could take humpback chub if individuals reside in

the locations that are treated and cannot be salvaged completely prior to treatment. However, the overall benefit of conservation actions implemented using chemical treatment can outweigh the losses of humpback chub, if careful planning is taken prior to treatments.

Chemical piscicides (chemicals that are poisonous to fish) have been used in the upper and lower basin to remove upstream sources of nonnative fishes in support of humpback chub. For example, Red Fleet Reservoir (Green River, Utah) was treated by Utah Division of Wildlife Resources to remove walleye that were escaping downstream, and a slough downstream of Glen Canyon Dam (Colorado River, Arizona) was treated by NPS to remove green sunfish before they could invade humpback chub habitat. At Red Fleet Reservoir, chemical treatment also provided the Utah Division of Wildlife Resources with the ability to establish a new fish community that supported angling interests and provided greater compatibility with downstream conservation efforts.

Chemical treatments could support a variety of activities to assist in the conservation of humpback chub, including certain other actions described in this 4(d) rule. For example, chemical treatments could be used prior to introducing humpback chub to a wild refuge population, a translocation site, or a sport fishing location. Nonnative fishes can also be removed using chemical treatments, providing a faster and more complete removal than mechanical removal. Furthermore, chemical treatments offer the ability to fully restore a location after a failed introduction effort. For example, if humpback chub were stocked into a new area, but did not successfully establish, landowners may want to restore this location for another purpose.

Chemical treatments would be allowed under this 4(d) rule. Necessary precautions and planning should be applied to avoid impacts to humpback chub. For example, treatments upstream of occupied humpback chub habitats should adhere to all protocols to limit the potential for fish toxicants and piscicides traveling beyond treatment boundaries. Chemical treatments that take place in locations where humpback chub occur, or may occur, must take place only after a robust salvage effort takes place to remove humpback chub in the area. Whenever possible, humpback chub that are salvaged should be moved to a location that supports recovery of the species. Any chemical treatment that takes place in an area where humpback chub may

reside would need written approval from the Service, but treatments of unoccupied habitat would not need to be approved. Once the location of a chemical treatment is approved in writing by the Service, the take of humpback chub by qualified personnel associated with performing a chemical treatment would not be regulated by the Service.

Reporting and Disposal of Humpback Chub

Under the 4(d) rule, if humpback chub are killed during actions described in the 4(d) rule, the Service must be notified of the death and may request to take possession of the animal. Notification should be given to the appropriate Service Regional Law Enforcement Office or associated management office. Information on the offices to contact is set forth under Regulation Promulgation, below. Law enforcement offices must be notified within 72 hours of the death, unless special conditions warrant an extension. The Service may allow additional reasonable time for reporting if access to these offices is limited due to closure or if the activity was conducted in area without sufficient communication access.

Permits

We may issue permits to carry out otherwise prohibited activities, including those described above, involving threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. With regard to threatened wildlife, a permit may be issued for the following purposes: Scientific purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

This 4(d) rule would not impact existing or future permits issued by the Service for take of humpback chub. Any person with a valid permit issued by the Service under § 17.22 or § 17.32 may

take humpback chub, subject to all take limitations and other special terms and conditions of the permit.

Nothing in this 4(d) rule changes in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or our ability to enter into partnerships for the management and protection of the humpback chub. However, interagency cooperation may be further streamlined through planned programmatic consultations for the species between us and other Federal agencies, where appropriate.

Required Determinations

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with determining a species' listing status under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). We also determine that 4(d) rules that accompany regulations adopted pursuant to section 4(a) of the Act are not subject to the National Environmental Policy Act.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly

with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We coordinated with Tribes in the range of the humpback chub and requested their input on this rule. On July 2, 2020, we conducted government-to-government consultation with the Navajo Nation regarding this rule.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <http://www.regulations.gov> at Docket No. FWS-R6-ES-2018-0081, and upon request from the Upper Colorado River Endangered Fish Recovery Program Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this final rule are staff members of the Upper Colorado River Endangered Fish Recovery Program Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by revising the entry for “Chub, humpback” under FISHES on the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* Chub, humpback	* <i>Gila cypha</i>	* Wherever found	* T	* 32 FR 4001, 3/11/1967; 86 FR [INSERT Federal Register PAGE WHERE THE DOCUMENT BEGINS]; 10/18/ 2021; 50 CFR 17.44(dd); ^{4d} 50 CFR 17.95(e). ^{CH}
*	*	*	*	*

■ 3. Amend § 17.44 by adding paragraph (dd) to read as follows:

§ 17.44 Special rules—fishes.

(dd) Humpback chub (*Gila cypha*). (1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to humpback chub. Except as provided under paragraphs (dd)(2) and (3) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, unless excepted as outlined in paragraphs (dd)(2)(i) through (v) of this section.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *General exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by an existing permit under § 17.32.

(ii) Conduct activities as authorized by a permit issued prior to November 17, 2021 under § 17.22 for the duration of the permit.

(iii) Take, as set forth at § 17.21(c)(2) through (c)(4) for endangered wildlife.

(iv) Take, as set forth at § 17.31(b).

(v) Possess and engage in other acts with unlawfully taken specimens, as set forth at § 17.21(d)(2) for endangered wildlife.

(3) *Exceptions from prohibitions for specific types of incidental take.* You may take humpback chub while carrying out the following legally conducted activities in accordance with this paragraph (dd)(3):

(i) *Definitions.* For the purposes of this paragraph (dd)(3):

(A) *Qualified person* means a full-time fish biologist or aquatic resources

manager employed by any of the Colorado River Basin State wildlife agencies, Native American Tribes, the Department of the Interior bureaus and offices located within the Colorado River basin, or fish biologist or aquatic resource manager employed by a private consulting firm, provided the firm has received a scientific collecting permit from the appropriate State agency.

(B) *The six core populations* means the following populations of the humpback chub: Desolation and Gray Canyons (Green River, Utah), Dinosaur National Monument (Green and Yampa Rivers, Colorado and Utah), Black Rocks (Colorado River, Colorado), Westwater Canyon (Colorado River, Utah), Cataract Canyon (Colorado River, Utah), and Grand Canyon (Colorado and Little Colorado Rivers, Arizona).

(C) *Reasonable care* means limiting the impacts to humpback chub individuals and populations by complying with all applicable Federal, State, and Tribal regulations for the activity in question; using methods and techniques that result in the least harm, injury, or death, as feasible; undertaking activities at the least impactful times and locations, as feasible; and protecting existing extant wild populations of humpback chub by ensuring minimal impacts from the removal or sampling of individuals, preventing the introduction of disease or parasites, and preserving genetic diversity.

(ii) *Creation and maintenance of refuge populations.* A qualified person may take humpback chub in order to create or maintain a captive or wild refuge population that protects the long-term genetic diversity of humpback chub, provided that reasonable care is practiced to minimize the effects of that taking.

(A) Methods of allowable take under this paragraph (dd)(3)(ii) include, but are not limited to:

(1) Removing wild individuals via electrofishing, nets, and seines from the six core populations;

(2) Managing captive populations, including handling, rearing, and spawning of captive fish;

(3) Sacrificing individuals for hatchery management, such as parasite and disease certification; and

(4) Eliminating wild refuge populations if conditions are deemed inadequate for conservation of the species or are deemed detrimental to the six core populations.

(B) Before the establishment of any captive or wild refuge population, the Service must approve, in writing, the designation of the refuge population, and any removal of humpback chub individuals from wild populations. Subsequent to a written approval for the establishment of a refuge population, take associated with the maintenance of the refuge population would not be prohibited under the Act.

(iii) *Translocation and stocking of humpback chub.* A qualified person may take humpback chub in order to introduce individuals into areas outside of the six core populations. Humpback chub individuals may be introduced to new areas by translocating wild individuals to additional locations or by stocking individuals from captivity. All translocations of wild individuals and stocking of individuals from captivity must involve reasonable care to minimize the effects of that taking. Translocations of wild individuals and stocking of individuals from captivity must be undertaken to expand the range of humpback chub or to supplement existing populations.

(A) Methods of allowable take under this paragraph (dd)(3)(iii) include, but are not limited to:

(1) Removing wild individuals via electrofishing, nets, and seines;

(2) Managing captive populations, including handling, rearing, and spawning;

(3) Sacrificing individuals for hatchery management, such as parasite and disease certification; and

(4) Removing or eliminating all humpback chub from failed introduction areas via mechanical or chemical methods.

(B) The Service must approve, in advance and in writing:

(1) Any translocation program; and

(2) Any stocking of humpback chub into any of the six core populations.

(iv) *Nonnative fish removal.* A qualified person may take humpback chub in order to perform nonnative fish removal for conservation purposes if reasonable care is practiced to minimize effects to humpback chub. For this paragraph (dd)(3)(iv), nonnative fish removal for conservation purposes means any action with the primary or secondary purpose of mechanically removing nonnative fishes that compete with, predate, or degrade the habitat of humpback chub.

(A) Methods of allowable take under this paragraph (dd)(3)(iv) include, but are not limited to:

(1) Mechanical removal of nonnative fish within occupied humpback chub habitats, including, but not limited to, electrofishing, seining, netting, and angling; and

(2) The use of other ecosystem modifications, such as altered flow regimes or habitat modifications.

(B) The Service and all applicable landowners must approve, in advance and in writing, any nonnative fish removal activities under this paragraph (dd)(3)(iv).

(v) *Catch-and-release angling of humpback chub.* States and Tribes may enact Federal, State, and Tribal fishing regulations that address catch-and-release angling.

(A) In the six core populations, angling activities may include nontargeted (incidental) catch and release of humpback chub when targeting other species in accordance with Federal, State, and Tribal fishing regulations.

(B) In areas outside of the six core populations, angling activities may include targeted catch and release of humpback chub in accordance with Federal, State, and Tribal fishing regulations.

(C) Angling activities may cause take via:

(1) Handling of humpback chub caught via angling;

(2) Injury to humpback chub caught via angling; and

(3) Unintentional death to humpback chub caught via angling.

(D) Reasonable consideration by the Federal, State, and Tribal agencies for incidental catch and release of humpback chub in the six core populations include:

(1) Regulating tactics to minimize potential injury and death to humpback chub if caught;

(2) Communicating the potential for catching humpback chub in these areas; and

(3) Promoting the importance of the six core populations.

(E) Reasonable consideration for establishing new recreational angling locations for humpback chub include, but are not limited to:

(1) Evaluating each water body's ability to support humpback chub and sustain angling;

(2) Ensuring the recreational fishing population does not detrimentally impact the six core populations of humpback chub through such factors as disease or genetic drift; and

(3) Monitoring to ensure there are no detrimental effects to the humpback chub population from angling.

(F) The Service and all applicable State, Federal, and Tribal landowners must approve, in advance and in writing, any new recreational fishery for humpback chub.

(vi) *Chemical treatments to support humpback chub.* A qualified person may take humpback chub by performing a chemical treatment in accordance with Federal, State, and Tribal regulations that would support the conservation and recovery of humpback chub, provided that reasonable care is practiced to minimize the effects of such taking.

(A) For treatments upstream of occupied humpback chub habitat:

(1) Service approval is not required; and

(2) Care should be taken to limit the potential for fish toxicants and piscicides traveling beyond treatment boundaries and impacting humpback chub.

(B) For treatments in known or potentially occupied humpback chub habitat:

(1) The Service must approve, in advance and in writing, any treatment;

(2) Care should be taken to perform robust salvage efforts to remove any humpback chub that may occur in the treatment area before the treatment is conducted; and

(C) Whenever possible, humpback chub that are salvaged should be moved to a location that supports recovery of the species.

(vii) *Reporting and disposal requirements.* Any mortality of humpback chub associated with the actions authorized under the regulations in this paragraph (dd)(3) must be reported to the Service within 72 hours, and specimens may be disposed of only in accordance with directions from the Service. Reports in the upper basin (upstream of Glen Canyon Dam) must be made to the Service's Mountain-Prairie Region Law Enforcement Office, or the Service's Upper Colorado River Endangered Fish Recovery Office. Reports in the lower basin (downstream Glen Canyon Dam) must be made to the Service's Southwest Region Law Enforcement Office, or the Service's Arizona Fish and Wildlife Conservation Office. Contact information for the Service's regional offices is set forth at 50 CFR 2.2, and the phone numbers of Law Enforcement offices are at 50 CFR 10.22. The Service may allow additional reasonable time for reporting if access to these offices is limited due to office closure or if the activity was conducted in an area without sufficient communication access.

* * * * *

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021-20964 Filed 10-15-21; 8:45 am]

BILLING CODE 4333-15-P

Proposed Rules

Federal Register

Vol. 86, No. 198

Monday, October 18, 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 HOMELAND SECURITY

8 CFR Parts 208 and 235

[CIS No. 2692-21; DHS Docket No. USCIS-2021-0012]

RIN 1615-AC67

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

8 CFR Parts 1003, 1208, and 1235

[A.G. Order No. 5116-2021]

RIN 1125-AB20

Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers

Correction

In proposed rule document 2021-17779, appearing on pages 46906 through 46950 in the issue of Friday, August 20, 2021, make the following correction:

On page 46906, in the second column, in the **DATES** section, on the third and fourth lines, “on or October 19, 2021” should read, “on or before October 19, 2021”.

[FR Doc. C1-2021-17779 Filed 10-15-21; 8:45 am]

BILLING CODE 0099-10-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2021-0650; Airspace Docket No. 21-AWP-11]

RIN 2120-AA66

Proposed Establishment of Restricted Area R-2511; Trona, CA

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish restricted area R-2511 in the vicinity of Trona, CA in support of the Naval Air Warfare Center Weapons Division (NAWCWD) at China Lake, CA. The proposed restricted area is necessary to segregate the testing and evaluation of hazardous weapons systems, and other unproven aviation platforms in the early development cycle from non-participating aircraft.

DATES: Comments must be received on or before December 2, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; telephone: 1 (800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2021-0650; Airspace Docket No. 21-AWP-11 at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish restricted area airspace in the vicinity of Trona, CA to contain activities deemed hazardous to non-participating aircraft.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2021-0650; Airspace Docket No. 21-AWP-11) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA-2021-0650; Airspace Docket No. 21-AWP-11.” The postcard will be date/time stamped and returned to the commenter.

The FAA will consider all communications received on or before the specified comment closing date before taking action on the proposed rule. The FAA may change the proposal contained in this action in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and

phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Background

The NAWCWD is requesting R-2511 for free flight, weapons systems transitioning from launch areas within R-2505 to target areas within R-2524, and from launch areas within R-2524 to target areas within R-2505. Restricted area R-2511 would replace an existing Controlled Firing Area (CFA) that no longer meets NAWCWD's operational requirements.

The NAWCWD has conducted operations within the CFA since 1995 with an excellent safety record and no history of operational incidents. However, in the future, the NAWCWD requires a space in which it may launch weapons that will have varying flight altitudes. The weapons will either climb to establish a look-down aspect or descend on their path toward their target. Additionally, the weapons' altitude is expected to vary some, based on the shooter aircraft's launch tolerances and day-of weather conditions. The FAA typically only considers CFAs when necessary to accommodate activities that are capable of being immediately suspended as the CFA user is required to immediately cease any hazardous activity upon observation or notification that a non-participating aircraft is approaching the area. As such, the CFA does not practically accommodate NAWCWD's needs. Accordingly, a restricted area is being pursued.

The FAA completed an aeronautical study in April 2021. The study focused on potential impacts to the National Airspace System (NAS) and its users. The FAA utilized the Performance Data Analysis and Reporting System (PDARS) to study historical traffic and flight track data to show volume, location, and type of traffic that utilized the proposed volume of airspace. That data revealed that there would be little to no impact to nearby airports, or non-participating traffic transitioning the proposed Special Use Airspace.

The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to establish restricted area R-2511 in the vicinity of Trona, CA. The FAA is proposing this action at the request of NAWCWD at China Lake, CA. The full legal description is in "The

Proposed Amendment" section of this NPRM.

R-2511: The FAA would establish restricted area R-2511 utilizing the current boundaries of the existing CFA. The altitudes would be from 6,000 feet mean sea level (MSL), to but not including 20,000 feet MSL. R-2511 would be used no more than 36 times per year, between the hours of 0700–1700 local time, Monday-Friday, and activated by NOTAM at least 7 days in advance. Each day would consist of no more than two 2-hour blocks when activated.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.25 California.

■ 2. Section 73.25 is amended by adding the entry for R-2511 Trona, CA to read as follows:

* * * * *

R-2511 Trona, CA [New]

Boundaries. Beginning at lat. 35°37'30" N; long. 117°35'33" W; to lat. 35°40'30" N; long. 117°25'03" W; to lat. 35°36'00" N; long. 117°16'55" W; to lat. 35°36'00" N; long. 117°26'03" W; to lat. 35°27'40" N; long. 117°26'03" W; to the point of beginning.

Designated Altitudes. 6,000 feet MSL, to but not including, FL 200.

Time of Designation. Intermittent, 0700–1700 local time, Monday–Friday, by NOTAM 7 days in advance.

Controlling Agency. FAA, Joshua Control Facility, Edwards Air Force Base, CA.

Using Agency. Naval Air Warfare Center Weapons Division, China Lake, CA.

* * * * *

Issued in Washington, DC, on September 30, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–21860 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 523 and 541

[BOP–1176R]

RIN 1120–AB76

FSA Time Credits

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: On November 25, 2020, the Bureau of Prisons (Bureau) published a proposed rule to revise its procedures regarding time credits as authorized by the First Step Act of 2018 (FSA), hereinafter referred to as "FSA Time Credits." The comment period for that rule closed on January 25, 2021. The Bureau is reopening the comment period for an additional 30-day period to request further public comment on the applicability of the FSA Time Credits to D.C. Code Offenders.

DATES: The comment period for the proposed rule published November 25, 2020, at 85 FR 75268, is reopened. Electronic comments must be submitted, and written comments must be postmarked, no later than 11:59 p.m. on November 17, 2021.

ADDRESSES: Please submit electronic comments through the *regulations.gov* website, or mail written comments to

the Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street NW, Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 353-8248.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at www.regulations.gov. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online, you must include the phrase “PERSONAL IDENTIFYING INFORMATION” in the first paragraph of your comment. You must also locate all the personal identifying information you do not want posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase “CONFIDENTIAL BUSINESS INFORMATION” in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment contains so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted www.regulations.gov.

Personal identifying information identified and located as set forth above will be placed in the agency’s public docket file, but not posted online. Confidential business information identified and located as set forth above will not be placed in the public docket file. If you wish to inspect the agency’s public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

Discussion

On November 25, 2020, the Bureau of Prisons (Bureau) published a proposed rule to revise its procedures regarding time credits as authorized by the First Step Act of 2018 (FSA) (85 FR 75268). The public comment period closed on January 25, 2021. The Bureau received more than two hundred and fifty

responses to the publication of the proposed rule. However, upon review of the comments, it is unclear to the Bureau whether commenters had fully considered the issue of whether D.C. Code offenders in Bureau of Prisons custody are eligible for time credits under 18 U.S.C. 3632(d)(4), as added by the FSA.

The November 25, 2020, proposed rule would allow only an “eligible inmate” to earn and apply FSA time credits and would expressly exclude from time-credit eligibility any inmate serving a term of imprisonment only for a conviction for an offense under the law of the District of Columbia. The FSA, however, is ambiguous as to whether those with convictions under the D.C. Code are eligible to apply toward prerelease custody FSA time credits earned through their participation in evidence-based recidivism reduction programs or productive activities, and therefore the Bureau has decided to reopen the comment period in order to ensure that it receives, reviews, and considers comments on this issue.

Potentially relevant statutory provisions include:

- The FSA’s definition of “prisoner” as “a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons,” 18 U.S.C. 3635(4);
- The statement in section 105 of the FSA that nothing in the Act “may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States;”
- The FSA’s identification of certain prisoners as ineligible to receive or apply time credits, including those convicted of certain enumerated, violent federal offenses, 18 U.S.C. 3632(d)(4)(D), and those convicted before the date on which federal parole was abolished, FSA section 102(b)(3);
- The FSA provisions that require the Attorney General to develop and release a risk and needs assessment system that will, among other things, “assess and determine to the extent practicable, the risk of violent or serious misconduct of each prisoner” and “determine when a prisoner is ready to transfer into prerelease custody or supervised release in accordance with section 3624,” and will also “reassess the recidivism risk of each prisoner periodically, based on factors . . . that are dynamic and can reasonably be expected to change while in prison,” and represent an “objective

and statistically validated method through which information is collected and evaluated to determine . . . the risk that a prisoner will recidivate upon release from prison,” 18 U.S.C. 3632(a)(2, 4, 7), 3635(6);

- The FSA’s requirement that the Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, issue guidelines for use by the Bureau of Prisons in determining “the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody” and “consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System,” FSA section 102(b)(6);

- The D.C. Code’s specification that “felons sentenced pursuant to the D.C. Code” are to be placed in the Bureau’s custody and made subject to federal laws and regulations that are “consistent with the sentence imposed,” D.C. Code section 24-101(b);

- The D.C. Code’s provision that offenders sentenced to imprisonment for felonies committed after August 5, 2000, “may receive good time credit toward service of the sentence only as provided in 18 U.S.C. 3624(b),” D.C. Code section 24-403.01(d);

- The D.C. Code’s specification that those sentenced to imprisonment after August 5, 2000, “for a nonviolent offense may receive up to a one-year reduction” for completing a substance-abuse-treatment program in accordance with 18 U.S.C. 3621(e)(2), D.C. Code section 24-403.01(d-1)(1); and

- The D.C. Code’s provision that certain D.C. Code offenders who committed their crimes before age 25 have an opportunity to be resentenced to a reduced term in accordance with D.C. Code section 24-403.03.

Making D.C. Code offenders eligible to apply time credits would enable some persons with convictions for violent offenses to benefit from the FSA time-credit program when those convicted for similar offenses under federal law would be ineligible. Conversely, making D.C. Code offenders ineligible would prevent some nonviolent offenders from benefiting from that program when those with convictions for similar offenses under federal law would be eligible. Accordingly, the Bureau is reopening the comment period and will accept comments for an additional 30 days after publication of this notice of proposed rulemaking.

The Bureau is seeking comments *only* on this issue of whether D.C. Code offenders in the Bureau’s custody are

eligible to apply time credits under 18 U.S.C. 3632(d)(4)—including the extent to which any of the statutory provisions listed in this notice might affect the ability of some or all D.C. Code offenders to apply time credits—and not on the other contents of the November 25, 2020, proposed rule.

Issued under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96.

Michael D. Carvajal,

Director, Federal Bureau of Prisons.

[FR Doc. 2021-22613 Filed 10-15-21; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[EPA-HQ-TRI-2017-0434; FRL-5927-03-OCSPP]

RIN 2070-AK26

Addition of Certain Chemicals; Community Right-to-Know Toxic Chemical Release Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In response to a petition filed under the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA is proposing to add 12 chemicals to the list of toxic chemicals subject to the reporting requirements under EPCRA and the Pollution Prevention Act (PPA). EPA believes that each of the 12 chemicals meets the EPCRA criteria. In addition, based on the available bioaccumulation and persistence data, EPA believes that one chemical should be classified as a persistent, bioaccumulative, and toxic (PBT) chemical and designated as a chemical of special concern with a 100-pound reporting threshold.

DATES: Comments must be received on or before December 17, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-TRI-2017-0434, using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Due to the public health concerns related to COVID-19, the EPA Docket

Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Daniel R. Bushman, Toxics Release Inventory Program Division (7410M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-0743; email: bushman.daniel@epa.gov.

For general information contact: The Emergency Planning and Community Right-to-Know Hotline; telephone numbers: toll free at (800) 424-9346 (select menu option 3) or (703) 348-5070 in the Washington, DC Area and International; or go to <https://www.epa.gov/home/epa-hotlines>.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you own or operate a facility that manufactures, processes, or otherwise uses any of the 12 chemicals included in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected facilities may include:

- *Facilities included in the following NAICS manufacturing codes (corresponding to Standard Industrial Classification (SIC) codes 20 through 39):* 311*, 312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*, 111998*, 113310, 211130*, 212324*, 212325*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 512230*, 512250*, 519130*, 541713*, 541715* or 811490*. (*Exceptions and/or limitations exist for these NAICS codes.)

- *Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39):* 212111, 212112, 212113 (corresponds to SIC code 12, Coal Mining (except 1241)); or 212221, 212222, 212230, 212299 (corresponds to SIC code 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221118, 221121, 221122, 221330 (limited to facilities that combust coal and/or oil for the purpose

of generating power for distribution in commerce) (corresponds to SIC codes 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (limited to facilities previously classified in SIC code 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC code 5171, Petroleum Bulk Terminals and Plants); or 562112 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC code 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*) (corresponds to SIC code 4953, Refuse Systems).

- *Federal facilities:* To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in part 372, subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What action is the Agency taking?

In response to a petition, EPA is proposing to add 12 chemicals to the EPCRA section 313 toxic chemical list. As discussed in more detail later in this document, EPA believes that each of the 12 chemicals meets the EPCRA section 313(d)(2)(B) and/or (C) criteria for listing. EPA is also proposing to classify one chemical as a PBT chemical of special concern with a 100-pound reporting threshold.

C. What is the Agency's authority for taking this action?

This action is issued under EPCRA sections 313(d), 313(e)(1) and 328, 42 U.S.C. 11023(d), 11023(e)(1) and 11048. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986.

EPCRA section 313, 42 U.S.C. 11023, requires owners/operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals in amounts above reporting threshold levels to report their facilities' environmental releases and other waste management information on such chemicals annually. These facility owners/operators must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the PPA, 42 U.S.C. 13106.

Under EPCRA section 313(c), Congress established an initial list of toxic chemicals subject to EPCRA toxic chemical reporting requirements that

was comprised of 308 individually listed chemicals and 20 chemical categories.

EPCRA section 313(d) authorizes EPA to add or delete chemicals from the list and sets criteria for these actions. EPCRA section 313(d)(2) states that EPA may add a chemical to the list if any of the listing criteria in EPCRA section 313(d)(2) are met. Therefore, to add a chemical, EPA must determine that at least one criterion is met, but need not determine whether any other criterion is met. Conversely, to remove a chemical from the list, EPCRA section 313(d)(3) dictates that EPA must determine that none of the criteria in EPCRA section 313(d)(2) are met. The listing criteria in EPCRA section 313(d)(2)(A)–(C) are as follows:

- The chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.

- The chemical is known to cause or can reasonably be anticipated to cause in humans: Cancer or teratogenic effects, or serious or irreversible reproductive dysfunctions, neurological disorders, heritable genetic mutations, or other chronic health effects.

- The chemical is known to cause or can be reasonably anticipated to cause, because of its toxicity, its toxicity and persistence in the environment, or its toxicity and tendency to bioaccumulate in the environment, a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

EPA often refers to the EPCRA section 313(d)(2)(A) criterion as the “acute human health effects criterion;” the EPCRA section 313(d)(2)(B) criterion as the “chronic human health effects criterion;” and the EPCRA section 313(d)(2)(C) criterion as the “environmental effects criterion.”

Under EPCRA section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA issued a statement of policy in the **Federal Register** of February 4, 1987 (52 FR 3479) (FRL–3101–6) providing guidance regarding the recommended content of and format for petitions. On May 23, 1991 (56 FR 23703) (FRL–3802–2), EPA issued guidance regarding the recommended content of petitions to delete individual members of the metal compounds categories reportable under EPCRA section 313. EPA published in the **Federal Register** of November 30, 1994

(59 FR 61432) (FRL–4922–2) a statement clarifying its interpretation of the EPCRA section 313(d)(2) and (d)(3) criteria for modifying the EPCRA section 313 list of toxic chemicals.

II. What is the description of the petition and EPA's response?

A. Who submitted the petition and what was requested?

On May 6, 2014, EPA received a petition from the Toxics Use Reduction Institute (TURI) requesting the addition of 25 chemicals to the EPCRA section 313 toxic chemicals list (Ref. 1). The petitioner believes that each of these 25 chemicals meets the EPCRA section 313(d)(2) listing criteria and that the 25 chemicals should be added to the EPCRA section 313 toxic chemical list so that releases can be monitored and reported. The 25 chemicals, listed by name and Chemical Abstracts Service Registry Number (CASRN), are shown here (note that some chemical names are different than those used in the petition because they are listed here using the EPA Registry Name):

- Azodicarbonamide; 123–77–3
- 1-Bromopropane; 106–94–5
- 4-Chlorobenzotrithloride; 5216–25–1
- Cyclododecane; 294–62–2
- Dibutyltin dichloride; 683–18–1
- 1,3-Dichloro-2-propanol; 96–23–1
- Dimethylacetamide; 127–19–5
- 2,3-Dinitrotoluene; 602–01–7
- 2,5-Dinitrotoluene; 619–15–8
- Formamide; 75–12–7
- 1,2,5,6,9,10-Hexabromocyclododecane; 3194–55–6
- 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran; 1222–05–5
- Hexahydrophthalic anhydride; 85–42–7
- N-Hydroxyethylethylenediamine; 111–41–1
- N-Methylformamide; 123–39–7
- Methylhexahydrophthalic anhydride; 25550–51–0
- Nitrilotriacetic acid trisodium salt; 5064–31–3
- Nonylphenol; 25154–52–3
- Octabromodiphenyl ether; 32536–52–0
- p-(1,1,3,3-Tetramethylbutyl)phenol; 140–66–9
- 1,2,3-Trichlorobenzene; 87–61–6
- Triglycidyl isocyanurate; 2451–62–9
- Tris(2-chloroethyl) phosphate; 115–96–8
- Tris(1,3-dichloro-2-propyl) phosphate; 13674–87–8
- Tris(dimethylphenol) phosphate; 25155–23–1

B. How is EPA responding to the petition?

As discussed in Unit I.B., EPA is proposing to add 12 of the 25 chemicals

included in the TURI petition to the EPCRA section 313 toxic chemicals list. In separate, unrelated actions, three of the 25 chemicals (1-bromopropane (November 23, 2015 (80 FR 72906) (FRL–9937–12–OEI)), nonylphenol (September 30, 2014 (79 FR 58686) (FRL–9915–59–OEI)) and 1,2,5,6,9,10-hexabromocyclododecane (November 28, 2016 (81 FR 85440) (FRL–9953–28))) have already been added to the EPCRA section 313 chemical list. Of the remaining 10 chemicals, EPA has determined that the available data for nine chemicals are not sufficient for EPA to find that the chemicals meet the EPCRA section 313 listing criteria for human health or ecological effects (Refs. 2 and 3). Therefore, EPA is not proposing to add the nine chemicals listed here:

- Azodicarbonamide; 123–77–3
- 4-Chlorobenzotrithloride; 5216–25–1
- Cyclododecane; 294–62–2
- Dimethylacetamide; 127–19–5
- 2,3-Dinitrotoluene; 602–01–7
- 2,5-Dinitrotoluene; 619–15–8
- Hexahydrophthalic anhydride; 85–42–7
- Methylhexahydrophthalic anhydride; 25550–51–0
- N-Methylformamide; 123–39–7

In addition, EPA is not proposing to add octabromodiphenyl ether (OctaBDE) (32536–52–0) to the EPCRA section 313 toxic chemical list. EPA issued a significant new use rule (SNUR) that requires notification to EPA 90 days prior to the intended manufacture or import for any use of OctaBDE ether after January 1, 2005 (June 13, 2006 (71 FR 34015) (FRL–7743–2); 40 CFR 721.10000). The lack of significant new use notices (SNUNs) under this SNUR indicates that there has been no non-exempt manufacture or import for any use of OctaBDE in the United States since January 1, 2005. There have also been no submissions for OctaBDE under the Chemical Data Reporting (CDR) Rule (<https://www.epa.gov/chemical-data-reporting>) since 2006. In a 2008 evaluation, the United Nations noted that as of 2005, the manufacture and import of OctaBDE had been phased out by industry and estimated that most of the remaining processing of OctaBDE in the United States was likely negligible and only occurring where remaining stockpiles were being used up or in waste processing facilities (<http://chm.pops.int/portals/0/repository/poprc4/unep-pops-poprc-4-6.english.pdf>). Given that the phase out occurred more than ten years ago, it is even more likely today that there is a negligible amount of OctaBDE remaining that is processed or otherwise

used by facilities in the United States. Therefore, EPA is not proposing to add octabromodiphenyl ether to the EPCRA section 313 list since EPA expects that no TRI reports would be filed for this chemical. EPCRA section 313(d)(2) provides EPA the discretion to add chemicals to the TRI list when there is sufficient evidence to establish any of the listing criteria. EPA can add a chemical that meets one criterion regardless of its production volume. However, consistent with the Agency's previously articulated position on the use of manufacturing volume thresholds (e.g., 58 FR 63500, December 1, 1993) (FRL-4904-6) and as in past chemical reviews (e.g., 59 FR 61432, November 30, 1994) (FRL-4922-2), EPA adopted a production volume screen for the development of this proposed rule to screen out those chemicals for which no reports are expected to be submitted. If chemicals that did not meet the production volume screen were listed, there would be an economic burden for firms that would have to determine that they did not exceed the reporting threshold. Since the production volume screen indicates that no reports would be filed for such chemicals, there would be no information provided to the public. EPA feels it is appropriate at this time to focus on chemicals for which reports are likely to be filed.

In addition to proposing to add 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran to the EPCRA section 313 toxic chemical list, EPA is proposing to add this chemical to the list of chemicals of special concern. There are several chemicals and chemical categories on the EPCRA section 313 chemical list that have been classified as chemicals of special concern because they are PBT chemicals (see 40 CFR 372.28(a)(2)). In a final rule published in the **Federal Register** of October 29, 1999 (64 FR 58666) (FRL-6389-11), EPA established the PBT classification criteria for chemicals on the EPCRA section 313 chemical list. For purposes of EPCRA section 313 reporting, EPA established persistence half-life criteria for PBT chemicals of 2 months in water, sediment and soil and 2 days in air, and established bioaccumulation criteria for PBT chemicals as a bioconcentration factor (BCF) or bioaccumulation factor (BAF) of 1,000 or higher. Most chemicals meeting the PBT criteria are assigned 100-pound reporting thresholds. EPA set lower reporting thresholds (10 pounds) for those PBT chemicals with persistence half-lives of 6 months or more in water, sediment, or soil and with BCF or BAF values of

5,000 or higher, since these chemicals are considered highly PBT chemicals. The data presented in this proposed rule support classifying 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran as a PBT chemical and designating it as a chemical of special concern with a 100-pound reporting threshold.

III. What are the 12 chemicals that EPA is proposing to add?

The 12 chemicals that EPA is proposing to add are shown here listed by name and CASRN (note that some chemical names are different than those used in the petition because they are listed here using the EPA Registry Name):

- Dibutyltin dichloride; 683-18-1
- 1,3-Dichloro-2-propanol; 96-23-1
- Formamide; 75-12-7
- 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran; 1222-05-5
- N-Hydroxyethylethylenediamine; 111-41-1
- Nitritotriacetic acid trisodium salt; 5064-31-3
- p-(1,1,3,3-Tetramethylbutyl)phenol; 140-66-9
- 1,2,3-Trichlorobenzene; 87-61-6
- Triglycidyl isocyanurate; 2451-62-9
- Tris(2-chloroethyl) phosphate; 115-96-8
- Tris(1,3-dichloro-2-propyl) phosphate; 13674-87-8
- Tris(dimethylphenol) phosphate; 25155-23-1

EPA has determined that each of these chemicals have production and use levels that would result in TRI reports being filed (Ref. 4).

IV. What is the Agency's evaluation of the toxicity of the 12 chemicals?

EPA prepared hazard assessment documents that reviewed the available data on human health (Ref. 5) and/or ecological effects (Ref. 6) associated with each of the 12 chemicals being proposed for addition to the EPCRA section 313 toxic chemical list. Brief summaries of the available human health and ecological effects information that support listing these chemicals under EPCRA section 313 are provided in this Unit. Readers should consult the support documents (Refs. 5 and 6) for more detailed information.

1. *Dibutyltin dichloride* (CASRN 683-18-1). Monkey, rat, and mouse studies indicate that dibutyltin dichloride (DBTC) exposure during early pregnancy may result in embryo/fetal lethality following exposure to doses as low as 2.5 milligrams per kilogram per day (mg/kg/day) (Refs. 7, 8, 9, 10, 11,

and 12). In these studies, decreased pre/post implantation loss, increased resorption, and/or decreased number of live fetuses/pups were accompanied by maternal body weight effects and/or clinical signs of toxicity. However, Ema and Harazono (Ref. 7) indicated that body weight effects alone did not account for reproductive effects, as effects observed at 15.2 mg/kg/day from gestation day 0-3 or 4-7 were significantly different than those observed in pair-fed controls that had similar body weights.

Several studies in rats indicate that maternal exposure to DBTC during the period of organogenesis causes external, skeletal, and/or visceral malformations and decreased body weight in fetuses at oral doses ≥ 5 mg/kg/day (Refs. 8, 9, 10, and 13). An increased incidence of external and skeletal malformations was observed in fetuses from dams exposed to doses as low as 5 mg/kg/day DBTC (lowest dose tested) from gestation day 7-15 (Ref. 8). Maternal toxicity was not observed in this study until 7.5 mg/kg/day (Ref. 8).

In summary, the available literature provides evidence that DBTC can be reasonably anticipated to cause serious or irreversible reproductive and developmental toxicity in humans. Based on the observed effects and dose levels, EPA considers DBTC to have moderately high to high toxicity. EPA believes that there is sufficient evidence for listing DBTC on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) based on the available reproductive and developmental toxicity data.

DBTC is toxic to aquatic organisms with experimentally determined acute and chronic toxicity values lower than 1 milligram per liter (mg/L). The acute aquatic toxicity values for DBTC are as low as 16.7 μ g DBTC/L (96-hour median effect concentration (EC₅₀) for growth) in the green algae (*Scenedesmus obliquus*) (Ref. 14) and chronic aquatic toxicity values are as low as 20 μ g/L for dibutyltin (DBT) (33-day lowest-observed-effect-concentration (LOEC) for reduction in shell length) in larvae of the blue mussel (*Mytilus edulis*), and 38 μ g DBTC/L (210-day LOEC for reduced body weight and reduced stores of energy substrates) in the duck mussel (*Anodonta anatina*) (Ref. 15).

Several studies reported effects of short-term exposure to DBTC on estuarine and marine invertebrates. Salazar and Salazar (Ref. 16) observed a significant effect on mortality in mysids (*Metamysidopsis elongata*) exposed to DBTC at 56 μ g/L for 96 hours, while no effect on mortality was observed at concentrations of ≤ 11 μ g DBTC/L; the

96-hour LC₅₀ was between 11 and 56 µg DBTC/L. Thom *et al.* (Ref. 17) exposed the embryos of Pacific oysters (*Crassostrea gigas*) to DBTC and found a 48-hour EC₅₀ of 142 µg DBTC/L (55.5 µg tin (Sn)/L), based on abnormal larval development, and a 48-hour LC₅₀ of 171 µg DBTC/L (66.9 µg Sn/L). In addition to affecting the survival and growth of aquatic organisms, DBTC has been shown to have adverse effects on the development of aquatic invertebrates at concentrations of 1 mg/L or less by causing abnormalities in the embryos of the Pacific oyster (*C. gigas*) (Ref. 18), preventing development of embryos of the tunicate (*Styela plicata*) to the larval stage (Ref. 19), and increasing the duration of zoeal development and reducing the dry weight of megalops larvae of the mud crab (*Rhithropanopeus harrisi*) (Ref. 20). Additionally, fish have been found to be more sensitive to DBTC in early life stages than as adults (Ref. 21). DBTC has been observed to cause histological changes in the liver, kidney, thymus, eye, and/or skin of Japanese medaka (*Oryzias latipes*) and guppy (*Poecilia reticulata*) (Refs. 22 and 23), reduced resistance to bacterial challenge in the rainbow trout (*Oncorhynchus mykiss*) (Ref. 21), and increased chromosomal aberrations in the land snail (*Truncatella subcylindrica*) (Ref. 24).

In summary, there is evidence for both acute and chronic toxicity to aquatic organisms exposed to DBTC. DBTC has been shown to cause lethality and impair growth and development in a wide range of aquatic species. The acute and chronic aquatic toxicity values indicate that DBTC is toxic at low concentrations and thus is highly toxic to aquatic organisms. EPA believes that the evidence is sufficient to list DBTC on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(C) based on the available ecotoxicity information for this chemical.

2. *1,3-Dichloro-2-propanol* (CASRN 96–23–1). Evidence from an unpublished 2-year bioassay indicates that 1,3-dichloro-2-propanol (DC2P) is carcinogenic in male and female rats (Refs. 25 and 26) following exposure to 240 mg/L in drinking water in rats of both sexes (19.31 mg/kg/day in males; 29.83 mg/kg/day in females). At the 78-week interim sacrifice, hepatocellular carcinomas were significantly increased in the high-dose male and female groups. At the termination of the study, exposure-related increases in neoplastic lesions were observed in the liver, kidney, and tongue; neoplasms observed in the thyroid may also be exposure-related. Additionally, 25 percent of liver

carcinomas in high-dose females metastasized to the lung. Survival was reduced in both sexes at 240 mg/L over the second year of the study. Significant exposure-related changes in clinical chemistry observed predominantly in high-dose animals were indicative of liver damage and multiple non-neoplastic lesions were observed in both sexes at all doses in a dose- and duration-dependent manner.

It is reasonable to conclude that DC2P is genotoxic because of the preponderance of positive *in vitro* assays, though a limited number of *in vivo* studies reported negative results (Refs. 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 (as cited in Ref. 41), and 42 (as cited in Ref. 39)). The California EPA concluded that DC2P was “clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.” (Ref. 43). Under the 2005 U.S. EPA guidelines (Ref. 44), DC2P is considered likely to be carcinogenic to humans based on strong evidence of carcinogenicity in male and female rats in a single adequate study and supporting mutagenicity data.

In summary, the available literature provides evidence that DC2P can be reasonably anticipated to cause cancer in humans. EPA considers chemicals that can reasonably be anticipated to cause cancer to have moderately high to high chronic toxicity. EPA believes that there is sufficient evidence for listing DC2P on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) based on the available carcinogenicity data.

3. *Formamide* (CASRN 75–12–7). Available data from oral studies, including a 2-generation study, indicate that formamide is both a reproductive and developmental toxicant at doses ≥87 mg/kg/day (Refs. 45, 46, 47, 48, 49, 50, 51, and 52). These effects, including decreased pregnancy rates, increased days to litter, decreased live pups/litter, increased post implantation loss, and fetal variations, were observed in rats, mice, and rabbits, which serves to strengthen the conclusion on the potential reproductive and developmental toxicity of formamide. In two of the gestational exposure studies, fetal effects occurred at doses lower than overt maternal toxicity (decreased fetal body weights were observed in Sprague Dawley rats at 100 mg/kg/day and increased postimplantation loss and fetal variations were observed in NZ white rabbits at 113 mg/kg/day), suggesting that the developing organism is a sensitive target for formamide. The available dermal toxicity data suggest that formamide can cause

developmental effects, including decreased fetal body weight and increased fetal variations and malformations at ≥310 mg/kg/day in rats (Refs. 45, 53, 54, and 55).

In summary, the available literature provides evidence that formamide can be reasonably anticipated to cause serious or irreversible reproductive and developmental toxicity in humans. Based on the observed effects and dose levels, EPA considers formamide to have moderately high to high toxicity. EPA believes that there is sufficient evidence for listing formamide on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) based on the available reproductive and developmental toxicity data.

4. *1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran* (CASRN 1222–05–5). *1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran* (HHCB) is toxic to aquatic organisms, with experimentally determined acute and chronic toxicity values lower than 1 mg/L. The experimental data for HHCB from aquatic toxicity studies includes acute toxicity endpoint values as low as 723 µg/L in algae (72-hour EC₅₀ for inhibition of biomass in the microalgal species (*Pseudokirchneriella subcapitata*) (Ref. 56 as cited in Ref. 57), 153 µg/L in aquatic invertebrates (96-hour EC₅₀ in the mussel (*Lampsilis cardium*) (Ref. 58)), and 950 µg/L (concentration that is lethal to 50% of the test organisms (LC₅₀)) in fish (*O. latipes*) larvae (Ref. 59). Chronic studies also indicate a high concern for environmental hazard with maximum acceptable toxicant concentration (MATC) values as low as 98 µg/L (36-day MATC for effects on larval survival, growth, and development in the fathead minnow (*Pimephales promelas*) (Ref. 60 as cited in Ref. 57)) and 4.7 µg/L in fish (14-day MATC for oxidative stress in goldfish (*Carassius auratus*) (Ref. 61)). Chronic studies in aquatic invertebrates have found a MATC as low as 53 µg/L (6-day MATC based on inhibition of larval development rate in the copepod (*Acartia tonsa*) (Ref. 62 as cited in Ref. 63)).

HHCB bioaccumulates in aquatic organisms. Experimentally-derived BCFs as high as 1,584 in fish (*Lepomis macrochirus*) (Ref. 64) and 2,692 in benthic worms (*Lumbriculus variegatus*) (Ref. 65 as cited in Ref. 63) have been reported. BCFs for HHCB calculated using the Estimation Programs Interface Suite™ (EPI Suite™) (Ref. 66) were 3,629 using the regression-based method and 1,231 using the Arnot-Gobas model for upper trophic level species, while the bioaccumulation factor (BAF)

calculated by EPI Suite™ was 1,826 (Ref. 67). There are no data available to evaluate the potential for HHCB to biomagnify through the food chain. Studies have consistently found half-lives longer than two months for HHCB in soils and sediments (Ref. 68). Envirogen (Ref. 69 as cited in Ref. 63) reported half-lives in river sediment at 79 days, forest soil at 95 days, sludge amended soil at 105 days, and agricultural soil at 239 days. DiFrancesco *et al.* (Ref. 70 as cited in Ref. 63) reported half-lives between 140–145 days in four types of sludge-amended soils.

In summary, the available data demonstrate that HHCB can cause acute and chronic toxicity to aquatic organisms at concentrations at or below 1 mg/L. The acute and chronic aquatic toxicity values indicate that HHCB is highly toxic to aquatic organisms. In addition, HHCB bioaccumulates and is persistent in the environment. EPA believes that the evidence is sufficient to list HHCB on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(C) based on the available ecotoxicity information for this chemical alone and also based on its toxicity and persistence in the environment, and toxicity and tendency to bioaccumulate.

EPA believes that the available bioaccumulation and persistence data for HHCB support a classification of HHCB as a persistent, bioaccumulative, and toxic (PBT) chemical. HHCB has been shown to be bioaccumulative in aquatic species with BCF values greater than 1,000 and to be persistent in soil and sediment for at least 2 months. Therefore, consistent with EPA's established policy for PBT chemicals (See 64 FR 58666, October 29, 1999) (FRL-6389-11), EPA is proposing to designate HHCB as a chemical of special concern with a 100-pound reporting threshold.

5. *N-Hydroxyethylethylenediamine* (CASRN 111-41-1). Several rat studies, including pre-mating through early lactation oral exposure and gestational oral exposure, indicate that maternal exposure to *N*-hydroxyethylethylenediamine can cause malformations of the great vessels in offspring at gavage doses ≥ 10 mg/kg/day, particularly aortic aneurysms (Refs. 71, 72, 73, 74, and 75). Other observed malformations included aneurysms of the pulmonary trunk, dilations of the carotids and descending aorta, and abnormal course of the carotids. While some of these studies (Refs. 71, 73, and 74) presented a limited consideration of material endpoints and lacked litter-based statistics, studies incorporating

these elements reported similar developmental effects (Refs. 72 and 75). Aortic aneurysms were also observed at intraperitoneal injection doses ≥ 10 mg/kg/day (Refs. 71 and 76). Available evidence indicates that, at high enough doses, prenatal exposure is adequate to induce great vessel malformations; however, the critical period appears to extend into the early postnatal period since incidence and severity of great vessel malformations was increased when exposure extended into the postnatal period (Refs. 77, 78, 79, 80, and 81). This may, in part, explain why no vessel malformations were observed at doses up to 50 mg/kg-day on GD 6–19 and examination of fetuses on GD 20 in the EPSDG study (Ref. 75), while aneurysms were observed with dosing at ≥ 10 mg/kg-day on GD 14–20 and examination of pups on PND 1 in the Xu *et al.* study (Ref. 71).

Mechanistic studies indicate that great vessel malformation may be due to decreased expression of collagen type 1 and 3 in the walls of the great vessels (Ref. 71). A recent study by Chen *et al.* (Ref. 82) concluded that HEED causes significant morphological, biochemical, and biomechanical alterations in the extracellular matrix in neonatal aortic vascular smooth muscle cells. Additionally, Moore *et al.* (Ref. 83) exposed dams to HEED and confirmed exposure of offspring both *in utero* and during lactation. HEED did not, however, appear to specifically concentrate in the great vessels of offspring.

In summary, the available literature provides evidence that *N*-hydroxyethylethylenediamine can be reasonably anticipated to cause serious or irreversible developmental toxicity in humans. Based on the observed effects and dose levels, EPA considers *N*-hydroxyethyl-ethylenediamine to have moderately high to high toxicity. EPA believes that there is sufficient evidence for listing *N*-hydroxyethylethylenediamine on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) based on the available developmental toxicity data.

6. *Nitrilotriacetic acid trisodium salt* (CASRN 5064-31-3). Evidence from bioassays of 18–24 months indicates that nitrilotriacetic acid trisodium salt (NTA) compounds are carcinogenic in rats and mice (Refs. 84 and 85). Tumors were significantly increased at dietary doses $\geq 1,200$ mg/kg/day in rats of both sexes, ≥ 590 mg/kg/day in male mice, and 2,600 mg/kg/day in female mice, and at drinking water doses of 81 mg/kg/day in male rats (only dose tested, females not evaluated). Exposure-related

increases in neoplastic lesions were observed in the urinary tract of male and female rats and mice (kidney, ureter, and/or bladder), adrenal glands (female rats), liver (female rats), pituitary gland (male rats), and hematopoietic system (male mice). Significant non-neoplastic and pre-neoplastic lesions were also observed in the kidney, lung, bladder, and ureter, especially at the highest doses (at dietary doses $\geq 1,200$ mg/kg/day in rats and at drinking water doses of 81 mg/kg/day in male rats). In rats, nitrilotriacetic acid trisodium salt monohydrate ($\text{Na}_3\text{NTA}\cdot\text{H}_2\text{O}$) was a renal and bladder tumor promoter, but NTA did not promote bladder tumors (Refs. 86, 87, 88, 89, 90, and 91). In both the cancer bioassays and promotion studies featuring multiple dose levels, NTA compounds were effective at higher doses while showing no activity at lower doses. This suggests that high levels may be required for promotion or tumorigenicity. Specific doses that induce activity, however, appear to differ with route (*i.e.*, carcinogenicity seen at lower doses via drinking water than via diet). Genotoxicity data, in general, indicate that NTA compounds do not induce direct genetic effects, although there is some evidence that they may interfere with normal segregation of chromosomes (Refs. 92, 93, and 94).

Under the U.S. EPA 2005 guidelines (Ref. 44), NTA is considered likely to be carcinogenic to humans, based on evidence of carcinogenicity in male and female rats and mice in three adequate dietary bioassays reported by the National Cancer Institute (Ref. 85), along with supporting evidence of carcinogenicity from a drinking water study using only one dose level (Ref. 84) and tumor promoting activity of $\text{Na}_3\text{NTA}\cdot\text{H}_2\text{O}$ (Refs. 86, 87, 88, 89, 90, and 91). In addition, the National Toxicology Program concluded that “Nitrilotriacetic acid is *reasonably anticipated to be a human carcinogen* based on sufficient evidence of carcinogenicity from studies in experimental animals.” and noted that “exposure to the trisodium salt had the same effects in rats and also caused kidney tumors and cancer of the ureter in female rats (Refs. 84 and 85).”

In summary, the available literature provides evidence that nitrilotriacetic acid trisodium salt can be reasonably anticipated to cause cancer in humans. EPA considers chemicals that can reasonably be anticipated to cause cancer to have moderately high to high chronic toxicity. EPA believes that there is sufficient evidence for listing nitrilotriacetic acid trisodium salt on the

EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) based on the available carcinogenicity data.

7. *p*-(1,1,3,3-Tetramethylbutyl)phenol (CASRN 140-66-9). *p*-(1,1,3,3-Tetramethylbutyl)phenol (TMBP) is toxic to aquatic organisms with experimentally determined acute and chronic toxicity values lower than 1 mg/L. The experimental data for TMBP include acute toxicity endpoint values as low as 47.9 µg/L in aquatic invertebrates (96-hour LC₅₀ in mysid shrimp (*Mysidopsis bahia*) (Ref. 95)), 120 µg/L in fish (14-day LC₅₀ in rainbow trout (*O. mykiss*) (Ref. 96)), and 0.2 µg/L in amphibians (24-hour LOEC for early sexual differentiation in bullfrog tadpoles (*Rana catesbeiana*) (Ref. 97)). Chronic toxicity endpoint values are as low as 0.03 µg/L in aquatic invertebrates (21-day MATC for delayed nauplii development in the copepod (*Tigriopus japonicas*) (Ref. 98)), 1 µg/L in fish (35-day LOECs for reduced growth in rainbow trout larvae (*O. mykiss*) (Ref. 99)), and 0.002 µg/L in amphibians (48-week LOEC for malformations and abnormalities and developmental delay in Northern leopard frog tadpoles (*Rana pipiens*) (Refs. 100 and 101)). The majority of chronic toxic effects on aquatic organisms were due to endocrine disruption. For example, TMBP mimics the effects of 17β-estradiol by binding to the estrogen receptor and acting as an estrogen agonist (Refs. 99, 102, 103, 104, and 105). Examples of estrogenic effects caused by TMBP in male fish include induction of synthesis of vitellogenin (an egg yolk protein precursor that is not usually synthesized in male fish, but can be induced by estrogen), inhibition of testicular growth and spermatogenesis, and reduction of the gonadosomatic index (gonad mass as a percentage of total body mass) (Refs. 106, 107, and 108).

TMBP bioaccumulates in aquatic organisms. Whole fish wet weight based BCFs determined under controlled experimental conditions at steady state were 471 in rainbow trout (*O. mykiss*) and 261 in Japanese medaka (*O. latipes*) (Refs. 109 and 110). Wet weight based field BAFs in fish were similar, ranging from 46 to 297 (Ref. 111). Maximum BAF values for the blue mussel (*M. edulis*) were 1,280 when converted to a wet weight basis (Refs. 112 and 113). A maximum value for phytoplankton was 2,510 when converted to a wet weight basis (Refs. 112 and 113). BCFs for TMBP calculated using the Estimation Programs Interface Suite™ (EPI Suite™) (Ref. 66) were also similar: 243 using the regression-based method and

302 using the Arnot-Gobas model for upper trophic level species. There was some evidence of biomagnification in fish species preying on mussels and in herring gulls feeding on fish (Ref. 112).

In summary, the available data demonstrate that TMBP can cause acute and chronic toxicity to aquatic organisms at low concentrations indicating that TMBP is highly toxic to aquatic organisms. TMBP can cause lethality and impair growth and reproduction and is also an endocrine disruptor that may lead to estrogenic effects. TMBP has the potential to bioaccumulate in aquatic organisms and there is limited evidence for biomagnification of TMBP. EPA believes that the evidence is sufficient to list TMBP on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(C) based on the available ecotoxicity information for this chemical alone and also based on its toxicity and tendency to bioaccumulate.

8. 1,2,3-Trichlorobenzene (CASRN 87-61-6). 1,2,3-Trichlorobenzene (1,2,3-TCB) is toxic to aquatic organisms with experimentally determined acute and chronic toxicity values lower than 1 mg/L. The experimental data for 1,2,3-TCB include acute toxicity endpoint values as low as 330 µg/L in aquatic invertebrates (96-hour LC₅₀ in the mysid shrimp (*M. bahia*) (Ref. 114)) and 350 µg/L in fish (96-hour LC₅₀ in the guppy (*P. reticulata*) (Ref. 115)). Chronic toxicity endpoint values are as low as 22 µg/L in aquatic invertebrates (28-day MATC for inhibition of reproduction and growth in *M. bahia* (Ref. 116)) and 44 µg/L in fish (42-day MATC for reduced growth in the mosquitofish (*Gambusia affinis*) (Ref. 117)).

1,2,3-TCB bioaccumulates in aquatic organisms. There are experimentally-derived BCF values in fish over 1,000 and as high as 5,600 for the fathead minnow (*P. promelas*) (Ref. 118). A biomagnification factor (BMF) of 2.3 was estimated by Hendriks *et al.* (Ref. 119) for an aquatic food chain.

In summary, based on experimental data from both acute and chronic studies of aquatic organisms, 1,2,3-TCB is toxic to aquatic organism at low concentrations. The acute and chronic aquatic toxicity values indicate that 1,2,3-TCB is highly toxic to aquatic organisms. In addition, 1,2,3-TCB has been shown to be highly bioaccumulative in fish. EPA believes that the evidence is sufficient to list 1,2,3-TCB on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(C) based on the available ecotoxicity information for this chemical alone and also based on

its toxicity and tendency to bioaccumulate.

9. Triglycidyl isocyanurate (CASRN 2451-62-9). Available animal toxicology studies on triglycidyl isocyanurate (TGIC) provide evidence of male reproductive toxicity. For example, a subchronic (13 week) oral exposure study in rats exposed to 0, 0.72, 2.08, and 7.32 mg/kg/day TGIC reported a dose-dependent decrease in the mean number of spermatozoa (0.0%, 5.1%, 13.5%, and 23.1%, respectively) with statistical significance at the high dose (Ref. 120). No mortalities, clinical signs of toxicity, or effects on any fertility parameters were observed during the study. However, although no significant effects on male rat fertility were observed, a decrease in sperm count could have biological significance in humans since it is well-known that the human male is of relatively low fertility and thus may be at greater risk from effects on sperm parameters than are males of the common laboratory animal model species (Ref. 121).

Supplemental data from shorter-term exposure studies in mice also provide some additional supporting evidence for male reproductive effects following exposure to TGIC. For example, in spermatogonial cytogenetics assays, decreased spermatogonial cell survival was reported in NS mice exposed orally to a single dose of 115 mg/kg/day (Ref. 122), but not in CD-1 mice exposed by inhalation (Ref. 122). In a dose-range finding study, ICR mice demonstrated decreased spermatogonial cell survival at 667 mg/kg/day administered via oral gavage (Ref. 123). The differences in responses among these studies may be due to differences in sensitivity between mice strain and route of exposure. In dominant lethal assays, although impairment of reproductive performance (decreased mating index) in CD-1 mice exposed via inhalation was reported, it occurred at the same level (49.6 mg/m³) exhibiting 10% mortality, decreased body weight, as well as clinical signs of toxicity, and may not be indicative of reproductive effects (Ref. 124). Likewise, ICR mice exposed orally failed to show an impairment of male mice impregnating unexposed females at 550 mg/kg/day (Ref. 125). Of the few genotoxicity studies of TGIC identified in the literature, TGIC did not induce chromosomal aberrations in spermatogonial cells in mice (Ref. 126) but did induce both sister chromatid exchange and chromosomal aberrations in Chinese hamster ovary cells in vitro (Ref. 127 and Ref. 128).

In summary, the available data indicate that the male reproductive

system, particularly spermatogonia and spermatozoa, may be a target of TGIC toxicity. Effects on sperm measurements were seen across two species (rats and mice) and routes of exposure (oral and inhalation) following subchronic and shorter-term exposures and collectively provide sufficient evidence of male reproductive toxicity. Based on the observed effects and dose levels, EPA considers TGIC to have moderately high to high toxicity. Therefore, EPA believes there is sufficient evidence for listing TGIC on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) based on the available reproductive toxicity data.

10. *Tris(2-chloroethyl) phosphate (CASRN 115-96-8)*. The National Toxicology Program (NTP) (Ref. 129) performed 2-year oral bioassays of tris(2-chloroethyl) phosphate (TCEP) in male and female rats and mice. The NTP concluded there is clear evidence of carcinogenicity in both male and female rats based on renal tubule adenomas observed at 88 mg/kg/day and noted that mononuclear cell leukemia and thyroid follicular cell neoplasms in both sexes may also be exposure related. A significant increase in the incidence of renal tubule adenomas in male and female rats was observed at 88 mg/kg/day. From the mouse bioassay, the NTP concluded that there was equivocal evidence for carcinogenicity in male mice based on a marginal increase in renal tubule cell neoplasms and in female mice based on a marginal increase in harderian gland neoplasms in the main study group (14% incidence at 350 mg/kg/day versus 6% incidence in controls). The incidence of harderian gland tumors in females (main study and interim sacrifice groups combined) was statistically increased at the high dose of 350 mg/kg/day ($p \leq 0.05$) with a significant dose-related trend ($p \leq 0.05$). Significant non-neoplastic and pre-neoplastic lesions occurred in both male and female rats at 88 mg/kg/day (in the brain stem, cerebrum, and kidney) and in both male and female mice at ≥ 175 mg/kg/day (in the kidney). Genotoxicity data indicate that TCEP is not mutagenic, and evidence for clastogenicity and cell transformation is limited and inconsistent (Refs. 130, 131, 132, 133, 134, 135, 136 as cited in Ref. 129, 137, and 138).

Under the U.S. EPA 2005 guidelines (Ref. 44), TCEP is considered likely to be carcinogenic to humans, based on clear evidence of carcinogenicity in male and female rats and equivocal evidence in male and female mice in adequate studies performed by NTP (Ref. 129). In 2009, EPA's Office of Research and Development reached the

same conclusion when it derived the provisional peer-reviewed toxicity values for TCEP (Ref. 139).

Available data indicate that TCEP causes reproductive toxicity in mice, including sperm alterations and decreases in fertility in treated males and altered sex ratios in pups. A two-generation study with continuous breeding protocol showed that oral exposure to TCEP caused a decrease in the number of live male pups/litter and an altered sex ratio at 175 mg/kg/day and decreases in the numbers of litters/pair and live pups/litter at 350 mg/kg/day; a crossover breeding trial indicated that these effects were predominantly due to effects in male mice, including decreased fertility and sperm alterations (Ref. 140). Dose-related sperm alterations in mice have also been reported following oral exposure to 700 mg/kg/day TCEP for 16 weeks (Ref. 141). Sperm effects were also noted in an inhalation study in male rats continuously exposed to ≥ 0.5 mg/m³ for 4 months, with decreased litter size and increased pre- and post-implantation loss observed when males exposed to 1.5 mg/m³ were mated to naïve females (Ref. 142 as cited in Ref. 140). There was no evidence of adverse effects in the female reproductive system in either the two-generation study with crossover trial or the subchronic reproductive screen (Refs. 129 and 141). A gestational exposure study found no evidence for developmental toxicity resulting from TCEP exposure (Refs. 143 and 144).

In summary, the available literature provides evidence that TCEP can be reasonably anticipated to cause cancer and serious or irreversible reproductive toxicity in humans. EPA considers chemicals that can reasonably be anticipated to cause cancer to have moderately high to high chronic toxicity. In addition, based on the observed reproductive effects and dose levels causing those effects, EPA considers TCEP to have moderately high to high toxicity. EPA believes that there is sufficient evidence for listing TCEP on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) based on the available cancer and reproductive toxicity data.

11. *Tris(1,3-dichloro-2-propyl) phosphate (CASRN 13674-87-8)*. Evidence from a 2-year bioassay indicates that tris(1,3-dichloro-2-propyl) phosphate (TDCPP) is carcinogenic in male and female rats (Ref. 145). Tumors were significantly increased at ≥ 20 mg/kg/day in rats of both sexes. Exposure-related increases in neoplastic lesions were observed in the kidney (both sexes at high dose), liver (both sexes), testes

(males), and adrenal glands (females). Significant non-neoplastic lesions were also observed in the kidney and liver of male and female rats and in the epididymides and seminal vesicles of male rats. Genotoxicity data indicate that TDCPP is mutagenic in bacteria with metabolic activation, although assays for mutagenicity in mammalian cells and fruit flies were negative (Refs. 146, 147, 148, 149, 150 and 151). Assays for clastogenicity in mammalian cells *in vitro* were positive with activation, but *in vivo* studies were negative (Refs. 146, 148, and 152). Results for cell transformation were mixed (Refs. 146 and 151).

The California EPA concluded that TDCPP was "clearly shown through scientifically valid testing according to generally accepted principles to cause cancer." (Ref. 153). Under the U.S. EPA 2005 guidelines (Ref. 44), TDCPP is considered likely to be carcinogenic to humans, based on strong evidence of carcinogenicity in male and female rats with multiple tumors in a single yet largely adequate chronic cancer bioassay study and supporting mutagenicity data of both the primary compound and metabolites, in bacteria."

In summary, the available literature provides evidence that TDCPP can cause cancer at multiple sites in rats and can be reasonably anticipated to cause cancer in humans based on the animal data and the overall weight of mutagenicity and genotoxicity in bacteria and mammalian cells. EPA considers chemicals that can reasonably be anticipated to cause cancer to have moderately high to high chronic toxicity. EPA believes that there is sufficient evidence for listing TDCPP on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) based on the available carcinogenicity data.

TDCPP is toxic to aquatic organisms both from acute and chronic exposures with acute toxicity below 10 mg/L and chronic toxicity below 0.1 mg/L. Observed acute aquatic toxicity values are as low as 1,400 µg/L (96-hour LC₅₀) in rainbow trout (*O. mykiss*) (Ref. 154). Chronic aquatic toxicity values are below 0.1 mg/L and are as low as 22 µg/L (142-hour MATC for decreases in body weight and whole-body thyroxine (T₄) content) in zebrafish (*Danio rerio*) (Ref. 155) and 20 µg/L (116-hour LOEC for effects on mRNA expression of genes for estrogen and progesterone receptors and vitellogenin) in *D. rerio* (Ref. 156). EPA has previously determined that TDCPP is persistent in the environment with a half-life >60 days (Ref. 157).

In summary, the acute toxicity data for TDCPP for fish range from 1 to 10 mg/L and chronic aquatic toxicity values range from 20 to 1,000 µg/L. TDCPP has also been shown to be persistent in the environment. Based on experimental data from both acute and chronic studies of aquatic organisms, TDCPP is toxic to aquatic organism at low concentrations. The acute and chronic aquatic toxicity values along with the persistence data indicate that TDCPP is highly toxic to aquatic organisms. EPA believes that the evidence is sufficient to list TDCPP on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(C) based on the available ecotoxicity data and its persistence in the environment.

12. *Tris(dimethylphenol) phosphate (CASRN 25155-23-1)*. In a one-generation reproductive/developmental toxicity screening study in rats, the pregnancy index was significantly decreased by tris(dimethylphenol) phosphate (TDMPP) at gavage doses as low as 200 mg/kg/day as demonstrated by the reduced number of implantations and the decreased number of gravid dams and successful parturitions (Ref. 158 as cited in Ref. 159). While these effects were shown to be reversible in the recovery group (*i.e.*, animals maintained for 4 weeks without exposure, after which rats were mated), they were accompanied by significant effects on organ weight and histological changes at doses as low as 25 mg/kg/day. These treatment-related organ weight and histological changes were also partly reversible in the recovery group.

In summary, the available data provides evidence that TDMPP can be reasonably anticipated to cause serious or irreversible reproductive toxicity in humans. Based on the observed effects and dose levels, EPA considers TDMPP to have moderately high to high toxicity. EPA believes that there is sufficient evidence for listing TDMPP on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) based on the available reproductive toxicity data.

V. Why is EPA proposing to list the 12 chemicals and lower the reporting threshold for HHCB?

A. What is EPA's rationale for listing the 12 chemicals?

Based on EPA's review of the available toxicity data, EPA believes that the 12 chemicals EPA is proposing to add to the EPCRA section 313 toxic chemical list can reasonably be anticipated to cause either adverse

chronic human health effects at moderately low to low doses and/or environmental effects at low concentrations. EPA believes that the data show that these 12 chemicals have moderately high to high human health toxicity and/or are highly toxic to aquatic organisms. Therefore, EPA believes that the evidence is sufficient for listing all 12 of the chemicals in this proposed rule on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B) and/or (C).

EPA does not believe that it is appropriate to consider exposure for chemicals that are moderately high to highly toxic based on a hazard assessment when determining if a chemical can be added for chronic human health effects pursuant to EPCRA section 313(d)(2)(B) (see 59 FR 61440–61442). EPA also does not believe that it is appropriate to consider exposure for chemicals that are highly toxic based on a hazard assessment when determining if a chemical can be added for environmental effects pursuant to EPCRA section 313(d)(2)(C) (see 59 FR 61440–61442). Therefore, in accordance with EPA's standard policy on the use of exposure assessments (see November 30, 1994 (59 FR 61432, FRL–4922–2), EPA does not believe that an exposure assessment is necessary or appropriate for determining whether any of the chemicals in this proposed rule meet the criteria of EPCRA section 313(d)(2)(B) or (C).

B. What is EPA's rationale for lowering the reporting threshold for HHCB?

EPA believes that the available bioaccumulation and persistence data for HHCB support a classification of HHCB as a PBT chemical. HHCB has been shown to be bioaccumulative in aquatic species with BCF values greater than 1,000 and to persist in soils and sediments with half-lives greater than 2 months. Therefore, consistent with EPA's established policy for PBT chemicals (see 64 FR 58666, October 29, 1999) (FRL–6389–11), EPA is proposing to establish a 100-pound reporting threshold for HHCB.

VI. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not itself physically located in the docket. For assistance in locating these other documents, please consult

the person listed under FOR FURTHER INFORMATION CONTACT.

1. Petition from the Massachusetts Toxics Use Reduction Institute (TURI), University of Massachusetts Lowell, 600 Suffolk St., Suite 501, Lowell, MA 01854, May 6, 2014.
2. USEPA, OPPT. Memorandum from Jocelyn Hospital, Toxicologist, Regulatory Development Branch to David Turk, Chief, Regulatory Development Branch. December 8, 2016. Subject: Review of Toxics Use Reduction Institute (TURI) Petition Chemicals.
3. USEPA, OPPT. Memorandum from Kara Koehn and Thomas Forbes, Regulatory Development Branch, to David Turk, Chief, Regulatory Development Branch. February 16, 2017. Subject: Review of Toxics Use Reduction Institute (TURI) Petition Chemicals.
4. USEPA, OPPT. 2018. Economic Analysis of the Proposed Rule to Add Twelve Chemicals Identified in a Petition from the Toxics Use Reduction Institute to the EPCRA Section 313 List of Toxic Chemicals. November 7, 2018.
5. USEPA, OPPT. 2016. Human Health Review of Chemicals from the Toxics Use Reduction Institute (TURI) Petition. Office of Pollution Prevention and Toxics, Toxics Release Inventory Program Division, Regulatory Developmental Branch. March 29, 2016.
6. USEPA, OPPT. 2017. Ecological Toxicity Review of Chemicals from the Toxics Use Reduction Institute (TURI) Petition. Office of Pollution Prevention and Toxics, Toxics Release Inventory Program Division, Regulatory Developmental Branch. July 18, 2017.
7. Ema, M. and A. Harazono. 2000. Adverse effects of dibutyltin dichloride on initiation and maintenance of rat pregnancy. *Reprod. Toxicol.* 14(5): 451–456.
8. Ema, M., T. Itami, and H. Kawasaki. 1991. Teratogenicity of di-n-butyltin dichloride in rats. *Toxicol. Lett.* 58(3): 347–356.
9. Ema, M., T. Itami, and H. Kawasaki. 1992. Susceptible period for the teratogenicity of di-n-butyltin dichloride in rats. *Toxicol.* 73(1): 81–92.
10. Ema, M., R. Kurosaka, H. Amano, and Y. Ogawa. 1995. Comparative developmental toxicity of butyltin trichloride, dibutyltin dichloride and tributyltin chloride in rats. *J. Appl. Toxicol.* 15(4): 297–302.
11. Ema, M., K. Fukunishi, M. Matsumoto, A. Hirose, E. Kamata, and T. Ihara. 2007. Developmental toxicity of dibutyltin dichloride in cynomolgus monkeys. *Reprod. Toxicol.* 23(1): 12–19.
12. Ema, M., S. Fujii, T. Ikka, M. Matsumoto, A. Hirose, and E. Kamata. 2007. Early pregnancy failure induced by dibutyltin dichloride in mice. *Environ. Toxicol.* 22(1): 44–52.
13. Noda, T., S. Morita, and S. Baba. 1993. Teratogenic effects of various di-n-butyltins with different anions and butyl(3-hydroxybutyl)tin dilaurate in rats. *Toxicol.* 85(2–3): 149–160.
14. Huang, G., Z. Bai, S. Dai, and Q. Xie. 1993. Accumulation and toxic effect of

- organometallic compounds on algae. Appl. Organomet. Chem. 7: 373–380.
15. Holwerda, D.A. and H.J. Herwig. 1986. Accumulation and metabolic effects of di-n-butyltin dichloride in the freshwater clam, *Anodonta anatina*. Bull. Environ. Contam. Toxicol. 36: 756–762.
 16. Salazar, M.H. and S.M. Salazar. 1989. Acute effects of (bis)tributyltin oxide on marine organisms. Naval Ocean Systems Center, San Diego, California. Technical Report 1299.
 17. Thom, R.M., L.M. Karle, and J.Q. Word. 1991. Static acute 48-hour toxicity test of dibutyltin dichloride (DBT) to oyster larvae. Battelle Pacific Northwest Laboratories, Sequim, WA, USA, BNW No. 12716, pp 1–72. TSCA 8E; OTS0540381, DCN: 88–920004033.
 18. Thom, R.M., L.M. Karle, and J.Q. Word. 1991. Static acute 48-hour toxicity test of dibutyltin dichloride (DBT) to oyster larvae. Battelle Pacific Northwest Laboratories, Sequim, WA, USA, BNW No. 12716, pp 1–72. TSCA 8E; OTS0540381, DCN: 88–920004033.
 19. Cima, F., L. Ballarin, G. Bressa, G. Martinucci, and P. Burighel. 1996. Toxicity of organotin compounds on embryos of a marine invertebrate (*Styela plicata*; Tunicata). Ecotoxicol. Environ. Saf. 35: 174–182.
 20. Laughlin, R.B., Jr. and W. French. 1989. Population-related toxicity responses to two butyltin compounds by zoeae of the mud crab *Rhithropanopeus harrisi*. Marine Biol. 102: 397–401.
 21. de Vries, H., A.H. Penninks, N.J. Snoei, and W. Seinen. 1991. Comparative toxicity of organotin compounds to rainbow trout (*Oncorhynchus mykiss*) yolk sac fry. Sci. Total Environ. 103: 229–243.
 22. Wester, P.W. and J.H. Canton. 1987. Histopathological study of *Poecilia reticulata* (Guppy) after long-term exposure to bis(tri-n-butyltin)oxide (TBTO) and di-n-butyltin dichloride (DBTC). Aquat. Toxicol. 10: 143–165.
 23. Wester, P.W., J.H. Canton, A.A.J. Van Iersel, E.I. Krajnc, and H.A.M.G. Vaessen. 1990. The toxicity of bis(tri-n-butyltin)oxide (TBTO) and di-n-butyltin dichloride (DBTC) in the small fish species *Oryzias latipes* (medaka) and *Poecilia reticulata* (guppy). Aquat. Toxicol. 16: 53–72.
 24. Vitturi, R., C. Mansueto, E. Catalano, L. Pellerito, and M.A. Girasolo. 1992. Spermatocyte chromosome alterations in *Truncatella subcylindrica* (L., 1767) (*Mollusca, Mesogastropoda*) following exposure to dibutyltin(IV) and tributyltin(IV) chlorides. Appl. Organomet. Chem. 6: 525–532.
 25. Hercules, Inc. 1986. 104 Week chronic toxicity and oncogenicity study with 1,3 dichloropropan-2-ol in the rat (Part 1) with cover letter dated 080389. Submitted to the U.S. Environmental Protection Agency under TSCA section 8E.
 26. Hercules, Inc. 1986. 104-Week chronic toxicity and oncogenicity study 1,3-dichloropropanol-2-ol in the rat report (Part 1) with cover letter dated 110889 (appendices). Submitted to the U.S. Environmental Protection Agency under TSCA section 8E.
 27. Frei, H. and F.E. Wurgler. 1997. The vicinal chloroalcohols 1,3-dichloro-2-propanol (DC2P), 3-chloro-1,2-propanediol (3CPD) and 2-chloro-1,3-propanediol (2CPD) are not genotoxic *in vivo* in the wing spot test of *Drosophila melanogaster*. Mutat. Res. 394(1–3): 59–68.
 28. Gold, M.D., A. Blum, and B.N. Ames. 1978. Another flame retardant, tris-(1,3-dichloro-2 propyl) phosphate, and its expected metabolites are mutagens. Science 200: 785–787.
 29. Hahn, H., E. Eder, and C. Deininger. 1991. Genotoxicity of 1,3-dichloro-2-propanol in the SOS chromotest and in the Ames test. Elucidation of the genotoxic mechanism. Chem. Biol. Interact. 80(1): 73–88.
 30. Hercules, Inc. 1990. Letter from Hercules Inc to U.S. EPA regarding submission of final reports on 3 mutagenicity studies with attachments. Submitted to the U.S. Environmental Protection Agency under TSCA section 8(e).
 31. Lynn, R.K., K. Wong, C. Garvie-Gould, and M. Kennish. 1981. Disposition of the flame retardant, tris(1,3-dichloro-2-propyl) phosphate, in the rat. Drug Metab. Dispos. 9(5): 434–441.
 32. Nakamura, A., N. Tatenno, S. Kojima, M. Kaniwa, and T. Kawamura. 1979. The mutagenicity of halogenated alkanols and their phosphoric acid esters for *Salmonella typhimurium*. Mutat. Res. 66(4): 373–380.
 33. Ohkubo T., T. Hayashi, E. Watanabe, H. Endo, S. Goto, O. Endo, T. Mizoguchi, and Y. Mori. 1995. Mutagenicity of chlorohydrins. Nippon Suisan Gakkaishi 61(4): 596–601.
 34. Painter, R.B. and R. Howard. 1982. The HeLa DNA-synthesis inhibition test as a rapid screen for mutagenic carcinogens. Mutat. Res. 92(1–2): 427–438.
 35. Silhankova, L., F. Smid, M. Cerna, J. Davidek, and J. Velisek. 1982. Mutagenicity of glycerol chlorohydrines and of their esters with higher fatty acids present in protein hydrolysates. Mutat. Res. 103(1): 77–81.
 36. Stolzenberg, S.J. and C.H. Hine. 1980. Mutagenicity of 2- and 3-carbon halogenated compounds in the salmonella/mammalian-microsome test. Environ. Mutagen. 2: 59–66.
 37. von der Hude, W., M. Scheutwinkel, U. Gramlich, B. Fibler, and A. Basler. 1987. Genotoxicity of three-carbon compounds evaluated in the SCE test *in vitro*. Environ. Mutagen. 9(4): 401–410.
 38. von Der Hude, W., C. Behm, R. Gurtler, and A. Basler. 1988. Evaluation of the SOS chromotest. Mutat. Res. 203: 81–94.
 39. Zeiger, E., B. Anderson, S. Haworth, T. Lawlor, and K. Mortelmans. 1988. *Salmonella* mutagenicity tests. IV. Results from the testing of 300 chemicals. Environ. Mol. Mutagen. 11(Suppl 12): 1–158.
 40. Howe, J. 2002. 1,3-Dichloropropan-2-ol (1,3-DTCP): Induction of micronuclei in the bone marrow of treated rats. Report No. 2150/1–D6172 from Covance Laboratories Ltd., Harrogate, North Yorkshire, England. Available from the Food Standards Agency (as cited in Ref. 41).
 41. NTP. 2005. 1,3-Dichloro-2-propanol [CAS No. 96–23–1]. Review of toxicological literature. Prepared by Integrated Laboratory Systems, Inc., Research Triangle Park, North Carolina, for the National Toxicology Program, National Institute of Environmental Health Sciences.
 42. Beevers, C. 2003. 1,3-Dichloropropan-2-ol (1,3-DTCP): Induction of unscheduled DNA synthesis in rat liver using an *in vivo/in vitro* procedure. Report No. 2150/3–D6173 from Covance Laboratories Ltd., Harrogate, North Yorkshire, England. Available from the Food Standards Agency (as cited in Ref. 41).
 43. OEHA. 2010. Evidence on the Carcinogenicity of 1,3-Dichloro-2-propanol. <https://oehha.ca.gov/media/downloads/proposition-65/13-dcpida.pdf>.
 44. U.S. EPA. 2005. Guidelines for carcinogen risk assessment. U.S. Environmental Protection Agency, Office of Pollution Prevention Toxics. Washington, DC EPA/630/P-03/001F. Available at http://www2.epa.gov/sites/production/files/2013-09/documents/cancer_guidelines_final_3-25-05.pdf.
 45. BASF Corp. 1982. Reports on teratogenic effects of commercially available ink and the influence and teratogenic effects of formamide (five enclosures) with cover letter dated 08–09–82. Submitted to the U.S. Environmental Protection Agency under TSCA Section 4.
 46. Fail, P.A., J.D. George, T.B. Grizzle, and J.J. Heindel. 1998. Formamide and dimethylformamide: Reproductive assessment by continuous breeding in mice. Reprod. Toxicol. 12(3): 317–332.
 47. George, J.D., C.J. Price, M.C. Marr, C.B. Myers, and G.D. Jahnke. 2000. Evaluation of the developmental toxicity of formamide in Sprague-Dawley (CD) rats. Toxicol. Sci. 57(2): 284–291.
 48. George, J.D., C.J. Price, M.C. Marr, C.B. Myers, and G.D. Jahnke. 2002. Evaluation of the developmental toxicity of formamide in New Zealand white rabbits. Toxicol. Sci. 69(1): 165–174.
 49. NTP. 1992. Final report on the reproductive toxicity of formamide (FORM) (CAS no. 75–12–7) in CD–1 Swiss mice: Volume 1 NTIS Technical Report 109213(327).
 50. NTP. 1992. Final report on the reproductive toxicity of formamide (FORM) (CAS no. 75–12–7) CD–1 (trade name) Swiss mice: Volume 2. Laboratory supplement. NTIS Technical Report 109221(249).
 51. NTP. 1998. Final report on the developmental toxicity of formamide (CAS No. 75–12–7) administered by gavage to Sprague-Dawley CDY rats on gestational days 6–19. NTIS Technical Report 139701(106).
 52. NTP. 2001. Developmental toxicity evaluation of formamide (CAS No. 75–12–7) administered by gavage to New

- Zealand white rabbits on gestational days 6 through 29. NTIS Technical Report 104060(460).
53. Stula, E.F. and W.C. Krauss. 1977. Embryotoxicity in rats and rabbits from cutaneous application of amide-type solvents and substituted ureas. *Toxicol. Appl. Pharmacol.* 41: 35–55.
 54. Dupont Chemical Company. 1967. Initial submission: The effects of DMF, MMF, & formamide on embryonic development in rats with cover letter dated 10–15–92. Submitted to the U.S. Environmental Protection Agency under TSCA Section 8ECP.
 55. Dupont Chemical Company. 1992. Initial submission: Embryotoxicity in rats and rabbits from application of formamide & other chemicals to skin during organogenesis with cover letter dated 10–15–92. Submitted to the U.S. Environmental Protection Agency under TSCA Section 8ECP.
 56. Van Dijk, A. 1997. Acute toxicity of HHCB to *Pseudokirchneriella subcapitata*. Report to the RIFM, RCC Umweltchemie AG Project 380632 (as cited Ref. 57).
 57. Balk, F. and R.A. Ford. 1999. Environmental risk assessment for the polycyclic musks, AHTN and HHCB: II. Effect assessment and risk characterization. *Toxicol Lett* 111:81–94.
 58. Gooding, M.; T.J. Newton; M.R. Bartsch; K.C. Hornbuckle. 2006. Toxicity of synthetic musks to early life stages of the freshwater mussel *Lampsilis cardium*. *Arch. Environ. Contam. Toxicol.* 51:549–558.
 59. Yamauchi, R. H. Ishibashi, M. Hirano, and T. Mori. 2008. Effects of synthetic polycyclic musks on estrogen receptor, vitellogenin, pregnane X receptor, and Cytochrome P450 3A gene expression in the livers of male medaka (*Oryzias latipes*). *Aquatic Toxicology* 90: 261–268.
 60. Croudace, CP, J.E. Caunter, P.A. Johnson. 1997. HHCB: Chronic toxicity to fathead minnow (*Pimephales promelas*) embryos and larvae. Report to RIFM, Zeneca Project Report BL 5934/B (as cited in Ref. 57).
 61. Chen, F., J. Gao, Q. Zhou. 2012. Toxicity assessment of simulated urban runoff containing polycyclic musks and cadmium in *Carassius auratus* using oxidative stress biomarkers. *Environmental Pollution* 162: 91–97.
 62. Bjørnstad, E. 2007. *Acartia tonsa* larval development test with “HHCB”. Project No. 54464, GLP Study No 91328/700, DHI Denmark. Report to International Flavors & Fragrances Hilversum, NL (as cited in Ref. 63).
 63. European Commission. 2008. European Union Risk Assessment Report for 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylcyclopenta-γ-2-benzopyran (1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethyl-deno[5,6-C]pyran-HHCB), CAS No. 1222–05–5, EINECS No. 214–916–9, Risk Assessment, Final Approved Version. Office for Official Publications of the European Communities, Luxembourg, The Netherlands.
 64. Balk, F., and R.A. Ford. 1999. Environmental risk assessment for the polycyclic musks AHTN and HHCB in the EU: I. Fate and exposure assessment. *Toxicol. Lett.* 111:57–79.
 65. Artola-Garciana, E. 2002. Distribution behaviour of polycyclic musks in sewage treatment plants and in biota. Interpretation of data using free and total concentration measurements. Thesis at Institute for Risk Assessment Sciences IRA, Utrecht, The Netherlands (as cited in Ref. 63).
 66. USEPA. 2012. EPI Suite results for CAS 1222–05–5, HHCB. EPI Suite™ v4.11. U.S. Environmental Protection Agency. Available online at <http://www.epa.gov/opptintr/exposure/pubs/episuite.html> (accessed November 12, 2015).
 67. Arnot, J.A. and F.A.P.C. Gobas. 2003. A generic QSAR for assessing the bioaccumulation potential of organic chemicals in aquatic food webs. *QSAR Comb. Sci.* 22:337–345.
 68. USEPA. 2014. TSCA Work Plan Chemical Risk Assessment, HHCB, 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta-g-2-Benzopyran, CASRN: 1222–05–5. U.S. Environmental Protection Agency.
 69. Envirogen. 1998. Fate of HHCB in Soil Microcosms. Envirogen, Inc. Princeton Research Centre, report submitted to International Flavors and Fragrances, Lawrenceville, NJ (as cited in Ref. 63).
 70. DiFrancesco, A. M., P. C. Chiu, L. J. Standley, H. E. Allen, and D. T. Salvito. 2004. Dissipation of Fragrance Materials in Sludge-Amended Soils. *Environmental Science and Technology*, 38(1), 194–201.
 71. Xu, Y., S. Treumann, S; R. Rossbacher, S. Schneider, and P.J. Boor. 2014. Dissecting aortic aneurysm induced by N-(2-aminoethyl) ethanolamine in rat: Role of defective collagen during development. *Birth Defects Res A Clin Mol Teratol* 100: 924–933.
 72. Schneider, S., S. Treumann, and N.P. Moore. 2012. Malformations of the great vessels in the neonatal rat induced by N-(2-aminoethyl)ethanolamine. *Birth Defects Res B Dev. Reprod. Toxicol.* 95: 95–106.
 73. EPSDG. 2009. Additional interim results of a preliminary experiment to explore the p.o. (gavage) administration of ABEA (CAS No. 111–41–1) to pregnant female rats of various strains and in separate laboratories. Ethyleneamines Product Stewardship Discussion Group. Submitted under TSCA Section 8E. 89090000355. 8EHQ–0809–17477B.
 74. EPSDG. 2009. Interim results of a preliminary experiment to explore the p.o. (gavage) administration of AEEA (CAS No. 111–41–1) to pregnant female rats of various strains and in separate laboratories. Ethyleneamines Product Stewardship Discussion Group. Submitted under TSCA Section 8E. 8EHQ–0409–17477A. 88090000201.
 75. EPSDG. 2003. Oral prenatal developmental toxicity study in rats. Ethyleneamines Product Stewardship Discussion Group. Submitted under TSCA Section 8(e). 8EHQ–1203–15167 D. 89040000064.
 76. EPSDG. 2008. Interim results of a preliminary experiment to explore the intraperitoneal (i.p.) route of administration of AEEA (CAS No. 111–41–1). Ethyleneamines Product Stewardship Discussion Group. Submitted under TSCA Section 8(e). 8EHQ–1008–17311A. 88090000035.
 77. Moore, N.P.; Tornesi, B.; Yano, B.L.; *et al.* 2012a. Developmental sensitivity to the induction of great vessel malformations by N-(2-aminoethyl)ethanolamine. *Birth Defects Res B Dev Reprod Toxicol* 95: 116–122.
 78. EPSDG. 2006a. [Interim results of a probe developmental toxicity study with AEEA (CAS No. 111–41–1)]. Ethyleneamines Product Stewardship Discussion Group. Submitted under TSCA Section 8E. 8EHQ–1106–16670A. 88070000088.
 79. EPSDG. 2005b. Revised results of a reproductive and developmental toxicity follow-up probe study in rats by oral gavage. Ethyleneamines Product Stewardship Discussion Group. Submitted under TSCA Section 8E. 89050000409. 8EHQ–0505–15167 F.
 80. EPSDG. 2004. A reproductive and developmental toxicity follow-up probe study in rats by oral gavage. Ethyleneamines Product Stewardship Discussion Group. Submitted under TSCA Section 8E. 8EHQ–0404–15167 E. 89040000140.
 81. EPSDG. 2003a. Interim results of a histopathology processing and examination study in rats (a follow-up study to an OECD 421 study). Ethyleneamines Product Stewardship Discussion Group. Submitted under TSCA Section 8E. 8EHQ–1103–15167 C. 89040000033.
 82. Chen, Z; Xu, Y; Bujalowski, P; Oberhauser, AF; Boor, PJ. 2015. N-(2-Aminoethyl) Ethanolamine-Induced Morphological, Biochemical, and Biophysical Alterations in Vascular Matrix Associated With Dissecting Aortic Aneurysm. *Toxicol Sci* 148:421–32.
 83. Moore, NP; Saghir, SA; Clark, AJ; Hansen, SC; Carney, EW; Marshall, VA; Rasoulpour, RJ; Bartels, MJ. 2012b. Toxicokinetic profile of N-(2-aminoethyl)ethanolamine in the female Wistar rat and distribution into the late gestation fetus and milk. *Birth Defects Res B Dev Reprod Toxicol* 95:107–15.
 84. Goyer, R.A., H.L. Falk, M. Hogan, D.D. Feldman, and W. Richter. 1981. Renal tumors in rats given trisodium nitrilotriacetic acid in drinking water for 2 years. *J. Natl. Cancer Inst.* 66(5): 869–880.
 85. National Cancer Institute (NCI). 1977. Bioassays of nitrilotriacetic acid (NTA) and nitrilotriacetic acid, trisodium salt, monohydrate (Na3–NTA–H2O) for possible carcinogenicity. *Carcinogenesis Technical Report Series* 6: 1–203.
 86. Fukushima, S., Y. Kurata, S. Tamano, K. Inoue, and N. Ito. 1985. Promoting effect of trisodium nitrilotriacetate monohydrate on urinary bladder

- carcinogenesis in rats. Jpn. J. Cancer Res. (Gann) 76(9): 823–827.
87. Hiasa, Y., Y. Kitahori, N. Konishi, N. Enoki, T. Shimoyama, and A. Miyashiro. 1984. Trisodium nitrilotriacetate monohydrate: promoting effects on the development of renal tubular cell tumors in rats treated with N-ethyl-N-hydroxyethylnitrosamine. J. Natl. Cancer Inst. 72(2): 483–489.
 88. Hiasa, Y., Y. Kitahori, N. Konishi, and T. Shimoyama. 1985. Dose-related effect of trisodium nitrilotriacetate monohydrate on renal tumorigenesis initiated with N-ethyl-N-hydroxyethylnitrosamine in rats. Carcinogenesis 6(6): 907–910.
 89. Hiasa, Y., Y. Kitahori, N. Konishi, T. Shimoyama, and A. Miyashiro. 1985. Trisodium nitrilotriacetate monohydrate: Promoting effect in urinary bladder carcinogenesis in rats treated with N-butyl-N-(4-hydroxybutyl)nitrosamine. J. Natl. Cancer Inst. 74(1): 235–239.
 90. Kitahori, Y., N. Konishi, T. Shimoyama, and Y. Hiasa. 1985. Dose-dependent promoting effect of trisodium nitrilotriacetate monohydrate on urinary bladder carcinogenesis in Wistar rats pretreated with N-butyl-N-(4-hydroxybutyl)nitrosamine. Jpn. J. Cancer Res. (Gann) 76(9): 818–822.
 91. Kitahori, Y., T. Shimoyama, M. Ohshima, H. Matsuki, H. Hashimoto, S. Minami, N. Kinishi, K. and Y. Hiasa. 1988. Effects of trisodium nitrilotriacetate monohydrate, nitrilotriacetic acid and ammonium chloride on urinary bladder carcinogenesis in rats pretreated with N-bis(2-hydroxypropyl) nitrosamine. Cancer Lett. 43(1–2): 105–110.
 92. Costa, R., A. Russo, M. Zoarand, F. Pacchierotti, A. Tavella, and A.G. Lewis. 1988. Nitrilotriacetic acid (nta) induces aneuploidy in drosophila and mouse germ-line cells. Environ. Mol. Mutagen. 12: 397–407.
 93. Ramel, C., and J. Magnusson. 1979. Chemical induction of non-disjunction in *Drosophila*. Environ. Health Perspect. 31: 29–66.
 94. Zordan, M., U. Graf, D. Singer, C. Belrame, L. Dalla Valle, M. Osti, R. Costa, and A.G. Lewis. 1991. The genotoxicity of nitrilotriacetic acid (NTA) in a somatic mutation and recombination test in *Drosophila melanogaster*. Mutat. Res. 262(4): 253–262.
 95. Cripe, G.M., A. Ingley-Guezou, L.R. Goodman, and J. Forester. 1989. Effect of food availability on the acute toxicity of four chemicals to *Mysidopsis bahia* (Mysidacea) in static exposures. Environ. Toxicol. Chem. 8:333–338.
 96. CMA (Chemical Manufacturing Association). 1984. Dynamic 14-day acute toxicity of octylphenol to rainbow trout (Final). Submitted under TSCA Section 4; EPA Document No. 40–8418133; OTS0527135.
 97. Mayer, L.P., C.A. Dyer, C.R. Propper. 2003. Exposure to 4-tert-octylphenol accelerates sexual differentiation and disrupts expression of steroidogenic Factor 1 in developing bullfrogs. Environ. Health Persp. 111:557–561.
 98. Marcial, H.S., A. Hagiwara, T.W. Snell. 2003. Estrogenic compounds affect development of harpacticoid copepod *Tigriopus japonicus*. Environ. Toxicol. Chem. 22:3025–3030.
 99. Ashfield, L.A., T.G. Pottinger, J.P. Sumpter. 1998. Exposure of female juvenile rainbow trout to alkylphenolic compounds results in modifications to growth and ovosomatic index. Environ. Toxicol. Chem. 17:679–686.
 100. Croteau, M.C., C.J. Martyniuk, V.L. Trudeau and D.R.S. Lean. 2008. Chronic exposure of *Rana pipiens* tadpoles to UVB radiation and the estrogenic chemical 4-tert-octylphenol. J. Toxicol. Environ. Health A 71:134–144.
 101. Croteau, M.C., M. Davidson, P. Duarte-Guterman, M. Wade, J.T. Popescu, S. Wiens D.R.S. Lean and Trudeau, V.L. 2009. Assessment of thyroid system disruption in *Rana pipiens* tadpoles chronically exposed to UVB radiation and 4-tert-octylphenol. Aquat Toxicol 95:81–92.
 102. White, R; Jobling, S; Hoare, SA; *et al.* (1994) Environmentally persistent alkylphenolic compounds are estrogenic. Endocrinology 135:175–182.
 103. Andersen, HR; Wollenberger, L; Halling-Sørensen, B; *et al.* (2001) Development of copepod nauplii to copepodites—a parameter for chronic toxicity including endocrine disruption. Environ Toxicol Chem 20:2821–2829.
 104. Jobling, S; Sumpter, JP. (1993) Detergent components in sewage effluent are weakly oestrogenic to fish: An *in vitro* study using rainbow trout (*Oncorhynchus mykiss*) hepatocytes. Aquat Toxicol 27:361–372.
 105. Cruz-Li, EI. (2004) Effects of ammonium perchlorate, 4(tert-octyl)phenol and their mixture on zebrafish (*Danio rerio*) Lubbock, Texas: Ph.D. Thesis, Texas Tech University.
 106. Holland Toomey, B; Monteverdi, GH; Di Giulio, RT. (1999) Octylphenol induces vitellogenin production and cell death in fish hepatocytes. Environ Toxicol Chem 18:734–739.
 107. Jobling, S; Sheahan, D; Osborne, JA; *et al.* (1996) Inhibition of testicular growth in rainbow trout (*Oncorhynchus mykiss*) exposed to estrogenic alkylphenolic chemicals. Environ Toxicol Chem 15:194–202.
 108. Gronen, S; Denslow, N; Manning, S; *et al.* (1999) Serum vitellogenin levels and reproductive impairment of male Japanese medaka (*Oryzias latipes*) exposed to 4-tert-octylphenol. Environ Health Perspect 107:385–390.
 109. Ferreira-Leach, A.M. and E.M. Hill. 2001. Bioconcentration and distribution of 4-tert-octylphenol residues in tissues of the rainbow trout (*Oncorhynchus mykiss*). Mar. Environ. Res. 51:75–89.
 110. Tsuda, T., A. Takino, K. Muraki, H. Harada, and M. Kojima. 2001. Evaluation of 4-nonylphenols and 4-tert-octylphenol contamination of fish in rivers by laboratory accumulation and excretion experiments. Water Res. 35:1786–1792.
 111. Tsuda, T., A. Takino, M. Kojima, H. Harada, K. Muraki, and M. Tsuji. 2000. 4-Nonylphenols and 4-tert-octylphenol in water and fish from rivers flowing into Lake Biwa. Chemosphere 41:757–762.
 112. Staniszewska, M., L. Falkowska, P. Grabowski, Kwasniak, S. Mudrak-Cegiolk, A.R. Reindl, A. Sokolowski, E. Szumilo, and A. Zgrundo. 2014. Bisphenol A, 4-tert-octylphenol, and 4-nonylphenol in the Gulf of Gdańsk (Southern Baltic). Arch. Environ. Contam. Toxicol. 67:335–347.
 113. Stephen, C.E., D.I. Mount, D.J. Hansen, J.H. Gentile, G.A. Chapman, and W.A. Brungs. 1985. Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses. U.S. EPA, Office of Research and Development, Environmental Research Laboratories, Duluth, MN; Narragansett, RI; and Corvallis, OR., 98 pp.
 114. Chemical Manufacturers Association. 1988. Status report on aquatic toxicity tests on 1,2,3- and 1,2,4-trichlorobenzene with cover letter dated 05/09/88. Submitted under TSCA Section 4; EPA Document No. FYI-OTS-0588-0615; OTS0000615–0.
 115. van Hoogen, G and A. Opperhuizen. 1988. Toxicokinetics of chlorobenzenes in fish. Environ. Toxicol. Chem. 7:213–219.
 116. Chemical Manufacturers Association. 1988b. Chronic toxicity of 1,2,3-trichlorobenzene to mysid shrimp (*Mysidopsis bahia*) with cover letter dated 11/14/88. Springborn Life Science, Inc. Submitted under TSCA Section 4; EPA Document No. 40–88201001; OTS0523010.
 117. Chaisuksant, Y., Y. Qiming, and D.W. Connell. 1998. Effects of halobenzenes on growth rate of fish (*Gambusia affinis*). Ecotox. Environ. Safe. 39:120–130.
 118. Sijm, D.T.H.M. and A. van der Linde. 1995. Size-dependent bioconcentration kinetics of hydrophobic organic chemicals in fish based on diffusive mass transfer and allometric relationships. Environ. Sci. Technol. 29:2769–2777.
 119. Hendriks, A.J., Pieters, H., and de Boer, J. 1998. Accumulation of metals, polycyclic (halogenated) aromatic hydrocarbons, and biocides in zebra mussel and eel from the Rhine and Meuse Rivers. Environ. Toxicol. Chem. 17:1885–1898.
 120. Ciba-Geigy. 1995. Support: 13-Week toxicity study and fertility study of Aroclor PT-810 by oral route (dietary admixture) in male rats, with cover letter dated 4–26–96. Ciba-Geigy Corporation. Submitted under TSCA Section 8(e). OTS0503914–17.
 121. USEPA. 1996. Guidelines for Reproductive Toxicity Risk Assessment. **Federal Register** 61(212):56274–56322. U.S. Environmental Protection Agency. Washington, DC Available online at https://www.epa.gov/sites/default/files/2014-11/documents/guidelines_repro_toxicity.pdf.
 122. Nissan. 1992. Supplement: Triglycidyl isocyanurate: chromosome analysis in mouse spermatogonial cells, comparative

- inhalation study with cover letter dated 091892. Nissan Chemical American Corporation. Submitted under TSCA Section 8E. OTS0503914–14. 89–920000133.
123. Ciba-Geigy. 1988. Initial submission: Subchronic dose selection study on 1,3,5-tris(oxiranylmethyl)-1,3,5-triazine-2,4,6(1h,3h,5h)-trione with cover letter dated 08/07/92. Ciba-Geigy Corporation. Submitted under TSCA Section 8ECP. OTS0555023. 88–920008205.
 124. BRR. 1992. Dominant lethal assay of inhaled PL–90–910 dust in CD–1 mice. In: Support: 1,3,5-triglycidylisocyanurate: Dominant lethal assay in CD–1 mice with cover letter dated 11–09–92. Busy Run Research Center Submitted under TSCA to the U.S. Environmental Protection Agency Section 8(e). OTS0503914–15.
 125. Ciba-Geigy. 1989. Mutagenicity test on Araldite PT–810 in the mouse spermatogonial cell cytogenetic assay and dominant lethal assay in mice with cover letter dated 06/1989 (final reports). Ciba-Geigy Corporation. Submitted under TSCA Section 8E. OTS0503914–4. 89–890000197.
 126. Nissan. 1992. Supplemental information from Nissan chemical America Corp to USEPA concerning triglycidyl isocyanurate: 5-Day repeat exposure inhalation toxicity study in the male mouse w-attach. Nissan Chemical American Corporation. Submitted under TSCA Section 8E. OTS0503914–13. 89–920000049.
 127. Loveday, K.S.; Anderson, B.E.; Resnick, M.A.; Zeiger, E. 1990. Chromosome aberration and sister chromatid exchange tests in Chinese hamster ovary cells in vitro: V. Results with 46 chemicals. *Environ Mol Mutagen* 16: 272–303.
 128. Sofuni, T.; Matsuoka, A.; Sawada, M.; Ishidate, M.J.; Zeiger, E.; Shelby, M.D. 1990. A comparison of chromosome aberration induction by 25 compounds tested by two Chinese hamster cell (CHL and CHO) systems in culture. *Mutat Res* 241: 175–214.
 129. NTP. 1991. NTP toxicology and carcinogenesis studies of tris(2-chloroethyl) phosphate (CAS No. 115–96–8) in F344/N rats and B6C3F1 mice (gavage studies). National Toxicology Program Technical Report Series 391: 1–233.
 130. Aceto Chemical Company Inc. 1977. Nine studies on tris (2-chloroethyl) phosphate and tris (chloropropyl) phosphate with cover letter dated 02–09–89. Submitted to the U.S. Environmental Protection Agency under TSCA Section 8(d).
 131. Föllmann, W., and J. Wober. 2006. Investigation of cytotoxic, genotoxic, mutagenic, and estrogenic effects of the flame retardants tris-(2-chloroethyl)-phosphate (TCEP) and tris-(2-chloropropyl)-phosphate (TCPP) *in vitro*. *Toxicol. Lett.* 161(2): 124–134.
 132. Haworth, S., T. Lawlor, K. Mortelmans, W. Speck, and E. Zeiger. 1983. Salmonella mutagenicity test results for 250 chemicals. *Environ. Mutagen.* 5(Suppl 1): 3–142.
 133. Galloway, S.M., M.J. Armstrong, C. Reuben, S. Colman, B. Brown, C. Cannon, A.D. Bloom, F. Nakamura, M. Ahmed, S. Duk, J. Rimpo, B.H. Margolin, M.A. Resnick, B. Anderson, and E. Zeiger. 1987. Chromosome aberrations and sister chromatid exchanges in Chinese hamster ovary cells: Evaluations of 108 chemicals. *Environ. Mol. Mutagen.* 10 (Suppl. 10): 1–175.
 134. Nakamura, A., N. Tateno, S. Kojima, M.A. Kaniwa, and T. Kawamura. 1979. The mutagenicity of halogenated alkanols and their phosphoric acid esters for *Salmonella typhimurium*. *Mutat. Res.* 66(4): 373–380.
 135. Sala, M., Z.G. Gu, G. Moens, and I. Chouroulinkov. 1982. *In vivo* and *in vitro* biological effects of the flame retardants tris(2,3-dibromopropyl) phosphate and tris(2-chloroethyl)orthophosphate. *Eur. J. Cancer Clin. Oncol.* 18(12): 1337–1344.
 136. Simmon, V.F. and K. Kauhanen. 1978. *In vitro* microbiological mutagenicity assays of tris(2-chloroethyl)phosphate. Report 11 (as cited in Ref. 125).
 137. Simmon, V.F., K. Kauhanen, and R.G. Tardiff. 1977. Mutagenic activity of chemicals identified in drinking water. *Dev. Toxicol. Environ. Sci.* 2: 249–258.
 138. Vogel, E.W. and M.J. Nivard. 1993. Performance of 181 chemicals in a *Drosophila* assay predominantly monitoring interchromosomal mitotic recombination. *Mutagenesis* 8(1): 57–81.
 139. USEPA. 2009. Provisional peer-reviewed Toxicity values for tris(2-chloroethyl) phosphate (CAS No. 115–96–8). U.S. Environmental Protection Agency. Washington, DC Available at: http://hhprrtv.ornl.gov/issue_papers/Tris2chloroethylphosphate.pdf.
 140. NTP. 1991. Final report on the reproductive toxicity of tris(2-chloroethyl)phosphate reproduction and fertility assessment in Swiss CD–1 mice when administered via gavage. NTIS Technical Report 129170(253).
 141. Morrissey, R. E., B.A. Schwetz, J.C. Lamb, M.D. Ross, J.L. Teague, and R.W. Morris. 1988. Evaluation of rodent sperm vaginal cytology and reproductive organ weight data from National Toxicology Program 13-week studies. *Fundam. Appl. Toxicol.* 11(2): 343–358.
 142. Shepel'skaia, N.R. and NE Dyshginevich. 1981. Experimental study of the gonadotoxic effect of tri-(chloroethyl)-phosphate. *Gig. Sanit.* (6): 20–21 (as cited in Ref. 136).
 143. NIOSH. 1983. Screening of priority chemicals for potential reproductive hazard (Final Report) with attachments and cover sheet. Atlanta, GA: Centers for Disease Control, U.S. Department of Health and Human Services.
 144. Hardin, B.D., R.L. Schuler, J.R. Burg, G.M. Booth, K.P. Hazelden, K.M. Mackenzie, V.J. Piccirillo, and K.N. Smith. 1987. Evaluation of 60 chemicals in a preliminary developmental toxicity test. *Teratogen. Carcinogen. Mutagen.* 7: 29–48.
 145. Stauffer Chemical Company. 1981. A two-year oral toxicity/carcinogenicity study of FYROL FR–2 in rats. (Volume I–IV). (Final Reports) with attachments, cover sheets and letter dated 09–30–81. Submitted to the U.S. Environmental Protection Agency under TSCA Section 8(e), pages 580–2180.
 146. Brusick, D., D. Matheson, D.R. Jagannath, S. Goode, H. Lebowitz, M. Reed, G. Roy, and S. Benson. 1979. A comparison of the genotoxic properties of tris(2,3-dibromopropyl)phosphate and tris(1,3-dichloro-2-propyl)phosphate in a battery of short-term bioassays. *J. Environ. Pathol. Toxicol.* 3(1–2): 207–226.
 147. Gold, M.D., A. Blum, and B.N. Ames. 1978. Another flame retardant, tris-(1,3-dichloro-2-propyl)-phosphate, and its expected metabolites are mutagens. *Science* 200(4343): 785–787.
 148. Ishidate, M.J. 1981. Application of chromosomal aberration tests *in vitro* to the primary screening for chemicals with carcinogenic and/or genetic hazards. *Tests Courts Canceroq Quo Vadis:* 57–79.
 149. Lynn, R.K., K. Wong, C. Garvie-Gould, and J.M. Kennish. 1981. Disposition of the flame retardant, tris(1,3-dichloro-2-propyl) phosphate, in the rat. *Drug Metab. Disp.* 9(5): 434–441.
 150. Mortelmans, K., S. Haworth, T. Lawlor, W. Speck, B. Tainer, and E. Zeiger. 1986. Salmonella mutagenicity tests. 2. Results from the testing of 270 chemicals. *Environ. Mutagen.* 8(Suppl 7): 1–119.
 151. Soderlund, E.J., E. Dybing, J.A. Holme, J.K. Hongslo, E. Rivedal, T. Sanner, and S.D. Nelson. 1985. Comparative genotoxicity and nephrotoxicity studies of the two halogenated flame retardants tris(1,3-dichloro-2-propyl)phosphate and tris(2,3-dibromopropyl)phosphate. *Acta Pharmacol. Toxicol.* 56(1): 20–29.
 152. Bloom, S.E. 1984. Sister chromatid exchange studies in the chick embryo and neonate: Actions of mutagens in a developing system. *Basic Life Sci.* 29B: 509–533.
 153. OEHA 2011. Evidence on the Carcinogenicity of Tris(1,3-dichloro-2-propyl)phosphate.
 154. Jenkins, C.A. 1990. FYROL FR–2: Acute toxicity to rainbow trout. Life Science Research Limited, Suffolk, U.K. Report No. 90/AKL027/0234, 20 pp. TSCA 8D; OTS0528355, DCN: 86–910000061.
 155. Wang, Q., K. Liang, J. Liu, L. Yang, Y. Guo, C. Liu, and B. Zhou. 2013. Exposure of zebrafish embryos/larvae to TDCPP alters concentrations of thyroid hormones and transcriptions of genes involved in the hypothalamic-pituitary-thyroid axis. *Aquatic Toxicol.* 126: 207–213.
 156. Liu, C., Q. Wang, K. Liang, J. Liu, B. Zhou, X. Zhang, H. Liu, J.P. Giesy, and H. Yu. 2013. Effects of tris(1,3-dichloro-2-propyl) phosphate and triphenyl phosphate on receptor-associated mRNA expression in zebrafish embryos/larvae. *Aquatic Toxicol.* 128–129: 147–157.
 157. USEPA. 2015. Flame Retardants Used in Flexible Polyurethane Foam: An Alternatives Assessment Update. Design for the Environment, August 2015, EPA 744–R–15–002.
 158. Akzo Nobel Functional Chemicals LLC. 2004. Combined repeated dose with

reproductive and developmental toxicity study in rats by oral gavage. Submitted to the U.S. Environmental Protection Agency under TSCA Section 8(e).

159. ECHA. 2010. Background Document to the Committee for Risk Assessment on a Proposal for Harmonised Classification and Labelling of Trixylyl Phosphate. EC number: 246-677-8. CAS number: 25155-23-1. European Chemicals Agency. Final 27 January 2010.

VII. What are the statutory and Executive Orders reviews associated with this action?

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

This action does not contain any new information collection activities that require additional approval by OMB under the PRA, 44 U.S.C. 3501 *et seq.* OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control numbers 2070-0212 (EPA ICR No. 2613.02, entitled “Toxic Chemical Release Reporting”) and 2050-0078 (EPA ICR No. 1428.11, entitled “Trade Secret Claims for Community Right-to-Know and Emergency Planning”). Currently, the facilities subject to the reporting requirements under EPCRA section 313 and PPA section 6607 may use either the EPA Toxic Chemicals Release Inventory Form R (EPA Form 9350-1), or the EPA Toxic Chemicals Release Inventory Form A (EPA Form 9350-2). The Form R must be completed if a facility manufactures, processes, or otherwise uses any listed chemical above threshold quantities and meets certain other criteria. For the Form A, EPA established an alternative threshold for facilities with low annual reportable amounts of a listed toxic chemical. A facility that meets the appropriate reporting thresholds, but estimates that the total annual reportable amount of the chemical does not exceed 500 pounds per year, can take advantage of an alternative manufacture, process, or otherwise use threshold of 1 million pounds per year of the chemical,

provided that certain conditions are met, and submit the Form A instead of the Form R. In addition, respondents may designate the specific chemical identity of a substance as a trade secret pursuant to EPCRA section 322, 42 U.S.C. 11042, 40 CFR part 350.

OMB has approved the reporting and recordkeeping requirements related to Forms A and R, supplier notification, and petitions under OMB Control number 2070-0212 and those related to trade secret designations under OMB Control 2050-0078. As provided in 5 CFR 1320.5(b) and 1320.6(a), 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 OMB control numbers relevant to EPA’s regulations are listed in 40 CFR part 9 and displayed on the information collection instruments (*e.g.*, forms, instructions).

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* The small entities subject to the requirements of this action are small manufacturing facilities. The Agency has determined that of the 488 entities estimated to be impacted by this action, 449 are small businesses; no small governments or small organizations are expected to be affected by this action. All 449 small businesses affected by this action are estimated to incur annualized cost impacts of less than 1% of annual revenue or sales. Thus, this action is not expected to have a significant adverse economic impact on a substantial number of small entities. A more detailed analysis of the impacts on small entities is provided in EPA’s economic analysis (Ref. 4).

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531-1538, and does not significantly or uniquely affect small governments. This action is not subject to the requirements of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. EPA did not identify any small governments that would be impacted by this action. EPA’s economic analysis indicates that the total cost of this action is estimated to be \$2,057,000 in the first year of reporting (Ref. 4).

E. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action relates to toxic chemical reporting under EPCRA section 313, which primarily affects private sector facilities. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2-202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve any technical standards subject to NTTAA section 12(d) (15 U.S.C. 272 note).

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This regulatory action adds additional chemicals to the EPCRA section 313 reporting requirements; it does not have

any impact on human health or the environment. This action does not address any human health or environmental risks and does not affect the level of protection provided to human health or the environment. The addition of these chemicals to the EPCRA section 313 reporting requirements will provide information that government agencies and others can use to identify potential problems, set priorities, and help inform activities.

List of Subjects in 40 CFR Part 372

Environmental protection,
Community right-to-know, Reporting

and recordkeeping requirements, and
Toxic chemicals.

Dated: October 6, 2021.

Michal Freedhoff,

*Assistant Administrator, Office of Chemical
Safety and Pollution Prevention.*

Therefore, for the reasons stated in the preamble, it is proposed that 40 CFR chapter I be amended as follows:

PART 372—TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW

■ 1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

■ 2. In § 372.28, amend the table in paragraph (a)(1) by:

■ a. Revising the third column header to read “Reporting threshold (in pounds),” and

■ b. Adding the chemical “1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran” in alphabetical order.

The revision and addition read as follows:

§ 372.28 Lower thresholds for chemicals of special concern.

(a) * * *

(1) * * *

TABLE TO PARAGRAPH (a) (1)

Chemical name	CAS No.	Reporting threshold (in pounds)
1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran	1222-05-5	100

■ 3. Amend § 372.65 by:

■ a. Adding new entries in alphabetical order in table 1 to paragraph (a) for “Dibutyltin dichloride,” “1,3-Dichloro-2-propanol,” “Formamide,” “1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran,” “N-Hydroxyethylethylenediamine,” “Nitrilotriacetic acid trisodium salt,” “p-(1,1,3,3-Tetramethylbutyl)phenol,” “1,2,3-Trichlorobenzene,” “Triglycidyl

isocyanurate,” “Tris(2-chloroethyl) phosphate,” “Tris(1,3-dichloro-2-propyl) phosphate,” and “Tris(dimethylphenol) phosphate”; and

■ b. Adding new entries in alphabetical order in the table 2 to paragraph (b) for “Formamide,” “1,2,3-Trichlorobenzene,” “1,3-Dichloro-2-propanol,” “N-Hydroxyethylethylenediamine,” “Tris(2-chloroethyl) phosphate,” “p-(1,1,3,3-Tetramethylbutyl)phenol,” “Dibutyltin dichloride,” “1,3,4,6,7,8-

Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran,” “Triglycidyl isocyanurate,” “Nitrilotriacetic acid trisodium salt,” “Tris(1,3-dichloro-2-propyl) phosphate,” and “Tris(dimethylphenol) phosphate”.

The additions read as follows:

§ 372.65 Chemicals and chemical categories to which this part applies.

* * * * *

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Chemical name	CAS No.	Effective date
Dibutyltin dichloride	683-18-1	1/1/23
1,3-Dichloro-2-propanol	96-23-1	1/1/23
Formamide	75-12-7	1/1/23
1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran	1222-05-5	1/1/23
N-Hydroxyethylethylenediamine	111-41-1	1/1/23
Nitrilotriacetic acid trisodium salt	5064-31-3	1/1/23
p-(1,1,3,3-Tetramethylbutyl)phenol	140-66-9	1/1/23

TABLE 1 TO PARAGRAPH (a)—Continued

Chemical name	CAS No.	Effective date
1,2,3-Trichlorobenzene	87–61–6	1/1/23
Triglycidyl isocyanurate	2451–62–9	1/1/23
Tris(2-chloroethyl) phosphate	115–96–8	1/1/23
Tris(1,3-dichloro-2-propyl) phosphate	13674–87–8	1/1/23
Tris(dimethylphenol) phosphate	25155–23–1	1/1/23

* * * * *

(b) * * *

TABLE 2 TO PARAGRAPH (b)

CAS No.	Chemical name	Effective date
75–12–7	Formamide	1/1/23
87–61–6	1,2,3-Trichlorobenzene	1/1/23
96–23–1	1,3-Dichloro-2-propanol	1/1/23
111–41–1	N-Hydroxyethylethylenediamine	1/1/23
115–96–8	Tris(2-chloroethyl) phosphate	1/1/23
140–66–9	p-(1,1,3,3-Tetramethylbutyl)phenol	1/1/23
683–18–1	Dibutyltin dichloride	1/1/23
1222–05–5	1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2- benzopyran	1/1/23
2451–62–9	Triglycidyl isocyanurate	1/1/23
5064–31–3	Nitrilotriacetic acid trisodium salt	1/1/23
13674–87–8	Tris(1,3-dichloro-2-propyl) phosphate	1/1/23
25155–23–1	Tris(dimethylphenol) phosphate	1/1/23

[FR Doc. 2021-22112 Filed 10-15-21; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 211006-0204]

RIN 0648-BK36

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Lane Snapper Management Measures and Proposed Rule

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) as prepared by the Gulf of Mexico Fishery Management Council (Council). For Gulf of Mexico (Gulf) lane snapper, this proposed rule would modify the annual catch limit (ACL) and revise an accountability measure (AM). The purposes of this proposed rule are to prevent overfishing of lane snapper and achieve optimum yield (OY). This proposed rule would also make minor administrative changes to replace outdated NMFS website addresses and language about required software for the Individual Fishing Quota (IFQ) programs.

DATES: Written comments must be received by November 2, 2021.

ADDRESSES: You may submit comments on the proposed rule identified by “NOAA-NMFS-2021-0073” by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov and enter [NOAA-NMFS-2021-0073] in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit all written comments to Dan Luers, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of

the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic copies of the framework action, which includes an environmental assessment, a fishery impact statement, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/>.

FOR FURTHER INFORMATION CONTACT: Dan Luers, NMFS Southeast Regional Office, telephone: 727-824-5305, email: daniel.luers@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery, which includes lane snapper, under the FMP. The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the OY from federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems.

Unless otherwise noted, all weights in this proposed rule are in round weight.

Lane snapper occur in estuaries and shelf waters of the Gulf, and are particularly abundant off south and southwest Florida. Lane snapper in the Gulf exclusive economic zone (EEZ) are managed as a single stock with a stock ACL of 301,000 lb (136,531 kg) that was implemented in 2012 (76 FR 82044; December 29, 2011). This stock ACL is based on average landings from 1999 through 2008. The Council has also established a stock annual catch target (ACT) that is set 14 percent below the ACL, at 259,000 lb (117,480 kg), but the ACT is not codified in the regulations and is not linked to any specific

management action, such as a closure. The fishing season is open year-round, January 1 through December 31. However, the current AM for lane snapper specifies that if combined commercial and recreational landings exceed the stock ACL in a fishing year, then during the following fishing year, if the stock ACL is reached or is projected to be reached, the commercial and recreational sectors will be closed for the remainder of the fishing year.

In 2016, a Southeast Data, Assessment, and Review (SEDAR) stock assessment (SEDAR 49 2016, “SEDAR 49”) was completed for lane snapper and determined that the size of the lane snapper stock was similar to previous estimates. The Council’s Scientific and Statistical Committee (SSC) reviewed SEDAR 49, accepted the assessment as the best scientific information available, and made recommendations to the Council to revise the catch limits. However, because the catch limits based on SEDAR 49 were similar to the established catch limits, the Council decided not to act on the SSC’s recommendation.

As described in this framework action, Gulf lane snapper landings exceeded the stock ACL each year from 2016 through 2019. In 2017, NMFS notified the Council that landings in 2017 exceeded the overfishing limit (OFL), resulting in overfishing. Subsequently, NMFS estimated that 2018 landings did not exceed the 2018 OFL, but did exceed the ACL, and that a closure would be needed in 2019 should the ACL be projected to be met. On December 13, 2019, NMFS closed fishing for lane snapper for the remainder of the year based on a projection that the ACL would be caught. Despite this closure, the ACL was exceeded in 2019. Review of recent landings data indicate this ACL was also exceeded in 2020.

In 2019, in response to landings data that indicated lane snapper experienced overfishing in 2017 and exceeded its ACL in 2018, the Council requested that the NMFS Southeast Fisheries Science Center provide an updated, interim analysis to include landings data from 2015–2018 (SEDAR 49 Update 2019). However, the updated analysis used recreational catch estimate values that were calculated using landings from the previous Marine Recreational Information Program (MRIP) Coastal Household Telephone Survey rather than the newer MRIP Fishing Effort Survey (FES). Thus, the Council’s SSC requested that the recreational data used to calculate the estimated catch limits for lane snapper be converted to values directly comparable to those collected

in the new MRIP–FES as recommended by NMFS. This updated analysis was provided in 2020.

The SEDAR 49 Update indicated that the Gulf lane snapper stock size had increased. In addition, the OFL and acceptable biological catch (ABC) for lane snapper had previously been calculated using recreational data from the Marine Recreational Fisheries Statistics Survey (MRFSS). MRFSS was replaced by MRIP, and the conversion to MRIP–FES values resulted in an approximate doubling of recreational catch and effort estimates. Thus, based on the results of the SEDAR 49 Update and the conversion of the recreational survey from MRFSS to MRIP–FES, the SSC recommended an increase in the lane snapper OFL and ABC.

The increases recommended by the SSC were from 358,000 lb (162,386 kg) to 1,053,834 lb (478,011 kg) for the OFL, and from 301,000 lb (135,531 kg) to 1,028,973 lb (466,734 kg) for the ABC. In the framework action, the Council adopted the SSC's recommendations. The Council also decided to set the ACL be equal to the new ABC, and remove the ACT because it has not been used for management since its implementation.

Despite landings exceeding the lane snapper ACL each year from 2016 through 2019, NMFS closed the harvest of lane snapper only once under the current AM, which requires a closure when the ACL is met or projected to be met during the year following an ACL overage. Thus, the Council decided to modify the AM to require an in-season closure in any year during which NMFS projects that the ACL is met. However, the proposed increase in the Gulf lane snapper ACL may be substantial enough to allow harvest through the full year.

Management Measures Contained in This Proposed Rule

If implemented, this proposed rule would revise the ACL for the Gulf lane snapper stock. The framework would also modify the AM to require NMFS to implement a closure during the current fishing year if landings meet or are projected to meet the revised ACL.

Annual Catch Limit

This proposed rule would increase the lane snapper stock ACL from 301,000 lb (136, 531 kg) to 1,028,973 lb (466,734 kg).

Accountability Measure

If implemented, this proposed rule would modify the AM such that if annual landings in a given year reach or are projected to reach the revised ACL, NMFS would implement a seasonal

closure to prohibit harvest of lane snapper by the commercial and recreational sectors for the remainder of the fishing year.

Management Measures Contained in This Proposed Rule Not in the Framework Action

In addition to the measures described in the lane snapper framework action, this proposed rule would correct the NMFS Southeast Regional Office (SERO) website address in the two sections of the regulations that specify permit requirements and make several administrative changes to NMFS's IFQ Program regulations.

Current regulations at 50 CFR 622.4 and 622.20 have an obsolete website address that may prevent the public from accessing information about fishing permits, including the forms to obtain necessary permits. This proposed rule would update this website address in the regulations.

To manage the Gulf red snapper and Gulf grouper-tilefish IFQ programs (also called the SERO Catch Share Programs), NMFS hosts a public-facing website to display information, including landings. The website also provides customer support through online applications to join the SERO Catch Share Programs, and allows the public to participate in the programs. As part of a recent update to the internet platform used by NMFS, the website address for the SERO Catch Share Programs changed, making the website address listed in the Code of Federal Regulations incorrect. Thus, the previous website address will be replaced by the updated SERO Catch Share Programs website address, which is listed for Gulf red snapper in 50 CFR 622.21(b)(11)(i) and 622.21(b)(11)(i)(A), and for Gulf grouper-tilefish species, at 50 CFR 622.22(b)(11)(i) and 622.22(b)(11)(i)(A) of this proposed rule.

In addition, current regulations at 50 CFR 622.21(a)(3) and 622.22(a)(3), specify particular internet browser software that IFQ participants may use. Because technology changes quickly, NMFS has determined that it is impracticable to require named versions of software. To address this issue, NMFS proposes to replace the references to the specific software in 50 CFR 622.21(a)(3) and 622.22(a)(3) with a general requirement that the internet browser software used be up-to-date, no matter the brand (e.g., Microsoft Edge, Google Chrome, Apple Safari).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent

with the framework action, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The public comment period will be open for 15 days to accelerate the rulemaking process while allowing the public adequate time to comment on the proposed measures. NMFS has determined that a 15-day comment period is appropriate because components of this proposed rule, if adopted, should be made effective as soon as possible in order for fishermen to reap the benefits of the increase in the ACL for lane snapper in the Gulf.

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), the Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination follows.

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the preamble. The Magnuson-Stevens Act provides the statutory basis for this proposed rule.

This proposed rule would apply to all federally-permitted commercial vessels and recreational anglers that fish for or harvest lane snapper in Federal waters of the Gulf. It would not directly apply to or regulate charter vessels and headboats (for-hire vessels). For-hire vessels sell fishing services to recreational anglers. The proposed changes to the lane snapper management measures would not directly alter the services sold by these vessels. Any change in demand for these fishing services, and associated economic effects, as a result of this proposed rule would be a consequence of a behavioral change by anglers, secondary to any direct effect on anglers and, therefore, an indirect effect of the proposed rule. Because the effects on for-hire vessels would be indirect, they fall outside the scope of the RFA. Furthermore, for-hire captains and crew are allowed to retain lane snapper under the recreational bag limit; however, they are not allowed to sell these fish. As such, for-hire captains and crew would be directly affected only as recreational anglers. Recreational anglers who would be directly affected by this proposed rule are not considered small entities under the RFA and are, therefore,

outside the scope of this analysis (5 U.S.C. 603). Small entities include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601(6) and 601(3)–(5)). Recreational anglers are not businesses, organizations, or governmental jurisdictions. In summary, only the impacts on commercial vessels will be further discussed.

As of April 26, 2021, there were 827 limited access valid or renewable commercial Gulf reef fish permits. On average from 2014 through 2018, there were 315 federally permitted commercial vessels each year with reported landings of lane snapper in the Gulf. Their average annual vessel-level gross revenue from all species for 2014 through 2018 was approximately \$154,000 (2018 dollars) and lane snapper accounted for less than 0.2 percent of this revenue. The maximum annual revenue from all species reported by a single one of the commercial vessels that landed Gulf lane snapper from 2014 through 2018 was approximately \$2.33 million (2018 dollars).

For RFA purposes, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide. All of the commercial fishing businesses directly regulated by this proposed rule are small entities based on the NMFS size standard. No other small entities would be directly affected by this proposed rule.

This proposed rule would modify the stock ACL for lane snapper based on the March 2020 SEDAR 49 assessment update, corresponding recommendations from the Council's SSC, and determinations by the Council. The new ACL of 1,028,973 lb (466,734 kg), would be managed using recreational catch and effort data from MRIP–FES as opposed to MRFSS. Additionally, the framework action would remove the ACT for lane snapper. Under this proposed rule, NMFS projects that the lane snapper fishing season in future years would be year-round; a substantial increase in season length relative to an estimated closure date of August 19 under the *status quo* (in years that AM closures are in effect and timely). A longer

season would be expected to provide commercial fishing businesses greater fishing opportunities throughout the year. In addition, the increase in the ACL, and corresponding projected increase in the season length, would be expected to increase commercial landings by 12,362 lb (5,607 kg), per year, resulting in an annual increase in ex-vessel revenue of \$30,658 (2018 dollars). Divided by the number of commercial vessels with reported landings of lane snapper from 2014 through 2018, this would be an average increase of approximately \$97 per vessel per year.

This proposed rule would also modify the closure AM such that, if annual landings in a given year meet or are projected to meet the ACL, NMFS would prohibit harvest of lane snapper by the commercial and recreational sectors for the remainder of the fishing year. Currently, if the ACL is exceeded in a given fishing year, NMFS will prohibit harvest of lane snapper in the subsequent fishing year if landings meet or are projected to meet the stock ACL. This proposed change to the lane snapper AM could affect the timing of closures, potentially increasing their frequency and forgoing some commercial harvest that may have occurred in excess of the lane snapper stock ACL under the *status quo*. However, because the proposed stock ACL is approximately double the size of the current ACL (ignoring the influence of the adjustment in the recreational data collection from MRFSS to MRIP–FES because this just accounts for the difference in recreational reporting), no fishing season closure would be expected to occur. As a result, the proposed change in the AM will likely result in slightly positive economic impacts (with an average increase in ex-vessel revenue of \$97 per vessel per year, as noted above) for the affected small entities in the fishing year. In addition, should any negative economic effects associated with closures that result from application of the proposed change in the AM arise in future fishing years, NMFS expects that would be offset by the benefits of the increased catch limits proposed in this rulemaking. In addition, lane snapper comprises only a small percentage of the aggregate ex-vessel revenue earned by those small entities directly affected by this proposed rule. Therefore, this proposed rule would not have a significant economic impact on a substantial number of small entities.

Several administrative items contained in this proposed rule, which are not part of the proposed framework action, are as follows: (1) Updates to the

IFQ portal website address, (2) updates to the website address listed in 50 CFR 622.21(b)(11)(i), 622.21(b)(11)(i)(A), 622.22(b)(1), and 622.22(b)(11)(i) to access the online application for the IFQ program, (3) updates to the SERO website address in 50 CFR 622.4 and 622.20, and (4) changes to web browser requirements in 50 CFR 622.21(a)(3) and 622.22(a)(3). These proposed changes are being made in order to replace obsolete website addresses with new website addresses and to correct outdated information related to web browser requirements. All of these are administrative changes only and are not expected to have any direct economic effects on any small entities.

In summary, the information provided above supports a determination that this proposed rule would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 622

Annual catch limit, Fisheries, Fishing, Gulf, Individual fishing quota, Lane snapper, Reef fish.

Dated: October 12, 2021.

Samuel D. Rauch, III,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

For the reasons set out in the preamble, NOAA proposes to amend 50 CFR part 622 as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.4, revise the fifth sentence in paragraph (g)(1) to read as follows:

§ 622.4 Permits and fees—general.

* * * * *

(g) * * *

(1) * * * Application forms and instructions for renewal are available

online at <https://www.fisheries.noaa.gov/southeast/resources-fishing/permits-applications->

and-forms-southeast or from the RA (Southeast Permits Office) at 1–877–376–4877, Monday through Friday between 8 a.m. and 4:30 p.m., eastern time. * * *

* * * * *

■ 3. In § 622.20, revise the third sentence in paragraph (a)(1)(ii) to read as follows:

§ 622.20 Permits and endorsements.

(a) * * *

(1) * * *

(ii) * * * The application form and instructions are available online at <https://www.fisheries.noaa.gov/southeast/resources-fishing/permits-applications-and-forms-southeast>. * * *

* * * * *

■ 4. Amend § 622.21 by:

■ a. Revising the second sentence in paragraph (a)(3)(i);

■ b. Revising the third sentence in paragraph (b)(1); and

■ c. Revising the first sentence in paragraphs (b)(11)(i) and (b)(11)(ii)(A).

The revisions read as follows:

§ 622.21 Individual fishing quota (IFQ) program for Gulf red snapper.

(a) * * *

(3) * * *

(i) * * * The computer must have current, up-to-date browser software installed, which may be downloaded from the internet for free. * * *

* * * * *

(b) * * *

(1) * * * An owner of a vessel with a commercial vessel permit for Gulf reef fish, who has established an IFQ account for Gulf red snapper as

specified in paragraph (a)(3)(i) of this section, online via the NMFS IFQ website <https://secatchshares.fisheries.noaa.gov/>, may establish a vessel account through that IFQ account for that permitted vessel. * * *

* * * * *

(11) * * *

(i) * * * A current participant in the red snapper IFQ program must complete and submit the application for an IFQ Account that is available on the website <https://secatchshares.fisheries.noaa.gov/>, to certify status as a U.S. citizen or permanent resident alien. * * *

(ii) * * *

(A) To establish an IFQ account, a person must first complete the application for an IFQ Account that is available on the website <https://secatchshares.fisheries.noaa.gov/>. * * *

■ 5. Amend § 622.22 by:

■ a. Revising the second sentence in paragraph (a)(3)(i);

■ b. Revising the third sentence in paragraph (b)(1); and

■ c. Revising the first sentence in paragraph (b)(11)(i).

The revisions read as follows:

§ 622.22 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.

(a) * * *

(3) * * *

(i) * * * The computer must have current, up-to-date browser software installed, which may be downloaded from the internet for free. * * *

* * * * *

(b) * * *

(1) * * * An owner of a vessel with a commercial vessel permit for Gulf reef

fish, who has established an IFQ account for the applicable species, as specified in paragraph (a)(3)(i) of this section, online via the NMFS IFQ website <https://secatchshares.fisheries.noaa.gov/>, may establish a vessel account through that IFQ account for that permitted vessel. * * *

* * * * *

(11) * * *

(i) A current participant in the Gulf grouper and tilefish IFQ program must complete and submit the application for an IFQ Account that is available on the website <https://secatchshares.fisheries.noaa.gov/>, to certify status as a U.S. citizen or permanent resident alien. * * *

* * * * *

■ 6. In § 622.41, revise paragraph (k) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(k) *Lane snapper*. If the sum of the commercial and recreational landings, as estimated by the SRD, reaches or is projected to reach the stock ACL, as specified in this paragraph (k), the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of the fishing year. The stock ACL for lane snapper is 1,028,973 lb (466,734 kg), round weight.

* * * * *

[FR Doc. 2021–22509 Filed 10–15–21; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 86, No. 198

Monday, October 18, 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 No. AMS-TM-21-0078]

Farm and Food Workers Relief Grant Program; Request for Emergency Approval of a New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of emergency request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the U.S. Department of Agriculture (USDA) Agricultural Marketing Service (AMS) has requested emergency approval from the Office of Management and Budget (OMB) for a new information collection described in this notice to administer the Farm and Food Workers Relief Grant Program, a new competitive grant program authorized by the Consolidated Appropriations Act, 2021.

DATES: Submit comments on or before December 17, 2021.

ADDRESSES: Interested persons are invited to submit comments concerning this notice by using the electronic process available at www.regulations.gov. Written comments may also be submitted to Grants Division; Transportation and Marketing Program; AMS; USDA; 1400 Independence Avenue SW, Room 2055—South Building, Stop 0201; Washington, DC 20250-0264. All comments should reference the docket number AMS-TM-21-0078, the date of submission, and the page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided, at www.regulations.gov and will be included in the record and made available to the public.

FOR FURTHER INFORMATION CONTACT: John Miklozek, Director, Grants Division;

(202) 720-1403 or email John.Miklozek@usda.gov.

SUPPLEMENTARY INFORMATION:

Overview of This Information Collection

Agency: USDA, AMS.

Title: New Grant Program Information Request.

OMB Number: 0581-NEW.

Type of Request: Emergency Approval of a New Information Collection.

Abstract: The Consolidated Appropriations Act, 2021 (Pub. L. 116-260) directed the Secretary of Agriculture to provide “grants and loans to small or mid-sized food processors or distributors, seafood processing facilities and processing vessels, farmers markets, producers, or other organizations to respond to coronavirus, including for measures to protect workers against the Coronavirus Disease 2019 (COVID-19).” The information collection described in this emergency request is necessary for AMS to expeditiously administer the new competitive Farm and Food Workers Relief (FFWR) Grant Program under OMB No. 0581-NEW in order to provide relief to workers impacted by the COVID-19 pandemic.

FFWR is authorized pursuant to Title VII, subtitle B, section 751 of the Consolidated Appropriations Act, 2021 in response to the ongoing COVID-19 pandemic and the need for worker protections. USDA AMS requests to collect information for this new grant program from grant applicants, including state agencies, tribal entities and non-profit organizations working to support farm workers, meatpacking workers, and grocery workers.

The information collected from respondents is for application to this voluntary, competitive grant program. The information collected is used only by authorized representatives of USDA, AMS, Transportation and Marketing Program's Grants Division to determine applicant eligibility and the data collected is the minimum information necessary to effectively carry out the program requirements.

This emergency information collection is necessary to enable USDA AMS to immediately publish a Request for Applications (RFA) and enable eligible entities to prepare their applications for submission.

Upon OMB approval of the emergency FFWR information collection package,

AMS will initiate a normal information collection approval.

Estimate of Burden: Public reporting burden for this information collection is estimated to average 32 hours per response.

Respondents: 40 Grant applicants; or grant recipients.

Estimated Number of Respondents: 40.

Estimated Total Annual Responses including Recordkeeping: 934.

Estimated Number of Responses per Respondent: 38.

Estimated Total Annual Burden on Respondents and Recordkeepers: 1,882 hours.

Comments are invited on: (1) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the new information collection including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the burden of the information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021-22620 Filed 10-15-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 13, 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 17, 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.

Rural Housing Service

Title: Community Facilities Grant Program—7 CFR 3570–B.

OMB Control Number: 0575–0173.

Summary of Collection: The Rural Housing Service is authorized by Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926), as amended, to make grants to public agencies, nonprofit corporations, and Indian tribes to develop essential community facilities and services for public use in rural areas. These facilities include schools, libraries, childcare, hospitals, clinics, assisted-living facilities, fire and rescuer stations, police stations, community centers, public buildings, and transportation. The Department of Agriculture through its Community Programs strives to ensure that facilities are available to all rural communities.

Need and Use of the Information: Rural Development field offices will collect information from applicant/borrowers and consultants. This information is used to determine eligibility, project feasibility, and to ensure borrowers operate on a sound basis and use loan and grant funds for authorized purposes. Failure to collect the information could result in improper determinations of eligibility,

improper use of funds, and or unsound loans.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 1,272.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 17,680.

Rural Housing Service

Title: Rural Rental Housing Program, 7 CFR part 3560.

OMB Control Number: 0575–0189.

Summary of Collection: The purpose of the Rural Rental Housing Program is to provide adequate, affordable, decent, safe, and sanitary rental units for very low-, low-, and moderate-income households in rural areas. The Rural Housing Service (RHS) is authorized to collect the information needed to administer these various programs under Title V of the Housing Act of 1949, Section 515 Rural Rental Housing, Sections 514 and 516 Farm Labor Housing loans and grants, and Section 521 Rental Assistance.

Need and Use of the Information: Information is completed by developers and potential borrowers seeking approval of rural rental housing loans with assistance of professional such as attorneys, architects, and contractors and the operation and management of MFH properties in an affordable, decent, safe, and sanitary manner. The forms and information provide the basis for making determinations of eligibility and the need and feasibility of the proposed housing. The information collected by RHS is used to plan, manage, evaluate, and account for Government resources. The reports are required to ensure the proper and judicious use of public funds.

Description of Respondents: Business or other for profit: Individual or households; Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents: 589,500.

Frequency of Responses: Recordkeeping; Reporting: Quarterly; Monthly, Annually.

Total Burden Hours: 1,072,242.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–22579 Filed 10–15–21; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Supplemental Nutrition Assistance Program (SNAP) Mobile Payment Pilots (MPPs)

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed information collection. This is a request for a new collection to conduct demonstration pilot projects to test the redemption of SNAP benefits through mobile payment technologies and issue a request for volunteers (RFV) to solicit applications from SNAP State agencies (State agencies) for these pilots.

DATES: Written comments must be received on or before December 17, 2021.

ADDRESSES:

- *Preferred Method:* Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically.

- *Email:* RPMDHQ-WEB@USDA.GOV.

- *Mail:* Send comments to Shelly Pierce, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, Alexandria, VA 22314.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this information collection should be directed to Shelly Pierce, at 703–605–4400 or via email to RPMDHQ-WEB@USDA.GOV.

SUPPLEMENTARY INFORMATION: 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, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate

automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: SNAP Mobile Payment Pilots (MPPs) and Request for Volunteers (RFV).

Form Number: None.

OMB Number: 0584–NEW.

Expiration Date: Not Yet Assigned.

Type of Request: New collection.

Abstract: Section 4006(e) of the Agricultural Act of 2018 (Pub. L. 115–334) authorizes the Food and Nutrition Service (FNS) to allow up to five Mobile Payment Pilots (MPPs) to allow the use of personal mobile devices, such as cellular phones, tablets and smart watches in place of SNAP Electronic Benefit Transfer (EBT) cards to conduct SNAP transactions. Respondents (SNAP State agencies (State agencies) and their SNAP business partners) will conduct pilots to test the use of mobile payment technologies for the redemption of SNAP benefits by SNAP households at participating retailers, in order to determine their feasibility and implications for program integrity. FNS will conduct these projects to evaluate whether allowing mobile payments is in the best interest of the Program, and to therefore, recommend allowing their use to the Secretary. The information collected in the pilot evaluation (to be submitted for OMB approval under a separate information collection request) will help FNS determine the success of and best practices for the use of mobile payment technologies to redeem SNAP benefits. This information will inform Program design, standards, rulemaking, and guidance for approval of SNAP mobile payment technologies as well as Departmental decisions and recommendations to Congress with respect to requiring all State EBT systems to accept mobile payment technologies in the future.

To achieve these objectives, FNS requests OMB approval to: (1) Issue a Request for Volunteers (RFV) to solicit applications from up to 53 SNAP State agencies to participate in these MPPs; and (2) select up to 5 State agencies that apply to implement a MPP in their State. This information collection request seeks OMB approval only for the RFV application process and implementation of MPP by State agencies. Under the Paperwork Reduction Act, FNS will seek a separate OMB approval to evaluate the results of completed MPPs under a separate 60-day **Federal Register** Notice and information collection request.

1. Assumptions

It is impossible for FNS to know in advance the design and structure of pilots that may be proposed or the specific activities each State and associated partners will undertake in their preparation of the RFV application or in conducting an MPP. Therefore, we have provided general estimates based on an assumed pilot model. Actual pilots may vary widely from this model and include a variety of potential stakeholders; this information collection does not intend to establish a standard model; this model will be used throughout this notice simply for ease of estimation. If there is substantive changes to this data collection request, the agency will seek OMB approval to revise this information collection request following the Paperwork Reduction Act process. The estimates below are based on a model in which one State agency partners with an average of four (4) stakeholder businesses (2 retailers, 1 EBT processor, and 1 mobile payment vendor) and recruits 1,000 SNAP participants per pilot proposal. It is important to note for burden estimation purposes that while there are numerous retailer and mobile payment vendors the States may choose to partner with, there are only 4 EBT processors nationally. Therefore, EBT processors may partner with multiple pilot proposals submitted by the various State agencies; this has been considered in our estimation.

2. RFV Application Process

FNS will issue a RFV to solicit an estimate of 53 applications for an up to eighteen (18) month pilot. In order to participate in the Mobile Payment Pilot, interested States first need to submit a letter of intent as discussed in the RFV, followed by an RFV application. This response will include all documents required in the RFV, such as a detailed work plan (as outlined in Appendix AA), the Application Checklist (Appendix A), which ensures completeness, and the Assurances (Appendix B), which ensures State Applicant compliance with pilot requirements. In preparation for completing the RFV Application, State agencies are expected to coordinate with business partner stakeholders, including EBT processors, retailers, and other contractors. FNS estimates that up to 53 State SNAP agencies may apply through the RFV process, and that each State agency will require 20 hours to prepare and submit their RFV application electronically to FNS. In addition, FNS estimates that each of the 53 State agencies may require 80 hours of

coordination and planning activities with each of their business partner organizations before submitting an application. The information collected through the RFV application process will help FNS determine each State agency's eligibility to participate in a MPP, evaluate their proposed pilots, and select candidates to participate in the pilot. FNS will verify that Applicant States/Territories with mobile payment capability meet requirements laid out in the RFV Application. Those that pass the verification process will be rated based on a structured evaluation process described in the RFV. Up to five (5) of the best rated Applicant States will be invited to participate in the pilot; as defined in RFV Section 3.2 Participant Selection. Ideally, selected State agency participants will represent a variety of different types of mobile payment technologies. Following selection of State agency participants, the pilot period will last a total of eighteen (18) months, and Pilot Participants (State agencies and associated business partner organizations) will join on a rolling basis with the condition that they must each participate for a minimum of nine (9) months.

3. Mobile Payment Pilot Implementation

Per the requirement in Section 4006(e) of the Agricultural Act of 2018 (Pub. L. 115–334) FNS will limit the number of MPPs selected to 5, and each MPP will operate for a maximum of 12 months. FNS estimates that, based on the assumed model in this notice, each State agency may require 80 hours to conduct the following activities during each month of implementation of an MPP (as applicable). These activities include;

1. Design of mobile payment integration and changes to EBT systems and functionality to accommodate mobile payments,
2. Testing of EBT systems to ensure compatibility,
3. Provision of technical assistance and support to SNAP households that participate in an MPP, and/or
4. Coordination with EBT processors, SNAP retailers, and mobile payment contractors.

FNS estimates that, based on the assumed model in this notice, each of the 5 State agencies may issue 1 recruitment notice for the MPP to 5,000 individuals who are members of SNAP households in each State for a total of 25,000 individuals. These notices may be issued to SNAP households electronically or via mail, depending on the State. Generation and issuance of each notice by the State agency is

expected to take approximately 3 minutes (0.05 hours). FNS also estimates that each of the 25,000 individual household members will require up to 3 minutes (0.05 hours) to read the recruitment notice for participation in the pilot. FNS estimates that approximately 5,000 of the recruited participants will opt to participate in the pilot (1,000 per State) and that each of the 5,000 participants will require 15 minutes to enroll in an MPP. Potential enrollment activities for SNAP household respondents are based on the assumed model in this information collection may include calling or emailing the State agency to indicate interest, reviewing instructions, downloading an application (as known as app), technical assistance, and/or enrolling in the app.

Reporting Burden for State Agencies

Affected Public: State SNAP agencies.

Estimated Number of Respondents: 53 State agencies.

Estimated Number of Responses per Respondent: 478.23.

Estimated Total Annual Responses: 25,346.

Estimated Time per Response: 1.05.

Estimated Total Annual Burden on Respondents: 26,575 hours.

Reporting Burden for Businesses

Affected Public: Business (Respondent Types: EBT Stakeholders (EBT Processors, SNAP Retailers, Mobile Payment Vendors or Contractors).

Estimated Number of Respondents: 163.

Estimated Number of Responses per Respondent: 2.63.

Estimated Total Annual Responses: 429.40.

Estimated Time per Response: 80 hours per response.

Estimated Total Annual Burden on Respondents: 34,352 hours.

Reporting Burden for Individual Households

Affected Public: SNAP Recipients.

Estimated Number of Respondents: 25,000.

Estimated Number of Responses per Respondent: 1.2 responses.

Estimated Total Annual Responses: 30,000 responses.

Estimated Time per Response: .08 hour.

Estimated Total Annual Burden on Respondents: 2,500 hours.

Recordkeeping Burden for State Agencies

There is no recordkeeping or third-party reporting burden associated with this information collection.

Respondent type	Activity	Estimated number of respondents	Estimated number of responses annually per respondent	Estimated total annual responses	Estimated avg. number of hours per response	Estimated total annual hours
State SNAP Agencies.	Request for Volunteers—Preparation and Submission of Application.	53.00	1.00	53.00	20.00	1,060.00
	Request for Volunteers—Stakeholder Coordination.	53.00	1.00	53.00	80.00	4,240.00
	Mobile Payment Pilot—Design & System Changes.	5.00	12.00	60.00	80.00	4,800.00
	Mobile Payment Pilot—System Testing.	5.00	12.00	60.00	80.00	4,800.00
	Mobile Payment Pilot—Issue Recruitment Notices.	5.00	5,000.00	25,000.00	0.08	2,075.00
	Mobile Payment Pilot—Implementation & Support.	5.00	12.00	60.00	80.00	4,800.00
	Mobile Payment Pilot—Stakeholder Coordination.	5.00	12.00	60.00	80.00	4,800.00
	State Agency Subtotal.	53.00	478.23	25,346.00	1.05	26,575.00
EBT Processors ...	Request for Volunteers—Coordination.	4.00	10.60	42.40	80.00	3,392.00
SNAP Retailers	Mobile Payment Pilot—Coordination	4.00	12.00	48.00	80.00	3,840.00
	Request for Volunteers—Coordination.	106.00	1.00	106.00	80.00	8,480.00
Mobile Payment Vendor.	Mobile Payment Pilot—Coordination	10.00	12.00	120.00	80.00	9,600.00
	Request for Volunteers—Coordination.	53.00	1.00	53.00	80.00	4,240.00
	Mobile Payment Pilot—Coordination	5.00	12.00	60.00	80.00	4,800.00
Business Subtotal.		164.00	2.76	452.00	80.00	36,160.00
SNAP Recipients	Mobile Payment Pilot—Review Recruitment Notice.	25,000.00	1.00	25,000.00	0.05	1,250.00
	Mobile Payment Pilot—Complete Enrollment.	5,000.00	1.00	5,000.00	0.25	1,250.00
	Individual/Household Subtotal.	25,000.00	1.20	30,000.00	0.08	2,500.00
Totals		25,216.00	2.21	55,775.40	1.14	63,427.00

Cynthia Long,

Administrator, Food and Nutrition Service.

[FR Doc. 2021–22552 Filed 10–15–21; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

White River National Forest; Colorado; El Jebel Administrative Sites, Upper and Lower Parcels, Conveyance Project—Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; withdrawal.

SUMMARY: The White River National Forest (WRNF) is withdrawing its Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the El Jebel Administrative Sites, Upper and Lower Parcels, Conveyance Project. The original NOI was published in the **Federal Register** on December 7, 2016. The WRNF has decided to change the proposed action of the project. With the change in the proposed action the preliminary analysis indicates there will not be effects that rise to a level of significance that would warrant an EIS.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be directed to Jennifer Schuller at jennifer.schuller@usda.gov or by phone at 970–404–3163.

Individuals who use telecommunication devices for the deaf/hard-of-hearing (TDD) may call the Federal Information Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

Dated: October 12, 2021.

Barnie Gyant,

Associate Deputy Chief, National Forest System.

[FR Doc. 2021–22574 Filed 10–15–21; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Arkansas Advisory Committee

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 Arkansas Advisory Committee (Committee) will hold a virtual (online) meeting Friday, November 5, 2021 at 1:00 p.m. Central Time. The purpose of the meeting is for the Committee to hear testimony regarding civil rights and IDEA compliance and implementation in Arkansas schools.

DATES: The meeting will be held on Friday, November 5, 2021 from 1–3 p.m. Central Time.

ADDRESSES:

Web Access (audio/visual): Register at: <https://bit.ly/2YEQ7QR>.

Phone Access (audio only): 800–360–9505, Access Code 2760 3397 7872.

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnaroski, Designated Federal Officer, at mwojnaroski@usccr.gov or (202) 618–4158.

SUPPLEMENTARY INFORMATION: Members of the public may join online or listen to this discussion through the above call-in number. 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. Individuals who are deaf, deafblind or 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 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 Melissa Wojnaroski at mwojnaroski@usccr.gov.

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, Arkansas 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

- I. Welcome & Roll Call
- II. Panel II—IDEA Compliance and Implementation in Arkansas School
- III. Public Comment
- VI. Adjournment

Dated: October 12, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–22562 Filed 10–15–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New York Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the New York Advisory Committee (Committee) will hold meetings via WebEx on the following Fridays from 1:00–2:15 p.m. ET: November 5, 2021; November 19, 2021; December 3, 2021; and December 17, 2021, for the purpose of continuing to debrief testimony heard related to the Committee's project on potential racial discrimination in eviction policies and enforcement in New York.

DATES: The meetings will be held the following Fridays from 1:00–2:15 p.m.: November 5, November 19, December 3, and December 17, 2021.

ADDRESSES: Access details for these meetings:

- To join by web conference please click the link below; password is USCCR: <https://bit.ly/3urPkOp>.
- To join by phone only, dial: 1–800–360–9505; Access Code: 1996 82 6592#.

FOR FURTHER INFORMATION CONTACT:

Mallory Trachtenberg, DFO, at mtrachtenberg@usccr.gov or 202–809–9618.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference operator will ask callers to identify themselves, the organizations they are affiliated with (if any), and an email address prior to placing callers into the conference call. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the

proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number. To request additional accommodations, please email mtrachtenberg@usccr.gov at least 7 days prior to the meeting for which accommodations are requested.

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 Mallory Trachtenberg at mtrachtenberg@usccr.gov in the Regional Programs Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit at 202-809-9618.

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 at www.facadatase.gov under the Commission on Civil Rights, New York Advisory Committee. Persons interested in the work of this Committee are also directed to the Commission's website, www.usccr.gov; persons may also contact the Regional Programs Unit office at the above email or phone number.

Agenda

- I. Welcome and Roll Call
- II. Announcements and Updates
- III. Approval of Minutes
- IV. Debrief: Committee's Project on Eviction Policy and Enforcement in New York
- V. Public Comment
- VI. Review Next Steps
- VII. Adjournment

Dated: October 12, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021-22565 Filed 10-15-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

United States-Mexico-Canada Agreement (USMCA), Article 10.12: Binational Panel Review: Notice of Request for Panel Review

AGENCY: United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of USMCA Request for Panel Review.

SUMMARY: A Request for Panel Review was filed on behalf of Deacero S.A.P.I. de C.V. and Deacero USA, Inc. with the United States Section of the USMCA Secretariat on October 8, 2021, pursuant to USMCA Article 10.12. Panel Review was requested of the U.S. Department of Commerce's Final Results in the 2018–2019 Administrative Review of Antidumping Duty Order on Steel Concrete Reinforcing Bar from Mexico. The final determination was published in the **Federal Register** on September 9, 2021. The USMCA Secretariat has assigned case number USA–MEX–2021–10.12–02 to this request.

FOR FURTHER INFORMATION CONTACT:

Vidya Desai, Acting United States Secretary, USMCA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202-482-5438.

SUPPLEMENTARY INFORMATION: Article 10.12 of Chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established USMCA *Rules of Procedure for Article 10.12 (Binational Panel Reviews)*, which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of USMCA which requires Requests for Panel Review to be published in accordance with Rule 40. For the complete Rules, please see https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo_10_12.aspx?lang=eng.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 44 no later than 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is November 8, 2021);

(b) A Party, an investigating authority or other interested person who does not file a Complaint but who intends to participate in the panel review shall file a Notice of Appearance in accordance with Rule 45 no later than 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is November 22, 2021);

(c) The panel review will be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the

panel review and to the procedural and substantive defenses raised in the panel review.

Dated: October 12, 2021.

Vidya Desai,

Acting U.S. Secretary, USMCA Secretariat.

[FR Doc. 2021-22556 Filed 10-15-21; 8:45 am]

BILLING CODE 3510-GT-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB508]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold a webinar workshop to demonstrate electronic vessel trip reporting (eVTR) through an approved software application in preparation for required commercial electronic reporting.

DATES: The workshop will be held via webinar on Tuesday, November 2, 2021, beginning at 4 p.m. and concluding by 6 p.m. For details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: This workshop will be held via webinar and connection and agenda information will be posted at the MAFMC's website: <https://www.mafmc.org/council-events>.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; www.mafmc.org.

FOR FURTHER INFORMATION CONTACT:

Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

SUPPLEMENTARY INFORMATION: This is a Council-hosted eVTR training workshop open to the public and targeted towards commercial operators. Beginning on November 10, 2021, all commercial vessels with federal permits for species managed by the Mid-Atlantic or New England Council will be required to submit vessel trip reports (VTRs) electronically as eVTRs within 48 hours of the end of a trip (unless required sooner as with some sector allocations). This action does not change any other existing requirements associated with VTRs. These changes were

recommended by the MAFMC and NEFMC in order to increase the timeliness and availability of data submitted through VTRs, reduce the reporting burden on commercial vessel operators, and increase the accuracy and quality of data. The training workshop will review step by step instructions for filling out an eVTR using an approved software application.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Mid-Atlantic Council Office (302) 526-5251 at least 5 days prior to the meeting date.

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

Dated: October 13, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-22634 Filed 10-15-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG584

Request for Public Comment Regarding an Administrative Law Judge's Recommended Decision on a Proposed Waiver and Regulations Governing the Taking of Marine Mammals; Extension of Public Comment Period

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

ACTION: Notice; extension of public comment period.

SUMMARY: NMFS announces the extension of the public comment period on the Administrative Law Judge's recommended decision on NMFS' proposal to issue a waiver and regulations under the Marine Mammal Protection Act to allow the Makah Indian Tribe to take a limited number of Eastern North Pacific gray whales for ceremonial and subsistence purposes. We announced a 20-day comment period to end on October 19, 2021. Today, we extend the public comment period on the recommended decision by 25 days to November 13, 2021. Comments previously submitted need not be resubmitted.

DATES: The deadline for the receipt of comments is extended from October 19, 2021 until November 13, 2021.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2019-0037, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/docket?D=NOAA-NMFS-2019-0037, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Attn: Grace Ferrara, NMFS West Coast Region, 7600 Sand Point Way NE, Seattle, WA 98115. Include the identifier "NOAA-NMFS-2019-0037" in the comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Jaclyn Taylor, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910; tel: (301) 427-8402; email: jaclyn.taylor@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS has proposed to issue a waiver and regulations under the Marine Mammal Protection Act to allow the Makah Indian Tribe to take a limited number of Eastern North Pacific gray whales for ceremonial and subsistence purposes. A hearing to consider the proposed waiver and regulations took place on November 14-21, 2019, in Seattle, Washington before Administrative Law Judge George J. Jordan. On September 23, 2021, Judge Jordan transmitted his recommended decision to NMFS along with the hearing transcript and other required documentation. On September 29, 2021, we announced a 20-day comment period on the recommended decision. During the comment period, we received requests to extend the public comment period. We considered the request and concluded that a 25-day extension should allow sufficient time for the public and the parties to submit comments. We are therefore extending the close of the public comment period from October 19, 2021 to November 13, 2021.

Authority: 16 U.S.C. 1371 *et seq.*

Dated: October 12, 2021.

Samuel D. Rauch, III,

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

[FR Doc. 2021-22563 Filed 10-15-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB473]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of scoping hearings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a series of scoping meetings via webinar pertaining to Amendment 44 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region. The amendment adjusts the acceptable biological catch for yellowtail snapper based on results of the latest stock assessment and considers adjusting the jurisdictional allocation (between the South Atlantic and Gulf of Mexico). In addition, the amendment would modify catch levels, and sector allocations for the South Atlantic. The Council is also requesting input on potential commercial management measures.

DATES: The scoping meetings will be held via webinar on November 2 and 3, 2021.

ADDRESSES: The meeting will be held via webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571-4366 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: The scoping meetings will be conducted via webinar and accessible via the internet from the Council's website at <https://safmc.net/safmc-meetings/public-hearings-scoping-meetings/>. The scoping meetings will begin at 6 p.m. Registration for the webinars is required. Registration information, a copy of the scoping materials, an online public comment form and any

additional information as needed will be posted on the Council's website at <https://safmc.net/safmc-meetings/public-hearings-scoping-meetings/> as it becomes available. Public comments must be received by 5 p.m. on November 5, 2021.

Amendment 44 to the Snapper Grouper FMP

The Council must adjust catch levels for yellowtail snapper in response to the most recent stock assessment for the species in the region (SEDAR 64 2019). Yellowtail snapper is considered a single stock distributed in the South Atlantic and the Gulf of Mexico (Gulf). The stock assessment results indicated the stock is not overfished nor undergoing overfishing. However, catch levels must be adjusted based on the acceptable biological catch recommended by the South Atlantic and Gulf of Mexico Councils' Scientific and Statistical Committees (SSC). The acceptable biological catch must first be allocated between the two regions. In addition, the Council is considering modifications to catch levels, sector allocations and possibly establishing commercial management measures.

During the scoping meetings, Council staff will present an overview of the amendment and will be available for informal discussions and to answer questions via webinar. Members of the public will have an opportunity to go on record to provide their comments for consideration by the Council.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 12, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-22560 Filed 10-15-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB451]

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Joint meeting of the South Atlantic Fishery Management Council's Citizen Science Operations and Projects Advisory Committees via webinar.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a joint meeting of its Citizen Science Operations and Projects Advisory Committees via webinar on November 1, 2021.

DATES: The Citizen Science Operations and Projects Advisory Committees joint meeting will be held via webinar on Monday, November 1, 2021 from 1 p.m. until 4 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar. There will be an opportunity for public comment at the beginning of the meeting.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julia Byrd, Citizen Science Program Manager, SAFMC; phone: (843) 302-8439 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: julia.byrd@safmc.net.

SUPPLEMENTARY INFORMATION: The Citizen Science Operations and Projects Advisory Committees serve as advisors to the Council's Citizen Science Program. Operations Committee members include representatives from the Council's Citizen Science Advisory Panel, NOAA Fisheries' Southeast Regional Office, NOAA Fisheries' Southeast Fisheries Science Center, and the Council's Science and Statistical Committee. Their responsibilities include developing programmatic recommendations, reviewing policies, providing program direction/multi-partner support, identifying citizen

science research needs, and providing general advice. Projects Advisory Committee members include representatives from the Council's fishery Advisory Panels (AP), Habitat & Ecosystem AP, and Outreach & Communication AP. Their responsibilities include identifying citizen science research and data needs across all the Council's fishery management plans; assisting with development of volunteer engagement strategies for recruiting, training, retaining, and communicating with volunteers; and serving as outreach ambassadors for the Program. Agenda items include:

1. Review and update the Council's citizen science research priorities
2. Citizen Science Program Update and
3. Other Business

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 12, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-22558 Filed 10-15-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB467]

South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Habitat Protection and Ecosystem-Based Management (Habitat) AP.

DATES: The Habitat AP will meet via webinar on Wednesday November 3, 2021, from 9 a.m. to 4 p.m., and Thursday, November 4, 2021, from 9 a.m. to 12 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571-4366 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: The Habitat AP meeting is open to the public and will be available via webinar as it occurs. Registration is required. Webinar registration information and other meeting materials will be posted to the Council's website at: <http://safmc.net/safmc-meetings/current-advisory-panel-meetings/> as it becomes available.

The meeting agenda includes the following: A briefing on recent actions by the Council's Habitat Committee; status of amendment development; review and input on revisions to the Council's Beach Dredge and Fill and Large-Scale Coastal Engineering Policy Statement; review and input on the development of a South Atlantic Fishery Management Council Habitat Blueprint; and a presentation by the Bureau of Ocean Energy Management (BOEM) on Offshore Wind Activities in South Atlantic Region and input on activities.

The AP will also receive updates on the following: NOAA Fisheries South

Atlantic Climate Vulnerability Assessment; NOAA Fisheries South Atlantic Ecosystem Status Report; NOAA Fisheries Habitat Conservation Division Essential Fish Habitat (EFH) Consultation on Wind, Ports, and Mitigation Banking; mapping of the Wilmington-East Wind Area by NOAA's National Centers for Coastal Ocean Science; and the East Coast Climate Scenario Planning Initiative.

The AP will develop recommendations as necessary for consideration by the Council's Habitat Protection and Ecosystem-Based Management Committee.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 12, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021-22559 Filed 10-15-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21-14]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 21-14 with attached Policy Justification and Sensitivity of Technology.

Dated: October 13, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-06-P



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

June 24, 2021

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-14, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the Philippines for defense articles and services estimated to cost \$2.43 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Heidi H. Grant
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001-06-C

Transmittal No. 21-14

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of the Philippines

(ii) *Total Estimated Value:*

Major Defense Equipment * .. \$1.12 billion

Other \$1.31 billion

TOTAL \$2.43 billion

Funding Source: National Funds.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Ten (10) F-16C Block 70/72 Aircraft

Two (2) F-16D Block 70/72 Aircraft

Fifteen (15) F100-PW-229EEP Engines or F110-GE-129D Engines

Fifteen (15) Improved Programmable Display Generators (iPDG)

Fifteen (15) AN/APG-83 Advanced Electronically Scanned Array (AESA) Scalable Agile Beam Radars (SABR)

Fifteen (15) Modular Mission Computers 7000AH

Fifteen (15) LN-260 Embedded GPS/INS (EGI) with SAASM and PPS

Twenty-four (24) Advanced Medium Range Air-to-Air Missiles (AMRAAM) AIM-120C-7/C-8 or equivalent
 One (1) AIM-120 Guidance Section
 Forty-eight (48) LAU-129 Missile Launchers
 Three (3) KMU-572 Laser Joint Direct Attack Munition (LJDAM) Tail Kits
 Six (6) Mk-82 500lb Bombs
 Six (6) Mk-82 500lb Inert Training Bombs
 Six (6) FMU-152 or FMU-139 Fuzes
 Six (6) Sniper Advanced Targeting Pods (ATP) or Litening ATP
 Fifteen (15) Multifunctional Information Display System Joint Tactical Radio System (MIDS-JTRS) Aircraft Terminals
 Fifteen (15) M61A1 Vulcan Anti-Aircraft 20mm Guns

Non-MDE: Also included are AN/ARC-238 radios; Advanced Identification Friend or Foe with Combined Interrogator Transponder and Mode 5; Joint Helmet Mounted Cueing Systems II (JHMCS II) or Scorpion Hybrid Optical-based Inertial Tacker (HOBIT); Integrated Electronic Warfare (EW) Suite; Electronic Combat International Security Assistance Program (ECISAP) support; AN/ALE-47 Countermeasure Dispenser Systems (CMDS); Joint Mission Planning Systems (JMPS) or equivalent; AIM-120 CATM; LAU-118 launchers with Advanced Launcher Interface Computer (ALIC); LAU-117 missile launchers; DSU-38 Precision Laser Guided Sensor for LJDAM; Harpoon interface adapter kits; PGU-28 High Explosive Incendiary (HEI) ammunition; PGU-27 ammunition training rounds (non HEI); Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); ARD-446 impulse cartridges; ARD-863 impulse cartridges; BBU-36/B impulse cartridges; BBU-35/B impulse cartridges; MK-124 smoke flares; MJU-7/B Flare Cartridge L463; BRU-61 Bomb Racks; BRU-57 bomb racks; MAU-12 bomb racks and TER-9A triple ejection racks; weapons support, test equipment, and missile containers; chaff and flare; Night Vision Devices (NVD) and support equipment and spares; secure communications; cryptographic equipment; aircraft and personnel support and test equipment; integration and test; weapons, ammunition, pylons, launcher adaptors, weapons interfaces, fuel tanks, and attached hardware; travel pods, precision measurement equipment laboratory, calibration, and simulators; spare and repair parts, repair and return services; maps, publications, and technical documentation; studies and surveys; classified/unclassified software and software support; personnel

training and training equipment; facilities and facility management; design and/or construction services; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (PI-D-SAF)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* June 24, 2021

* As defined in Section 47(6) of the Arms Export Control Act

POLICY JUSTIFICATION

Philippines—F-16 Block 70/72

The Government of the Philippines has requested to buy ten (10) F-16C Block 70/72 aircraft; two (2) F-16D Block 70/72 aircraft; fifteen (15) F100-PW-229EEP engines or F110-GE-129D engines; fifteen (15) Improved Programmable Display Generators (iPDG); fifteen (15) AN/APG-83 Advanced Electronically Scanned Array (AESA) Scalable Agile Beam Radars (SABR); fifteen (15) Modular Mission Computers 7000AH; fifteen (15) LN-260 Embedded GPS/INS (EGI) with SAASM and PPS; twenty-four (24) Advanced Medium Range Air-to-Air Missiles (AMRAAM) AIM-120C-7/C-8 or equivalent; one (1) AIM-120 Guidance Section; forty-eight (48) LAU-129 missile launchers; three (3) KMU-572 Laser Joint Direct Attack Munition (LJDAM) tail kits; six (6) Mk-82 500lb bombs; six (6) Mk-82 500lb Inert training bombs; six (6) FMU-152 or FMU-139 fuzes; six (6) Sniper Advanced Targeting Pods (ATP) or Litening ATP; fifteen (15) Multifunctional Information Display System Joint Tactical Radio System (MIDS-JTRS) aircraft terminals, and; fifteen (15) M61A1 Vulcan Anti-Aircraft 20mm guns. Also included are AN/ARC-238 radios; Advanced Identification Friend or Foe with Combined Interrogator Transponder and Mode 5; Joint Helmet Mounted Cueing Systems II (JHMCS II) or Scorpion Hybrid Optical-based Inertial Tacker (HOBIT); Integrated Electronic Warfare Suite; Electronic Combat International Security Assistance Program (ECISAP) support; AN/ALE-47 Countermeasure Dispenser Systems (CMDS); Joint Mission Planning Systems (JMPS) or equivalent; AIM-120 CATM; LAU-118

launchers with Advanced Launcher Interface Computer (ALIC); LAU-117 missile launchers; DSU-38 Precision Laser Guided Sensor for LJDAM; Harpoon interface adapter kits; PGU-28 High Explosive Incendiary (HEI) ammunition; PGU-27 ammunition training rounds (non HEI); Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); ARD-446 impulse cartridges; ARD-863 impulse cartridges; BBU-36/B impulse cartridges; BBU-35/B impulse cartridges; MK-124 smoke flares; MJU-7/B Flare Cartridge L463; BRU-61 Bomb Racks; BRU-57 bomb racks; MAU-12 bomb racks and TER-9A triple ejection racks; weapons support, test equipment, and missile containers; chaff and flare; Night Vision Devices (NVD) and support equipment and spares; secure communications; cryptographic equipment; aircraft and personnel support and test equipment; integration and test; weapons, ammunition, pylons, launcher adaptors, weapons interfaces, fuel tanks, and attached hardware; travel pods, precision measurement equipment laboratory, calibration, and simulators; spare and repair parts, repair and return services; maps, publications, and technical documentation; studies and surveys; classified/unclassified software and software support; personnel training and training equipment; facilities and facility management; design and/or construction services; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The estimated total cost is \$2.43 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a strategic partner that continues to be an important force for political stability, peace, and economic progress in South East Asia.

The proposed sale will improve the Philippines' capability to meet current and future threats by enabling the Philippines to deploy fighter aircraft with precision munitions in support of counterterrorism operations in the southern Philippines, increasing effectiveness and minimizing collateral damage. The Philippines is committed to modernizing its military forces and will have no difficulty absorbing this aircraft and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed-Martin, Greenville, SC. There are no known offset agreements

proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of U.S. Government and contractor representatives (fewer than 20) to the Philippines to provide technical support for maintenance operations and to conduct flight and maintenance training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 21-14

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F-16 Block 70 weapon system is a fourth generation single-engine supersonic all-weather multirole fighter aircraft and features advanced avionics and systems. It contains the General Electric F110-129 engine, AN/APG-83 radar, digital flight control system, embedded internal global navigation system, Joint Helmet Mounted Cueing Systems (JHMCS) II or Scorpion Hybrid Optical-based Inertial Tacker (HOBIT) with Night Vision Device (NVD) capability, internal and external Electronic Warfare (EW) equipment, Advanced IFF, LINK-16 datalink, operational flight trainer, and software computer programs.

2. General Electric F110-129 engine is an afterburning turbofan jet engine which delivers 29,400 lb_f (131 kN) thrust.

3. Improved Programmable Display Generator (iPDG) and color multifunction displays utilize ruggedized commercial liquid crystal display technology that is designed to withstand the harsh environment found in modern fighter cockpits. The display generator is the fifth generation graphics processor for the F-16. Through the use of state-of-the-art microprocessors and graphics engines, it provides orders of magnitude increases in throughput, memory, and graphics capabilities.

4. Scalable Agile Beam Radar (SABR) APG-83 is an Active Electronically Scanned Array (AESA) radar upgrade for the F-16. It includes higher processor power, higher transmission power, more sensitive receiver electronics, and Synthetic Aperture Radar (SAR), which creates higher-resolution ground maps from a greater distance than existing mechanically scanned array radars (e.g., APG-68). The upgrade features an increase in detection range of air targets, increases

in processing speed and memory, as well as significant improvements in all modes.

5. Modular Mission Computer (MMC) 7000AH is the central aircraft computer of the F-16. It serves as the hub for all aircraft subsystems and avionics data transfer.

6. The Embedded GPS/INS (EGI) with Selective Availability Anti-Spoofing Module (SAASM) is a self-contained navigation system that provides the following: acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates time tags, and coordinated universal time (UTC) synchronized time. SAASM enables the GPS receiver access to the encrypted P(Y) signal providing protection against active spoofing attacks.

7. The AIM-120-C7 Advanced Medium Air-to-Air Missile (AMRAAM) is a supersonic, air-launched, aerial intercept, guided missile featuring digital technology and micro-miniature solid-state electronics. The missile employs active radar target tracking, proportional navigation guidance, and active Radio Frequency target detection. It can be launched day or night, in any weather, and increases pilot survivability by allowing the pilot to disengage after missile launch and engage other targets. This sale will include AIM-120 Guidance Section spares. AMRAAM capabilities include lookdown/shootdown, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying maneuvering targets.

8. LAU-129 Guided Missile Launcher is capable of launching a single AIM-9 (Sidewinder) family of missiles or AIM-120 Advanced Medium Range Air-to-Air Missile (AMRAAM). The LAU-129 launcher provides mechanical and electrical interface between missile and aircraft.

9. Laser Joint Direct Attack Munitions (JDAM) (GBU-54/56) converts existing unguided free-fall bombs into precision-guided "smart" munitions by adding a new tail section containing Inertial Navigation System (INS) guidance/Global Positioning System (GPS) guidance and adds a Semi-active laser seeker. This allows the weapon to strike targets moving at up to 70 mph. The LJDAM weapon consists of a DSU-38/40 sensor, a JDAM guidance set installed on a bomb body; and fuze. The DSU-38/40 consists of a laser spot tracker (same size and shape as a DSU-33 proximity fuze), a cable connecting the DSU-38/40 to the basic JDAM guidance set, a cable cover, cable cover

tie-down straps, modified tail kit door and wiring harness, and associated modified JDAM software that incorporates navigation and guidance flight software to support both LJDAM and standard JDAM missions. FMU-152A/B, FMU-139 (all variants) and dummy fuzes are the standard fuzes to be used with this weapon. The quantities in this notification are for testing and integration effort.

10. Mk-82 Inert General Purpose (GP) bomb is a 500lb, inert, free-fall, unguided, low-drag weapon.

11. FMU-152 or FMU-139 fuzes are multi-delay sensors compatible with weapon guidance kits, tail kits, high-explosive bombs, and reduced collateral damage weapons, which provide all arming and detonation event functions combined in a single fuze system.

12. Sniper Advanced Targeting Pods (ATP) or Litening ATP is a single, lightweight targeting pod for military aircraft that provides positive target identification, autonomous tracking, Global Positioning System (GPS) coordinate generation, and precise weapons guidance from extended standoff ranges. It incorporates a high definition, mid-wave, Forward-Looking Infrared (FLIR), dual-mode laser, visible-light, High Definition television (HDTV), laser spot tracker, video data link (VDL), and a digital data recorder.

13. Multifunction Information Distribution System Joint Tactical Radio System (MIDS-JTRS) is a four-channel software programmable radio for Link-16 digital voice communications and datalink, Tactical Air Navigation (TACAN), and advanced waveforms. Link-16 is a command, control, communications, and intelligence (C3I) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements.

14. M61 20mm Vulcan Cannon is a six-barreled automatic cannon chambered in 20x120mm with a cyclic rate of fire from 2,500-6,000 shots per minute. This weapon is a hydraulically powered air cooled Gatling gun used to damage/destroy aerial targets, suppress/incapacitate personnel targets, and damage or destroy moving and stationary light material targets.

15. AN/ARC-238 radio with HAVE QUICK II is a voice communications radio system that is equipped with HAVE QUICK II, which employs cryptographic technology. Other waveforms may be included as needed.

16. Advanced Identification Friend or Foe (AIFF) Combined Interrogator Transponder (CIT) is a system capable

of transmitting and interrogating Mode V. Mode IV and Mode V anti-jam performance specifications/data, software source code, algorithms, and tempest plans or reports will not be offered, released discussed, or demonstrated.

17. Joint Helmet Mounted Cueing System II (JHMCS II) or Scorpion Hybrid Optical-based Inertial Tacker (HOBIT) is a device used in aircraft to project information to the pilot's eyes and aids in tasks such as cueing weapons and aircraft sensors to air and ground targets. This system projects visual targeting and aircraft performance information on the back of the helmet's visor, enabling the pilot to monitor this information without interrupting his field of view through the cockpit canopy. This provides improvement for close combat targeting and engagement.

18. Integrated Electronic Warfare (EW) Suite provides passive radar warning, wide spectrum Radio Frequency (RF) jamming, and control and management of the entire EW system. This system is anticipated to be internal to the aircraft, although mounted pod variants are used in certain circumstances.

19. AN/ALE-47 Countermeasure Dispenser Set (CMDS) provides an integrated threat-adaptive, computer controlled capability for dispensing chaff, flares, and active radio frequency expendables. The system is internally mounted and may be operated as a stand-alone system or may be integrated with other on-board Electronic Warfare (EW) and avionics systems. The AN/ALE-47 uses threat data received over

the aircraft interfaces to assess the threat situation and determine a response. Expendable routines tailored to the immediate aircraft and threat environment may be dispensed using one of four operational modes.

20. Joint Mission Planning System (JMPS) or equivalent is a multi-platform PC based mission planning system that uses a set of developed applications built from a Framework, common components, and Unique Planning Components for a particular aircraft allowing aircrews to conduct detailed mission planning to support the full spectrum of missions, ranging from simple training to complex combat scenarios. Aircrews save the required aircraft, navigation, threat, and weapons data on a data transfer device that they load into their aircraft before flight.

21. The highest level of classification of information in this potential sale is SECRET.

22. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

23. A determination has been made that the Philippines can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

24. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the Philippines.

[FR Doc. 2021-22667 Filed 10-15-21; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21-13]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 21-13 with attached Policy Justification and Sensitivity of Technology.

Dated: October 13, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

April 30, 2021

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-13, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of India for defense articles and services estimated to cost \$2.42 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Heidi H. Grant
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 21-13

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of India

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$2.05 billion
Other	\$0.37 billion

Total	\$2.42 billion
-------------	----------------

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Six (6) P-8I Patrol Aircraft

Eight (8) Multifunctional Information Distribution System-Joint Tactical Radio Systems 5 (MIDS-JTRS 5) (6 installed, 2 spares)

Forty-two (42) AN/AAR-54 Missile Warning Sensors (36 installed, 6 spares)

Fourteen (14) LN-251 with Embedded Global Positioning Systems (GPS)/ Inertial Navigations Systems (EGIs) (12 installed, 2 spares)

Non-MDE:

Also included are CFM56-7 commercial engines; Tactical Open Mission Software (ITOMS) variant for P-8I; Electro-Optical (EO) and Infrared (IR) MX-20HD; AN/AAQ-2(V)1 Acoustic System; ARES-1000 commercial variant Electronic Support Measures; AN/APR-39D Radar Warning

Receiver; AN/ALE-47 Counter Measures Dispensing System; support equipment and spares; publications; repair and return; transportation; aircraft ferry; training; U.S. Government and contractor engineering, software, technical, and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department: Navy (IN-P-SBB)*

(v) *Prior Related Cases, if any: None*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*

(viii) *Date Report Delivered to Congress: April 30, 2021*

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

India—P-8I and Associated Support

The Government of India has requested to buy six (6) P-8I Patrol aircraft; eight (8) Multifunctional Information Distribution System-Joint Tactical Radio Systems 5 (MIDS-JTRS 5) (6 installed, 2 spares); forty-two (42) AN/AAR-54 Missile Warning Sensors (36 installed, 6 spares); and fourteen (14) LN-251 with Embedded Global Positioning Systems (GPS)/Inertial Navigations Systems (EGIs) (12 installed, 2 spares). Also included are CFM56-7 commercial engines; Tactical Open Mission Software (ITOMS) variant for P-8I; Electro-Optical (EO) and Infrared (IR) MX-20HD; AN/AAQ-2(V) Acoustic System; ARES-1000 commercial variant Electronic Support Measures; AN/APR-39D Radar Warning Receiver; AN/ALE-47 Counter Measures Dispensing System; support equipment and spares; publications; repair and return; transportation; aircraft ferry; training; U.S. Government and contractor engineering, software, technical, and logistics support services; and other related elements of logistical and program support. The total estimated program cost is \$2.42 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to strengthen the U.S.-Indian strategic relationship and to improve the security of a major defensive partner, which continues to be an important force for political stability, peace, and economic progress in the Indo-Pacific and South Asia region.

The Indian Navy procured eight P-8I aircraft from Boeing in January 2009, via Direct Commercial Sale and contracted for an additional four aircraft in July

2016. The first P-8I aircraft were delivered to the Indian Navy in 2013, providing interoperability and critical capabilities to coalition maritime operations. This proposed sale of an additional six P-8I aircraft will allow the Indian Navy to expand its maritime surveillance aircraft (MSA) capability for the next 30 years. India will have no difficulty absorbing these aircraft into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be The Boeing Company, Seattle, WA. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the prime contractor.

Implementation of this proposed sale will require approximately four (4) contractor personnel to support the program execution in-country.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 21-13

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1)

of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The P-8I is the Indian variant of the P-8A developed by Boeing, and it was initially sold commercially to the Government of India in 2009. The P-8I contains a number of unique mission systems from both Indian and other non-U.S. suppliers to meet Indian Navy requirements. The P-8A aircraft is a militarized version of the Boeing 737-800 Next Generation (NG) commercial aircraft. The P-8A replaced the P-3C as the Navy's long-range Anti-Submarine Warfare (ASW); Anti-Surface Warfare (ASuW); and Intelligence, Surveillance and Reconnaissance (ISR) aircraft. P-8I mission systems include:

a. Tactical Open Mission Software (ITOMS) variant for P-8I. ITOMS functions include environment planning, tactical aids, weapons planning aids, and data correlation. ITOMS includes an algorithm for track fusion which automatically correlates tracks produced by on board and off board sensors.

b. Electro-Optical (EO) and Infrared (IR) MX-20HD. The EO/IR system processes visible EO and IR spectrum to detect and image objects.

c. AN/AAQ-2(V) Acoustic System. The Acoustic sensor system is integrated within the mission system as

the primary sensor or the aircraft ASW missions. The Acoustic sensor system is integrated within the mission system as the primary sensor for the aircraft ASW missions consisting of an Ultra-Flightline Receiver, Ultra-Flightline Electronics Positioning System, Boeing Acoustics Processor and a L-3 Comm Data Recorder. The system has 64 sonobuoy processing capability.

d. ARES-1000 Electronic Support Measures (ESM). This is a commercial system which provides real time capability for the automatic detection, location, measurement, and analysis of RF-signals and modes. Real time results are compared with a library of known emitters to perform emitter classification. It does not contain U.S. specific emitter identification technologies nor is it capable of using U.S. libraries or parametric data.

e. Electronic Warfare Self Protection (EWSP). The P-8I aircraft EWSP consists of the ALQ-213 Electronic Warfare Management System (EWMS), AN/AAR-54 Missile Warning Sensors, AN/ALE-47 Countermeasures Dispensing System (CMDS), and AN/APR-39D RADAR Warning Receiver. The EWSP includes threat information.

f. Multifunctional Information Distribution System-Joint Tactical Radio System 5 (MIDS-JTRS 5) is an advanced Link-16 Command, Control, Communications, and Intelligence (C3I) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements.

g. The LN-251 with Embedded Global Positioning System (GPS)/Inertial Navigations Systems (EGIs) is a sensor that combines Global Positioning System (GPS) and inertial sensor inputs to provide accurate location information for navigation and targeting.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that India can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security

objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of India.

[FR Doc. 2021-22668 Filed 10-15-21; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21-17]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at *neil.g.hedlund.civ@mail.mil* or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 21-17 with attached Policy Justification and Sensitivity of Technology.

Dated: October 13, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

May 10, 2021

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-17 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Canada for defense articles and services estimated to cost \$1.7 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Heidi H. Grant
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001-06-C

Transmittal No. 21-17

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of Canada

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$.7 billion
Other	\$1.0 billion

Total \$1.7 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Four (4) Shipsets of the AEGIS Combat System (ACS)

One (1) AEGIS Combat System Computer Program

Four (4) Shipsets of AN/SPY-7 Solid State Radar Components

Four (4) Shipsets of Cooperative Engagement Capability (CEC)

Three (3) Shipsets of the MK 41 Vertical Launch System

Non-MDE: Also included is Mode 5/S capable Identification Friend or Foe (IFF) equipment; early ACS development activities for the Canadian Surface Combatant (CSC) Project to include U.S. Government and contractor representative engineering activities

supporting design, integration, testing, technical documentation, modeling, and training; hardware to support development and testing in U.S. facilities; software; documentation (including combat system capabilities and limitations); training devices and services; technical support; and other related elements of logistical and program support.

(iv) *Military Department*: Navy (CN–P–FFFA1, CN–P–LLG)

(v) *Prior Related Cases, if any*: CN–P–FDP, CN–P–FFA, CN–P–FFF

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: See Attached Annex

(viii) *Date Report Delivered to Congress*: May 10, 2021

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Canada—AEGIS Combat System

The Government of Canada has requested to buy four (4) Shipsets of the AEGIS Combat System (ACS); one (1) AEGIS Combat System Computer Program; four (4) Shipsets of AN/SPY–7 Solid State Radar Components; four (4) Shipsets of Cooperative Engagement Capability (CEC); and three (3) Shipsets of the MK 41 Vertical Launch System. Also included is Mode 5/S capable Identification Friend or Foe (IFF) equipment; early ACS development activities for the Canadian Surface Combatant (CSC) Project to include U.S. Government and contractor representative engineering activities supporting design, integration, testing, technical documentation, modeling, and training; hardware to support development and testing in U.S. facilities; software; documentation (including combat system capabilities and limitations); training devices and services; technical support; and other related elements of logistical and program support. The estimated total cost is \$1.7 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the military capability of Canada, a NATO ally that is an important force for ensuring political stability and economic progress, and a contributor to military, peacekeeping and humanitarian operations around the world.

This proposed sale will increase Canadian maritime forces' interoperability with the United States and other allied forces, as well as their

ability to contribute to missions of mutual interest by delivering the first AEGIS-capable Canadian Surface Combatant ships. This will significantly improve network-centric warfare capability for the U.S. forces operating globally alongside Canada. Canada will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Lockheed Martin Rotary and Mission Systems, Moorestown, NJ. There are a significant number of other companies under contract with the U.S. Navy that will provide components, systems, and engineering services during the execution of this effort. While the purchaser typically requests offsets, any offset agreement will be defined in future negotiations between the purchaser and the contractor(s).

Implementation of this proposed sale will require multiple trips by U.S. Government representatives and the assignment of contractor representatives to Canada on an intermittent basis over the life of the case to support delivery and integration of items and to provide supply support management, inventory control and equipment familiarization.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 21–17

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act Annex Item No. vii

(vii) *Sensitivity of Technology*:

1. This sale involves the procurement of long lead material and services to support the Canadian Surface Combatant Program. The AEGIS Combat System (ACS) to be procured to support Canadian Surface Combatant construction is derived from U.S. Navy AEGIS Baseline 9 capability. Key components of the ACS include:

a. The ACS is a multi-mission combat system providing integrated Air and Missile Defense for surface ships. AEGIS Baseline 9 capability will provide computing, display and processing hardware and software to be integrated with Canada-furnished elements, including radar and illuminator sensors and Canada's domestic Combat Management System (CMS 330). No integrated Ballistic Missile Defense will be provided.

b. The AEGIS Combat System Computer Program supports operation of the ACS Baseline 9 capability.

c. The AN/SPY–7 Solid State Radar Components will be integrated with

Lockheed Martin's Solid State Radar (SSR), which is being procured by Canada via Direct Commercial Sale contract.

d. The Cooperative Engagement Capability (CEC) system fuses tracking data from shipboard and off-ship sensors and distributes radar measurement data to other platforms with CEC capability. The system includes a Communications Security (COMSEC) card.

e. The Mk 41 Vertical Launch System (VLS) is a fixed, vertical, multi-missile launching system with the capability to store and launch multiple missile variants depending on the warfighting mission, including the Evolved Sea Sparrow Missile (ESSM), Standard Missile, and Tomahawk Cruise Missiles.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Canada can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Canada.

[FR Doc. 2021–22669 Filed 10–15–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21–24]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697–9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of

section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal

21-24 with attached Policy Justification and Sensitivity of Technology.

Dated: October 13, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

March 12, 2021

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-24 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Germany for defense articles and services estimated to cost \$1.77 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Heidi H. Grant
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 21-24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

- (i) *Prospective Purchaser:* Government of Germany
- (ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$1.10 billion
Other	\$.67 billion
Total	\$1.77 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Five (5) P-8A Patrol Aircraft
Nine (9) Multifunctional Information Distribution System Joint Tactical Radio Systems 5 (MIDS JTRS 5)

Twelve (12) LN-251 with Embedded Global Positioning Systems (GPS)/Inertial Navigation Systems (EGIs)

Non-MDE:

Also included are commercial engines; Tactical Open Mission Software (TOMS); Electro-Optical (EO) and Infrared MX-20HD; AN/AAQ-2(V) I Acoustic System; AN/APY-10 radar; ALQ-240 Electronic Support Measures; NexGen Missile Warning Sensors; AN/PRC-117G Manpack radios include MPE-S type II with SAASM 3.7; Global Positioning Systems (GPS) 524D Precise Positioning System (PPS) for APY-10 Radar; AN/ALQ-213 Electronic Counter Measures; AN/ALE-47 Counter Measures Dispensing Systems; AN/UPX IFF Interrogators; APX-123A(C) IFF Digital Transponders; KIV-78 IFF Mode 5 Cryptographic Appliques; CCM-701A Cryptographic Core Modules; KY-100M, KY-58, KYV-5 for HF-121C radios; AN/PYQ-10 V3 Simple Key Loaders (SKL) with KOV-21 Cryptographic Appliques; aircraft spares; spare engine; support equipment; operational support systems; training; training devices; maintenance trainer/classrooms; publications; software; engineering technical assistance (ETA); logistics technical assistance (LTA); Country Liaison Officer (CLO) support; Contractor Engineering Technical Services (CETS); repair and return (RoR); transportation; aircraft ferry; and other associated training and support; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (GY-P-SCO)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* March 12, 2021

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Germany—P-8A Aircraft and Associated Support

The Government of Germany has requested to buy five (5) P-8A Patrol Aircraft; nine (9) Multifunctional Distribution System Joint Tactical Radio Systems 5 (MIDS JTRS 5); and twelve (12) LN-251 with Embedded Global Positioning Systems (GPS)/Inertial Navigations Systems (EGIs). Also included are commercial engines; Tactical Open Mission Software (TOMS); Electro-Optical (EO) and Infrared MX-20HD; AN/AAQ-2(V) I

Acoustic System; AN/APY-10 radar; ALQ-240 Electronic Support Measures; NexGen Missile Warning Sensors; AN/PRC-117G Manpack radios include MPE-S type II with SAASM 3.7; Global Positioning Systems (GPS) 524D Precise Positioning System (PPS) for APY-10 Radar; AN/ALQ-213 Electronic Counter Measures; AN/ALE-47 Counter Measures Dispensing Systems; AN/UPX IFF Interrogators; APX-123A(C) IFF Digital Transponders; KIV-78 IFF Mode 5 Cryptographic Appliques; CCM-701A Cryptographic Core Modules; KY-100M, KY-58, KYV-5 for HF-121C radios; AN/PYQ-10 V3 Simple Key Loaders (SKL) with KOV-21 Cryptographic Appliques; aircraft spares; spare engine; support equipment; operational support systems; training; training devices; maintenance trainer/classrooms; publications; software; engineering technical assistance (ETA); logistics technical assistance (LTA); Country Liaison Officer (CLO) support; Contractor Engineering Technical Services (CETS); repair and return (RoR); transportation; aircraft ferry; and other associated training and support; and other related elements of logistics and program support. The total estimated program cost is \$1.77 billion.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO Ally which is an important force for political and economic stability in Europe.

The proposed sale will improve Germany's capability to meet current and future threats by providing critical capabilities to coalition maritime operations. Germany currently operates the Lockheed P-3C Orion, but that aircraft is reaching end-of-life and will retire in 2024. Germany plans to replace it with the P-8A Poseidon. The proposed sale will allow Germany to modernize and sustain its Maritime Surveillance Aircraft (MSA) capability for the next 30 years. Germany will have no difficulty transitioning its MSA force to P-8 and absorbing these aircraft into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be The Boeing Company, Seattle, WA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of the proposed sale will require the assignment of four (4) U.S. Government and four (4) contractor representatives to Germany for a duration of two (2) years to support equipment familiarization, training and supply support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 21-24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The P-8A aircraft is a militarized version of the Boeing 737-800 Next Generation (NG) commercial aircraft. The P-8A is replacing the P-3C as the Navy's long-range anti-submarine warfare (ASW), anti-surface warfare (ASuW), intelligence, surveillance and reconnaissance (ISR) aircraft capable of broad-area, maritime, and littoral operations.

2. Multifunctional Information Distribution System – Joint Tactical Radio System (MIDS JTRS) 5, is an advanced Link-16 command, control, communications, and intelligence (C31) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and vice, among air, ground, and sea elements.

3. The Embedded Global Positioning System (EGI)-Inertial Navigation System (INS)/LN-251 is a sensor that combines Global Positioning System (GPS) and inertial sensor inputs to provide accurate location information for navigation and targeting.

4. Tactical Open Mission Software (TOMS). Functions include environment planning, tactical aids, weapons planning aids, and data correlation. TOMS includes an algorithm for track fusion which automatically correlates tracks produced by on board and off board sensors.

5. Electro-Optical (EO) and Infrared (IR) MX-20HD. The EO/IR system processes visible EO and IR spectrum (IR Focal Plane Array (FPA) and Turret Stabilization) to detect and image objects.

6. AN/AQ-2(V)1 Acoustic System. The Acoustic sensor system is integrated within the mission system as the primary sensor for the aircraft ASW missions. The system has multi-static active (MAC) 64 sonobuoy processing capability and acoustic sensor prediction tools.

7. AN/APY-10 Radar. The aircraft radar is a direct derivative of the legacy AN/APS 137(V) installed in the P-3C. The radar capabilities include GPS selective availability anti-spoofing monitoring (SAASM), SAR and ISAR

imagery resolutions, and periscope detection mode.

8. ALQ-240 Electronic Support Measures (ESM). This system provides real time capability for the automatic detection, location, measurement, and analysis of RF signals and modes. Real time results are compared with a library of known emitters to perform emitter classification.

9. Electronic Warfare Self Protection (EWSP). The P-8A Electronic Warfare Self Protection (EWSP) suite consists of the ALQ-213 Electronic Warfare Management System (EWMS), ALE-47 Countermeasures Dispensing System (CMDS) and the NexGEN Missile Warning Sensors (MWS). EWSP includes threat information.

10. AN/PRC-117G Radio, Manpack. The AN/PRC-117G is a tactical radio that extends communications Beyond-Line-Of-Sight (BLOS) with abilities for simultaneous SATCOM voice and data transmission. Situational Awareness is enhanced by an embedded Selective Availability Anti-Spoofing Module (SAASM) 3.7 GPS receiver.

11. GPS 524D Precise Positioning System (PPS) with Selective Availability Anti-Spoofing Module (SAASM) for APY-10 Radar. The radar Receiver Exciter Processor (REP) contains GPS SAASM Mode III hardware. The APY-10 radar hardware and software are unclassified. APY-10 Radar provides the following capabilities: Synthetic Aperture Radar/Inverse Synthetic Aperture Radar (SAR/ISAR) resolution, Geo-Location, Periscope Detection Mode, Track Generation, Track While Scan, Color Weather Radar, and IFF Interface.

12. AN/UPX IFF Interrogator. The Identification Friend or Foe (IFF) AN/UPX-43 Interrogator system provides operators with the capability for timely and accurate display of both civil and military air traffic.

13. AN/APX-123A(C) IFF Transponder Digital. The Identification Friend or Foe (IFF) AN/APX-123A transponder is capable of both Mode 5

and Mode S secure modes and provides own ship positional information.

14. KIV-78 IFF Mode 5 Cryptographic Applique. The KIV-78 is Type 1 NSA-certified COMSEC for IFF (Identification Friend or Foe). KIV-78 provides cryptographic and time-of-day services, concurrent Mode 5 operations as well as concurrent interrogator/transponder operations. KIV-78 IFF system deployed to identify cooperative, friendly systems.

15. CCM-701A Cryptographic Core Module. Common Data Link is used for line of sight secure transmission of video imagery to Ground Terminals, and Ships.

16. KY-100M, KY-58, KYV-5 for HF-121CD Radio. The KY-100M is a narrowband/wideband terminal that interoperates with TACTERM (CV-3591/KYV-5), MINTERM (KY-99A), VINSON (KY-57, KY-58) and SINCGARS. A self-contained terminal including COMSEC, KY-100M provides for secure voice and data communications in tactical airborne/ground environments. The KY-100M is based on the KY-99A architecture with enhanced interface capability. It includes KY-99A's operational modes, and KY-58's operational modes.

17. AN/PYQ-10 V3 Simple Key Loader (SKL) with KOV-21 Cryptographic Applique. The Simple Key Loader (SKL) is a ruggedized, portable, hand-held fill device, for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment. Provides streamlined management of COMSEC key, Electronic Protection (EP) data, and Signal Operating Instructions (SOI). Cryptographic functions are performed by an embedded KOV-21 card.

18. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

19. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop

countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

20. A determination has been made that Germany can provide substantially the same degree of protection for the technology being released as the U.S. Government. This potential sale is necessary in furtherance of the U.S. foreign policy and national security objectives as outlined in the Policy Justification.

21. All defense articles and services listed in this transmittal have been authorized for release and export to Germany.

[FR Doc. 2021-22664 Filed 10-15-21; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21-22]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 21-22 with attached Policy Justification and Sensitivity of Technology.

Dated: October 13, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

March 16, 2021

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-22, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of North Macedonia for defense articles and services estimated to cost \$210 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Heidi H. Grant
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 21-22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of North Macedonia

(ii) *Total Estimated Value:*

Major Defense Equipment* ..	\$160 million
Other	\$ 50 million
TOTAL	\$210 million

Funding Source: National Funds and Foreign Military Financing (FMF)

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Fifty-four (54) Stryker Vehicles, to include M1126 Infantry Carrier Vehicles (ICV), M1130 Command Vehicles (CV), and M1129 Mortar Carrier Vehicles (MCV)

Non-MDE: Also included are M2A1 .50 cal machine guns; M6 Smoke Grenade launchers and associated spares; Harris radios; Common Remote Operated Weapons Station (CROWS); Defense Advanced GPS Receiver; AN/VAS-5 Driver's Vision Enhancer; spare parts and components; special tools and test equipment; publications and technical manuals; training; field service representatives; U.S. Government and contractor engineering,

technical, and logistical support services, and other related elements of program and logistical support.

(iv) *Military Department: Army (MK-B-UCE).*

(v) *Prior Related Cases, if any: None.*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.*

(viii) *Date Report Delivered to Congress: March 16, 2021.*

* As defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

North Macedonia—Stryker Vehicles

The Government of North Macedonia has requested the possible sale of fifty-four (54) Stryker Vehicles, to include M1126 Infantry Carrier Vehicles (ICV), M1130 Command Vehicles (CV), and M1129 Mortar Carrier Vehicles (MCV). Also included are Also included are M2A1 .50 cal machine guns; M6 Smoke Grenade launchers and associated spares; Harris radios; Common Remote Operated Weapons Station (CROWS); Defense Advanced GPS Receiver; AN/VAS-5 Driver's Vision Enhancer; spare parts and components; special tools and test equipment; publications and technical manuals; training; field service representatives; U.S. Government and contractor engineering, technical, and logistical support services, and other related elements of program and logistical support. The estimated cost is \$210 million.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO Ally which is an important force for political and economic stability in Europe.

The proposed sale of this equipment and support will improve North Macedonia's capability to meet current and future threats by increasing operational capabilities, force availability, and promote military cooperation.

The proposed sale of this equipment will not alter the basic military balance in the region.

The principal contractor will be General Dynamics Land Systems (GDLS), Sterling Heights, MI; vehicles will be produced at GDLS-Canada in London, Ontario. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require one (1) Stryker contractor representative for twelve (12) months, two (2) CROWS contractor

representatives for two (2) months, and four (4) contractor representatives for two (2) months to travel to North Macedonia to conduct the Operator and Maintenance OCONUS.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 21-22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Stryker Family of Vehicles (FoV) are all derived from the Flat Bottom Infantry Carrier Vehicle (ICV). The ICV supplies the common suspension, drive line, major C4 components, and the hull to the FoV. The FoV are powered by a 350 horsepower C7 Caterpillar Diesel engine and runs on eight wheels that feature run flat capability and a central tire inflation system (CTIS). The FoV contain a vehicle height management system to aid in transportability. The FoV are supported by a communications suite that integrates the SINCGARS radio family and Global Positioning System (GPS) and their commercially exportable equivalents, and have Mission Equipment Packages that add to the ICV common capabilities. The Stryker is deployable by C-130 aircraft and combat capable upon arrival. The Stryker is capable of self-deployment by highway and self-recovery. It has a low noise level that reduces crew fatigue and enhances survivability. It moves about the battlefield quickly and is optimized for close, complex, or urban terrain. The Stryker program leverages non-developmental items with common subsystems and components to quickly acquire and field these systems.

2. The AN/VAS-5 Driver's Vision Enhancer (DVE) is compact thermal camera providing armored vehicle drivers with day or night time visual awareness in clear or reduced vision (fog, smoke, dust) situations. The system provides the driver a 180-degree viewing angle using a high resolution infrared sensor and image stabilization to reduce the effect of shock and vibration. The viewer and monitor are ruggedized for operation in tactical environments.

3. The Common Remote Operated Weapon Station (CROWS) is an externally mounted weapon mounting and control system that allows the gunner to remain inside the vehicle protected armor while firing a variety of crew served weapons. The CROWS

provides remote day and night sighting and ballistic control capacity, providing first-burst engagement of targets at maximum effective weapon range while on the move.

4. The Defense Advanced GPS Receiver (DAGR) is a lightweight (less than two pounds), hand-held or host platform-mounted receiver that may include a dual frequency (L1/L2), Selective Availability Anti-Spoofing Module (SAASM) based, Precise Positioning Service (PPS) device that receives and decodes the L1 and L2 signals-in-space which are transmitted by the NAVSTAR GPS satellite constellation. The DAGR provides real-time positioning, velocity (ground speed), navigation, and timing (PVNT) information, in stand-alone (dismounted) and mounted (ground facilities, sea, air, and land vehicles) configurations. The DAGR can support missions involving land-based war-fighting and non-war fighting operations. The DAGR can also be used as a secondary or supplemental aid to aviation-based missions which involve operations in low-dynamic aircraft, and as an aid to navigation in water-borne operations.

5. The M95, Mortar fire Control System (MFCS) is consist of multiple Line Replaceable Unit (LRUs) that provides 120mm mortar weapon's Azimuth and Elevation, which allows the user to aim the mortar without having to dismount the vehicle. The MFCS provides digital communication with fire support network, improves weapon accuracy, and reduces employment time.

6. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

7. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

8. A determination has been made that North Macedonia can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

9. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of North Macedonia.

[FR Doc. 2021-22670 Filed 10-15-21; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Office of the Secretary****[Docket ID: DoD–2021–OS–0101]****Manual for Courts-Martial; Proposed Amendments**

AGENCY: Joint Service Committee on Military Justice (JSC), Department of Defense (DoD).

ACTION: Notice of availability of proposed amendments and public meeting.

SUMMARY: The Department of Defense requests comments on proposed changes to the Manual for Courts-Martial (MCM), United States (2019 ed.). The proposed changes are based on certain recommendations of the Independent Review Commission on Sexual Assault in the Military and concern: An amendment to provision in the Manual for Courts-Martial governing the employment of expert witnesses; and amending the Manual for Courts-Martial to establish a universal standard of proof to be applied to nonjudicial punishment proceedings. The approval authority for these changes is the President. These proposed changes have not been coordinated within the Department of Defense under the DoD Directive governing the preparation, processing, and coordination of Executive Orders, and do not constitute the official position of the Department

of Defense, the Military Departments, or any other Government agency.

DATES: Comments on the proposed changes must be received no later than December 17, 2021. A public meeting to receive comments concerning the proposed changes will be held on November 10, 2021, at 10:00 a.m. in the United States Court of Appeals for the Armed Forces building, 450 E Street NW, Washington, DC 20442–0001.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

JSC Portal: <http://jsc.defense.gov/Contact>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Colonel Joshua B. Nettinga,

U.S. Air Force, Executive Secretary, JSC, (240) 612–4820, joshua.nettinga@us.af.mil. The JSC website is located at <http://jsc.defense.gov>.

SUPPLEMENTARY INFORMATION: The full text of the 2019 MCM is available electronically at <https://jsc.defense.gov/Military-Law/Current-Publications-and-Updates/>.

This notice is provided in accordance with DoD Instruction 5500.17, “Role and Responsibilities of the Joint Service Committee on Military Justice (JSC),” February 21, 2018.

The JSC invites members of the public to comment on the proposed changes; such comments should address specific recommended changes and provide supporting rationale.

This notice also sets forth the date, time, and location for a public meeting of the JSC to discuss the proposed changes, as shown in the **DATES** section of this notice.

This notice is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

Dated: October 13, 2021.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

ANNEX

Section 1. Part II of the Manual for Courts-Martial, United States is amended as follows:**(a) R.C.M. 703(d) is amended as follows:**

“(d) Employment of expert witnesses and consultants.

~~(1) *In general.* When the employment at Government expense of an expert witness or consultant is considered necessary by a party, the party shall, in advance of employment of the expert, and with notice to the opposing party, submit a request to the convening authority to authorize the employment and to fix the compensation for the expert. The request shall include a complete statement of reasons why employment of the expert is necessary and the estimated cost of employment.~~

~~(2) *Review by military judge.*~~

~~(A) A request for an expert witness or consultant denied by the convening authority may be renewed before the military judge either after referral of the charges before the military judge who shall determine—~~

~~(i) in the case of an expert witness, whether the testimony of the expert is relevant and necessary, and if so, whether the Government has provided or will provide an adequate substitute; or~~

~~(ii) in the case of an expert consultant, whether the assistance of the expert is necessary for an adequate defense.~~

~~(B) If the military judge grants a motion for employment of an expert or finds that the Government is required to provide a substitute, the proceedings shall be abated. In the absence of advance authorization, an expert witness may not be paid fees other than those to which they are entitled under subparagraph (g)(3)(E).~~

(1) *Experts for the prosecution.* When the employment of a prosecution expert witness or consultant is considered necessary, counsel for the government shall, in advance of employment of the expert, and with notice to defense, submit a request for funding of the expert in accordance with regulations prescribed by the Secretary concerned.

(2) *Experts for the defense.* When the employment of a defense expert witness or consultant is considered necessary, the defense shall submit a request for funding of the expert in accordance with regulations prescribed by the Secretary concerned.

(A) After referral of charges, a denied request for an expert witness or consultant may be raised before the military judge. Motions for expert consultants may be raised ex parte. The military judge shall determine—

(i) in the case of an expert witness, whether the testimony is relevant and necessary;

(ii) in the case of an expert consultant, whether the assistance is necessary for an adequate defense.

(B) If the military judge grants a motion for employment of a defense expert, the expert or an adequate substitute shall be provided in accordance with regulations prescribed by the Secretary concerned. In the absence of advance authorization, experts may not be paid fees other than those to which they are entitled under subparagraph (g)(3)(E).

Section 2. Part V of the Manual for Courts-Martial, United States is amended as follows:

¶1.f.(4) is amended as follows:

(4) *Statute of limitations.* Except as provided in Article 43(c) and (d), nonjudicial punishment may not be imposed for offenses which were committed more than 2 years before the date of imposition, unless knowingly and voluntarily waived by the member. *See* Article 43(e) (b)(3).

¶1.h. is amended as follows:

h. Applicable standards. The burden of proof to be utilized by commanders throughout the nonjudicial punishment process shall be a preponderance of the evidence. ~~Unless otherwise provided, the Service regulations and procedures of the Servicemember shall apply.~~

¶4.c.(4) is amended as follows:

(4) Decision. After considering all relevant matters presented by a preponderance of the evidence standard, if the nonjudicial punishment authority—

(A) does not conclude that the Servicemember committed the offenses alleged, the nonjudicial punishment authority shall so inform the member and terminate the proceedings;

(B) concludes that the Servicemember committed one or more of the offenses

alleged, the nonjudicial punishment authority shall:

(i) so inform the Servicemember;

(ii) inform the Servicemember of the punishment imposed; and

(iii) inform the Servicemember of the right to appeal (see paragraph 7 of

this Part).

[FR Doc. 2021-22650 Filed 10-15-21; 8:45 am]
BILLING CODE 5001-06-C

DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0120]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Servicemembers Civil Relief Act (SCRA): Interest Rate Limitation Request

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before November 17, 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 Beth Grebeldinger, 202-377-4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed,

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

Title of Collection: Servicemembers Civil Relief Act (SCRA): Interest Rate Limitation Request.

OMB Control Number: 1845-0135.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 200.

Total Estimated Number of Annual Burden Hours: 67.

Abstract: The Servicemembers Civil Relief Act (SCRA) provides that those on active duty military service are entitled to have an interest rate in excess of 6% be capped at 6% for the duration of their qualifying military service. The Department is requesting an extension of the currently approved

information collection. These Federal Family Education Loan (FFEL) Program and Direct Loan Program regulations have not changed. The regulations require a loan holder to match its database against the Department of Defense's Defense Manpower Data Center (DMDC) and automatically apply the interest rate limitation, as appropriate, to borrowers under the Servicemembers Civil Relief Act. The form in this collection would only be used in limited cases where the borrower is not found in the Defense Manpower Data Center, or does not have a copy of military orders, but still wishes to receive benefits under the SCRA.

Dated: October 13, 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. 2021-22654 Filed 10-15-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0105]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Fulbright-Hays Group Projects Abroad Long-Term Participant Survey

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new collection.

DATES: Interested persons are invited to submit comments on or before November 17, 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 Cory Neal, (202) 453-6137.

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: Fulbright-Hays Group Projects Abroad Long-Term Participant Survey.

OMB Control Number: 1840-NEW.

Type of Review: New collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 90.

Total Estimated Number of Annual Burden Hours: 23.

Abstract: Grants awarded under the Fulbright-Hays Group Projects Abroad program provide opportunities for faculty, teachers, and undergraduate and graduate students to participate in

research, language training, and curriculum development projects overseas in the fields of modern foreign languages and area studies. The Group Projects Abroad (GPA) Long-Term projects are designed to take advantage of advanced foreign language training opportunities present in the country of study that may not available in the United States. The purpose of this survey is to collect data demonstrating how GPA Long-Term alumni are utilizing their language training in their degree programs and careers in the time since they participated in the GPA program.

Dated: October 12, 2021.

Kate Mullan,

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

[FR Doc. 2021-22561 Filed 10-15-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0135]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions—Subpart K—Cash Management

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before November 17, 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 Beth Grebeldinger, 202-377-4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork

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

Title of Collection: Student Assistance General Provisions—Subpart K—Cash Management.

OMB Control Number: 1845-0106.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments; Individuals and Households.

Total Estimated Number of Annual Responses: 2,503,922.

Total Estimated Number of Annual Burden Hours: 764,450.

Abstract: The Department of Education (the Department) amended the Student Assistance General Provisions regulations issued under the Higher Education Act of 1965, as amended (HEA), to implement the changes made to the Student Assistance General Provisions regulations—Subpart K—Cash Management § 668.164—Disbursing funds. These regulations are intended to ensure students and parents have convenient access to their Title IV, HEA program funds, do not incur unreasonable and uncommon financial account fees on these title IV funds and are not led to believe that they must open a particular financial account to receive their Federal student aid. This request is for an extension of the information collection for the requirements that are contained in the

regulations § 668.164—Disbursing funds. The regulations require that an institution that makes direct payments to a student or parent by electronic funds transfer (EFT) and that chooses to enter into an arrangement described in 668.164(e) or (f), including an institution that uses a third-party servicer to make those payments, must establish a selection process under which the student chooses one of several options for receiving those Title IV, HEA fund payments. There has been no change to the regulations.

Dated: October 13, 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. 2021–22655 Filed 10–15–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of in-person/virtual hybrid open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act requires that public notice of this in-person/virtual hybrid meeting be announced in the **Federal Register**.

DATES: Thursday, November 18, 2021; 5:30 p.m.–7:00 p.m.

ADDRESSES: This hybrid meeting will be conducted in person for Board members, Department of Energy (DOE) representatives and support staff, and virtually for all other participants. Members of the public will observe the meeting via YouTube at this link: https://www.youtube.com/channel/UCB_pI932yzZve_RiXOKjxIw.

Board members, DOE representatives and support staff will participate in-person, strictly following COVID–19 precautionary measures, at: West Kentucky Community and Technical College, Emerging Technology Building, Room 222, 5100 Alben Barkley Drive, Paducah, KY 42001.

Board liaisons and supporting contractors will participate via virtual platforms.

FOR FURTHER INFORMATION CONTACT: Eric Roberts, Board Support Manager, by

Phone: (270) 554–3004 or Email: eric@pgdpcb.org.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Review of Agenda
- Administrative Issues
- Reading of Public Comments

Public Participation: The in-person/online virtual hybrid meeting is open to the public and can be observed at https://www.youtube.com/channel/UCB_pI932yzZve_RiXOKjxIw. Written statements may be filed with the Board either before or after the meeting as there will not be opportunities for live public comment during this online virtual meeting. Comments received by no later than 5:00 p.m. CST on Friday, November 12, 2021, will be read aloud during the meeting. Comments will also be accepted after the meeting, by no later than 5:00 p.m. CST on Friday, November 26, 2021. Please submit comments to the Paducah Board Support Manager at the aforementioned email address. Please put “Public Comment” in the subject line. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit public comments should email them as directed above.

Minutes: Minutes will be available by writing or calling Eric Roberts, Board Support Manager, Emerging Technology Center, Room 221, 4810 Alben Barkley Drive, Paducah, KY 42001; Phone: (270) 554–3004. Minutes will also be available at the following website: <https://www.energy.gov/pppo/pgdp-cab/listings/meeting-materials>.

Signed in Washington, DC, on October 13, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–22621 Filed 10–15–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1971–133]

Idaho Power Company; Notice of Effectiveness of Withdrawal of Revised Exhibit K and Project Description

On September 15, 2021, Idaho Power Company (IPC) filed a revised Exhibit K

and project description for the Hells Canyon Hydroelectric Project No. 1971. On September 23, 2021, IPC filed a notice of withdrawal of its revised Exhibit K and project description.

No motion in opposition to the notice of withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rule 216(b) of the Commission’s Rules of Practice and Procedure,¹ the withdrawal of the revised Exhibit K and project description became effective on October 12, 2021, and this proceeding is hereby terminated.

Dated: October 12, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021–22610 Filed 10–15–21; 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: RP22–29–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing: Amendment to a Negotiated Rate Agreement Filing–Morgan Stanley Capital Group to be effective 10/8/2021.

Filed Date: 10/8/21.

Accession Number: 20211008–5004.

Comment Date: 5 p.m. ET 10/20/21.

Docket Numbers: RP22–30–000.
Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Filing—Sequent Energy Management, L.P. to be effective 11/1/2021.

Filed Date: 10/8/21.

Accession Number: 20211008–5005.

Comment Date: 5 p.m. ET 10/20/21.

Docket Numbers: RP22–31–000.
Applicants: East Tennessee Natural Gas, LLC.

Description: Compliance filing: East Tennessee Order 587–Z (Docket RM96–1–042) Compliance Filing to be effective 6/1/2022.

Filed Date: 10/8/21.

Accession Number: 20211008–5087.

Comment Date: 5 p.m. ET 10/20/21.

Docket Numbers: RP22–32–000.
Applicants: Southeast Supply Header, LLC.

¹ 18 CFR 385.216(b) (2020).

Description: Compliance filing: SESH Order 587–Z (Docket RM96–1–042) Compliance Filing to be effective 6/1/2022.

Filed Date: 10/8/21.

Accession Number: 20211008–5099.

Comment Date: 5 p.m. ET 10/20/21.

Docket Numbers: RP22–33–000.

Applicants: Sabal Trail Transmission, LLC.

Description: Compliance filing: STT Order 587–Z (Docket RM96–1–042) Compliance Filing to be effective 6/1/2022.

Filed Date: 10/8/21.

Accession Number: 20211008–5106.

Comment Date: 5 p.m. ET 10/20/21.

Docket Numbers: RP22–34–000.

Applicants: Saltville Gas Storage Company L.L.C.

Description: Compliance filing: SGSC Order 587–Z (Docket RM96–1–042) Compliance Filing to be effective 6/1/2022.

Filed Date: 10/8/21.

Accession Number: 20211008–5115.

Comment Date: 5 p.m. ET 10/20/21.

Docket Numbers: RP22–35–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Cameron Non-Conforming Filing—Venture 911757 to be effective 11/8/2021.

Filed Date: 10/8/21.

Accession Number: 20211008–5171.

Comment Date: 5 p.m. ET 10/20/21.

Docket Numbers: RP22–36–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Volume No. 2—Sequent Energy Management, L.P. SP100239 to be effective 11/1/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5105.

Comment Date: 5 p.m. ET 10/25/21.

Docket Numbers: RP22–37–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing: Amendment to a Negotiated Rate Agreement Filing-Citadel Energy to be effective 11/1/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5178.

Comment Date: 5 p.m. ET 10/25/21.

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.

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: October 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–22603 Filed 10–15–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–1882–005.

Applicants: PSEG Energy Resources & Trade LLC.

Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM Interconnection to be effective N/A.

Filed Date: 10/12/21.

Accession Number: 20211012–5103.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER18–1222–007.

Applicants: PSEG Energy Resources & Trade LLC.

Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM Interconnection to be effective N/A.

Filed Date: 10/12/21.

Accession Number: 20211012–5099.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER20–1906–002.

Applicants: Story County Wind, LLC.

Description: Compliance filing: Revised Tariff Records Under Docket ER20–1906 to be effective 8/1/2020.

Filed Date: 10/12/21.

Accession Number: 20211012–5097.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER20–2239–004.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing in Response to Order issued in ER20–2239 (KPP) to be effective 9/1/2020.

Filed Date: 10/12/21.

Accession Number: 20211012–5371.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER20–2330–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2021–10–12_SA 2925 ITC Midwest-MEC Sub 1st Rev GIA (J344) to be effective 6/30/2020.

Filed Date: 10/12/21.

Accession Number: 20211012–5156.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER20–2331–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2021–10–12_SA 3511 ITC Midwest-MEC Sub FSA (J344) to be effective 9/6/2020.

Filed Date: 10/12/21.

Accession Number: 20211012–5159.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER20–2332–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2021–10–12_SA 3052 ITC-IPL Sub 1st Rev FCA (J438) to be effective 6/30/2020.

Filed Date: 10/12/21.

Accession Number: 20211012–5141.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER20–2333–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2021–10–12_SA 3523 ITC-IPL Sub Orig FSA (J438) to be effective 6/30/2020.

Filed Date: 10/12/21.

Accession Number: 20211012–5147.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER20–2340–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2021–10–12_SA 2955 ITC Midwest-Interstate Power and Light Sub 2nd Rev GIA (J416) to be effective 7/1/2020.

Filed Date: 10/12/21.

Accession Number: 20211012–5252.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER20–2341–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2021–10–12_SA 3518 ITC Midwest-Interstate Power and Light Substitute FSA (J416) to be effective 7/1/2020.

Filed Date: 10/12/21.

Accession Number: 20211012–5269.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER21–2682–001.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Amendment: Supplement to Rate Schedule Amendment Filing to be effective 3/1/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5102.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER21–2838–001.
Applicants: Public Service Company of Colorado.

Description: Tariff Amendment: 2021–10–12 Gen Rplcmt Coord Agrmt-Excel Engineering-Amnd to be effective 9/4/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5335.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–68–001.

Applicants: Citizens Sycamore-Penasquitos Transmission LLC.

Description: Tariff Amendment: Annual TRBAA Filing to be effective 1/1/2022.

Filed Date: 10/8/21.

Accession Number: 20211008–5271.

Comment Date: 5 p.m. ET 10/29/21.

Docket Numbers: ER22–81–000.

Applicants: Public Service Electric and Gas Company, PJM Interconnection, L.L.C.

Description: Compliance filing: Public Service Electric and Gas Company submits tariff filing per 35: PSEG submits Compliance Filing re: ER21–2450 Letter Order to be effective 8/1/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5100.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–82–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA SA No. 6212; Queue No. AG1–388 to be effective 9/10/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5101.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–83–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Amendment to CCSF San Francisco Airport TFA (TO SA 284) to be effective 12/12/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5106.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–84–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3023R2 Panama Wind GIA to be effective 9/17/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5113.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–85–000.

Applicants: Upper Missouri G. & T. Electric Cooperative, Inc.

Description: § 205(d) Rate Filing: Revised Rate Schedules FERC Nos. 5 and 7 to be effective 11/1/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5158.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–86–000.

Applicants: EnerSmart Chula Vista BESS LLC.

Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 12/12/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5186.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–87–000.

Applicants: Southwest Power Pool, Inc., Basin Electric Power Cooperative.

Description: § 205(d) Rate Filing: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): 3843 Basin and Saskatchewan Power Corp Interconnection Agr to be effective 12/15/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5195.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–88–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Rate Schedule No. 238 to be effective 12/13/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5245.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–89–000.

Applicants: New York Independent System Operator, Inc.

Description: ISO/RTO § 206 Filing: Section 206: ROFR rules for upgrades identified in Public Policy Process to be effective 10/8/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5002.

Comment Date: 5 p.m. ET 11/1/21.

Docket Numbers: ER22–90–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2021–10–12_MISO Interregional Market Efficiency Project Cost Recovery Filing to be effective 12/13/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5263.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–91–000.

Applicants: TransCanada Energy Sales Ltd.

Description: Compliance filing: Cost Justification Filing to be effective N/A.

Filed Date: 10/12/21.

Accession Number: 20211012–5290.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–92–000.

Applicants: Southwestern Public Service Company.

Description: § 205(d) Rate Filing: SPS–EPÉ–T–Op–First Responder Agrmt–Emerg Svcs–722–0.0.0 to be effective 12/11/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5318.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–93–000.

Applicants: Tatanka Ridge Wind, LLC.

Description: § 205(d) Rate Filing: Filing of Reactive Rate Schedule FERC No. 1 to be effective 10/13/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5357.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–94–000.

Applicants: Basin Electric Power Cooperative.

Description: Initial rate filing: Submission of Interconnection Agreement and Amended Interconnection Agreement to be effective 12/1/2020.

Filed Date: 10/12/21.

Accession Number: 20211012–5394.

Comment Date: 5 p.m. ET 11/2/21.

Docket Numbers: ER22–95–000.

Applicants: Basin Electric Power Cooperative.

Description: Tariff Amendment: Submission of Notice of Cancellation to be effective 12/15/2021.

Filed Date: 10/12/21.

Accession Number: 20211012–5398.

Comment Date: 5 p.m. ET 11/2/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified 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: October 12, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021–22609 Filed 10–15–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY**[FRL-9074-01-OA]****Proposed Information Collection Request; Comment Request; CEQ-EPA Presidential Innovation Award for Environmental Educators and the President's Environmental Youth Awards Application****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), "CEQ-EPA Presidential Innovation Award for Environmental Educators and the President's Environmental Youth Awards Application" (EPA ICR No. 2524.03, OMB Control No. 2090-0031) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a request for approval of an existing collection, which is currently approved through April 30, 2022. An Agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before December 17, 2021.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OA-2015-0553, online using www.regulations.gov (our preferred method), by email to oei.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: Javier Araujo, Office of the Administrator, Office of Environmental Education, MC-1704A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-564-2642; cell number: 202-441-8981; email address: araujo.javier@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. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The purpose of this information collection request is to collect information from applicants to select recipients for the Presidential Innovation Award for Environmental Educators (PIAEE) program and the President's Environmental Youth Awards (PEYA) program. The U.S. Environmental Protection Agency (EPA or the Agency), in conjunction with the White House Council on Environmental Quality (CEQ), established the PIAEE program to meet the requirements of Section 8(e) of the National Environmental Education Act (20 U.S.C. 5507(e)). The Agency established the PEYA program to meet the requirements of Section 8(d) of the National Environmental Education Act (20 U.S.C. 5507(d)).

Form Numbers: None.

Respondents/affected entities: K-12 teachers who teach on a full-time basis in a public school that is operated by a

local education agency, including schools funded by the Bureau of Indian Affairs. For this program, a local education agency is one as defined by section 198 of the Elementary and Secondary Education Act of 1965 (now codified at 20 U.S.C. 7801(26)).

Respondent's obligation to respond: Required to obtain information from the applicants for PIAEE and PEYA program and assess certain aspects of programs as established under Section 8(e) of the National Environmental Education Act (20 U.S.C. 5507(e)) and Section 8(d) of the National Environmental Education Act (20 U.S.C. 5507(d)) respectively.

Estimated number of respondents: 75 (total per year) for the PIAEE program and 250 (total per year) for the PEYA program.

Frequency of response: Annually.

Total estimated burden: 3225 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: For the PIAEE program, \$32,288 (per year) for 75 applicants. For the PEYA program, \$77,007 (per year) for 250 applicants. There are no capital or operation & maintenance costs.

Hiram Tanner,

Director, Office of Environmental Education.

[FR Doc. 2021-22629 Filed 10-15-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**[EPA-HQ-AO-2021-0683; FRL-9121-01-OA]****White House Environmental Justice Advisory Council; Notification of Virtual Public Meeting**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification for a public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the White House Environmental Justice Advisory Council (WHEJAC) will meet on the dates and times described below. EPA is announcing a two (2) day meeting on November 17 and 18, 2021. The meeting is open to the public. Members of the public are encouraged to provide comments relevant to the specific issues being considered by the WHEJAC. For additional information about registering to attend the meetings or to provide public comment, please see "Registration" under **SUPPLEMENTARY INFORMATION**. Pre-registration is required.

DATES: The WHEJAC will hold a virtual public meeting on Wednesday, November 17, 2021, and Thursday, November 18, 2021, from approximately 3:00 p.m.–7:30 p.m., Eastern Time each day. A public comment period relevant to the specific issues will be considered by the WHEJAC on Thursday, November 17, 2021. (see **SUPPLEMENTARY INFORMATION**). Members of the public who wish to participate during the public comment period must pre-register by 11:59 p.m., Eastern Time, one (1) week prior to the meeting date.

FOR FURTHER INFORMATION CONTACT: Karen L. Martin, WHEJAC Designated Federal Officer, U.S. EPA; email: whejac@epa.gov; telephone: (202) 564–0203. Additional information about the WHEJAC is available at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>.

SUPPLEMENTARY INFORMATION: The meeting discussion will focus on several topics including, but not limited to the discussion and deliberation of draft recommendations to the Chair of the Council on Environmental Quality and the White House Interagency Council on Environmental Justice from the Justice40 Work Group, Climate and Economic Justice Screening Tool Work Group, and the Scorecard Work Group.

The Charter of the WHEJAC states that the advisory committee will provide independent advice and recommendations to the Chair of the Council on Environmental Quality (CEQ) and to the White House Interagency Council on Environmental Justice (IAC). The WHEJAC will provide advice and recommendations about broad cross-cutting issues, related but not limited to, issues of environmental justice and pollution reduction, energy, climate change mitigation and resiliency, environmental health, and racial inequity. The WHEJAC's efforts will include a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice.

Registration: Individual registration is required for the virtual public meeting. Information on how to register is located at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>. Registration for the meeting is available through the scheduled end time of the meeting. Registration to speak during the public comment period will close 11:59 p.m., Eastern Time, one (1) week prior to meeting date. When registering, please provide your name, organization, city and state, and email address for follow up. Please also indicate whether

you would like to provide public comment during the meeting, and whether you are submitting written comments at the time of registration.

A. Public Comment

Every effort will be made to hear from as many registered public commenters during the time specified on the agenda. Individuals or groups making remarks during the public comment period will be limited to three (3) minutes. To accommodate the number of people who want to address the WHEJAC during the time allotted on the agenda, only one representative of a particular community, organization, or group will be allowed to speak. Submission of written comments for the record are strongly encouraged. The suggested format for individuals providing public comments is as follows: Name of speaker; name of organization/ community; city and state; brief description of the concern, and what you want the WHEJAC to advise CEQ or IAC to do. Written comments received by the registration deadline, will be included in the materials distributed to the WHEJAC prior to the meeting. Written comments received after that time will be provided to the WHEJAC as time allows. Written comments can be submitted up to two (2) weeks after the meeting date. Submit your comments to Docket ID No. EPA–HQ–AO–2021–0683 or by one of the following methods:

- **www.regulations.gov:** Follow the online instructions for submitting comments.
- **Email:** Send comments by electronic mail (email) to wheja@epa.gov, Attention Docket ID No. EPA–HQ–AO–2021–0683.
- **Webform:** Use the webform at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council#whejacmeeting> and email any additional materials to whejac@epa.gov.

All comments received, including any personal information provided, will be included in the public docket without change and may be made available online at www.regulations.gov. Information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute will not be included in the public docket and should not be submitted through www.regulations.gov email, or webform. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/dockets/>. Publicly available docket materials may be accessed online at www.regulations.gov.

B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance

For information about access or services for individuals requiring assistance, please contact Karen L. Martin, via email at whejac@epa.gov. To request special accommodations for a disability or other assistance, please submit your request at least seven (7) working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

Matthew Tejada,

Director for the Office of Environmental Justice.

[FR Doc. 2021–22599 Filed 10–15–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2021–0674; FRL–9130–01–OGC]

Proposed Stipulated Partial Settlement Agreement, Endangered Species Act Claims

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed stipulated partial settlement agreement; request for public comment.

SUMMARY: In accordance with the Environmental Protection Agency (EPA) Administrator's October 16, 2017, Directive Promoting Transparency and Public Participation in Consent Decrees and Settlement Agreements, notice is hereby given of a proposed stipulated partial settlement agreement that resolves part of the *Center for Environmental Health, et al., v. Wheeler, et al.*, case in the United States District Court for the Northern District of California (4:18–cv–03197) that alleges that EPA and the United States Fish and Wildlife (FWS) failed to comply with certain procedural and substantive duties under the Endangered Species Act (ESA). Defendant-Intervenor joins this stipulated partial settlement agreement.

DATES: Written comments on the proposed stipulated partial settlement agreement must be received by November 17, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2021–0674, online at <https://www.regulations.gov> (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Additional Information about Commenting on the Proposed Settlement Agreement” heading under the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov>, as there may be a delay in processing mail and faxes. Hand-deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

EPA continues to carefully and continuously monitor information from the CDC, local area health departments, and our federal partners so that we can respond rapidly as conditions change regarding COVID-19.

FOR FURTHER INFORMATION CONTACT: Michele Knorr, Pesticides and Toxic Substances Law Office MC-2333A, Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone (202) 564-5631; email address knorr.michele@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Settlement Agreement

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2021-0674) contains a copy of the proposed settlement agreement.

The electronic version of the public docket for this action contains a copy of the proposed settlement agreement and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket

identification number then select “search.”

II. Additional Information About the Proposed Settlement Agreement

Prior to this lawsuit being filed, on January 18, 2017, EPA submitted to FWS a nationwide biological evaluation regarding the effects of malathion and two other active ingredients on species listed as threatened or endangered under the ESA, 16 U.S.C. 1531 *et seq.*, and their designated critical habitats and requested initiation of consultation pursuant to ESA section 7(a)(2), 16 U.S.C. 1536(a)(2) (the Malathion Consultation). The Malathion Consultation has been ongoing since that date.

Plaintiffs filed their original case in May 2018. The Plaintiffs amended the complaint on July 25, 2018, and on November 27, 2018 alleging that: (1) EPA violated its procedural duty under ESA section 7(a)(2) to complete consultation and its substantive duty under ESA section 7(a)(2) to avoid jeopardy with respect to 21 malathion-containing pesticide product registrations under the Federal Insecticide Fungicide, and Rodenticide Act (FIFRA), and the FWS violated its procedural duty to complete consultation under ESA section 7(a)(2); (2) these failures constitute unlawfully withheld or unreasonably delayed agency action in violation of Section 706(1) of the Administrative Procedure Act, 5 U.S.C. 706(1); and (3) EPA failed to comply with ESA section 7(d) when it “maintained the registrations of these same pesticide products and continued to reregister and register pesticide products containing malathion.”

Unless one of the contingencies set forth in the proposed stipulated partial settlement agreement occurs (which may result in an extension of time), FWS will issue its Final Biological Opinion and conclude the Malathion Consultation no later than February 28, 2022. Court approval of this stipulated partial settlement agreement would result in the dismissal with prejudice of portions of the claims in Count 1 and Count 2 against Federal Defendants for violation of their ESA section 7(a)(2) procedural duties to complete the Final Biological Opinion. This agreement only resolves EPA’s procedural duties under the ESA section 7(a)(2); claims related to EPA’s substantive ESA section 7(a)(2) duties are not covered. Additionally, claims against EPA for its alleged failure to comply with the ESA section 7(d) requirements are not covered by this agreement. Defendant-Intervenor joins this stipulated partial settlement agreement.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed stipulated partial settlement agreement from persons who are not named as parties to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed stipulated partial settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the ESA or FIFRA. Unless EPA or the Department of Justice determines that consent should be withdrawn, the terms of the proposed stipulation and stipulated notice of dismissal will be affirmed.

III. Additional Information About Commenting on the Proposed Settlement Agreement

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2021-0674, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the

submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

Christopher E. Kaczmarek,
Acting Associate General Counsel.

[FR Doc. 2021-22582 Filed 10-15-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OA-2021-0671; FRL-9122-01-OA]

National Environmental Justice Advisory Council; Notification for a Virtual Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification for a public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the National Environmental Justice Advisory Council (NEJAC) will meet on the date and time described below. The meeting is open to the public. Members of the public are encouraged to provide comments relevant to the specific issues being considered by the NEJAC. For additional information about registering to attend the meeting or to provide public comment, please see "REGISTRATION" under **SUPPLEMENTARY INFORMATION**. Pre-registration is required.

DATES: The NEJAC will hold a virtual public meeting on Wednesday, November 10, 2021, from approximately 1:00 p.m. to 5:00 p.m., Eastern Time. A public comment period relevant to the specific issues will be considered by the NEJAC during the meeting (see **SUPPLEMENTARY INFORMATION**). Members of the public who wish to participate during the public comment period must pre-register by 11:59 p.m., Eastern Time, one (1) week prior to the start of the meeting date.

FOR FURTHER INFORMATION CONTACT: Fred Jenkins, NEJAC Designated Federal Officer, U.S. EPA; please send via email to: nejac@epa.gov or contact Fred Jenkins at (703) 308-7049. Additional information about the NEJAC is available at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>.

SUPPLEMENTARY INFORMATION: The meeting discussion will focus on providing information and receiving NEJAC feedback regarding the environmental justice and civil rights compliance elements of the draft of EPA's next multiyear strategic plan as well as other aligned efforts and plans of the agency. The meeting agenda and other meeting support materials including the public comments will be posted in the public docket (Docket no. EPA-HQ-OA-2021-0671) as they become available. The Charter of the NEJAC states that its purpose is to provide independent advice and recommendations to the EPA Administrator about broad, crosscutting issues related to environmental justice. The NEJAC's efforts will include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice.

Registration: Individual registration is required for the virtual public meeting. Information on how to register is located <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>. Registration for the meetings is available through the scheduled end time of the meeting day. Registration to speak during the public comment will close at 11:59 p.m., Eastern Time, one (1) week prior to meeting date. When registering, please provide your name, organization, city and state, and email address for follow up. Please also indicate whether you would like to provide public comment during the meeting, and whether you are submitting written comments at time of registration.

A. Public Comment

Every effort will be made to hear from as many registered public commenters during the time specified on the agenda. Individuals or groups making remarks during the oral public comment period will be limited to three (3) minutes. To accommodate the number of people who want to address the NEJAC, only one representative from each community, organization, or group will be allowed to speak. Submitting written comments for the record are strongly encouraged. Submit your written comments, identified by Docket ID No. EPA-HQ-OA-2021-0671 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (e.g., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. The Agency's preferred method for public comment is through the docket system. Written comments can also be submitted by using the webform at <https://www.epa.gov/environmentaljustice/forms/national-environmental-justice-advisory-council-nejac-public-comment>. To submit comments with additional materials, please send via email to: nejac@epa.gov. Submitted written public comments to nejac@epa.gov will be transferred into the public docket for this meeting by EPA staff. Written comments can be submitted up to two (2) weeks after the meeting date.

B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance

For information about access or services for individuals requiring assistance, please contact Fred Jenkins, via email at: nejac@epa.gov or contact at (703) 308-7049. To request special

accommodations for a disability or other assistance, please submit your request at least seven (7) working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the email, listed in the **FOR FURTHER INFORMATION CONTACT** section.

Matthew Tejada,

Director for the Office of Environmental Justice.

[FR Doc. 2021–22600 Filed 10–15–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0765; FRL–9120–01–ORD]

Request for Nominations of Experts to the EPA Office of Research and Development's Board of Scientific Counselors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is seeking nominations for technical experts to serve on its Board of Scientific Counselors (BOSC), a federal advisory committee to the Office of Research and Development (ORD). Submission of nominations will be made via the BOSC website at: <https://www.epa.gov/bosc>.

DATES: Nominations should be submitted by November 12, 2021, per instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public needing additional information regarding this Notice and Request for Nominations may contact Mr. Tom Tracy, Office of Science Policy, Office of Research and Development, Mail Code B343–01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711; via phone/voice mail at: (919) 541–4334; or via email at: tracy.tom@epa.gov. General information concerning the BOSC can be found at the following website: <https://www.epa.gov/bosc>.

SUPPLEMENTARY INFORMATION:

Background

The BOSC is a chartered Federal Advisory Committee established by the EPA to provide independent scientific and technical peer review, advice, consultation, and recommendations about ORD. As a Federal Advisory Committee, the BOSC conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations.

The BOSC is comprised of an Executive Committee and one or more supporting subcommittee(s). Potential subcommittee focuses are: Social and Community Science, and Climate Change. Please visit <https://www.epa.gov/aboutepa/about-office-research-and-development-ord> to learn more about ORD's research programs.

Members of the BOSC constitute a distinguished body of non-EPA scientists, engineers, and economists who are experts in their respective fields. EPA will consider nominees from industry, business, public and private research institutes or organizations, academia, government (federal, state, local, and tribal) and non-government organizations, and other relevant interest areas. Members are appointed by the EPA Administrator to serve as Special Government Employees and provide independent expert advice to the agency for a term of up to six years. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of gender, race, disability, or ethnicity.

Expertise Sought

The chartered BOSC provides scientific advice to the EPA Administrator on a variety of EPA science and research topics. All the work of BOSC standing committees and ad-hoc panels is conducted under the auspices of the chartered BOSC. The chartered BOSC members review all BOSC standing committee and ad-hoc panel draft reports and determine whether each meets the BOSC's criteria and high-quality standards required to deliver them to the EPA Administrator. The BOSC Staff Office invites nominations of individuals to serve on the chartered BOSC with expertise or extensive experience in the following scientific disciplines and topic areas as they relate to human health and the environment:

Agronomy, Soil Science
Air Quality
Atmospheric Sciences
Biology and Microbiology
Chemistry (including Environmental Chemistry)
Climate Science and Change
Community and Citizen Science
Community Engagement
Contaminated Site Remediation
Ecology
Ecosystem Services
Emergency Management
Energy and the Environment
Environmental Economics
Environmental Engineering
Environmental Justice
Environmental Life Cycle Assessment
Environmental Modeling
Epidemiology

Exposure Science and Assessment
Forestry and Natural Resource Management
Information and Data Science
Materials/Waste Management Disaster Science
New Approach Methods
Novel Analytical Methods
Physiologically based Pharmacokinetic (PBPK) Modeling
Public Health
Research Program Evaluation
Risk Assessment (including Human Health, Ecological, Environmental)
Science Policy/Public Policy
Social, Behavioral and Decision Sciences
Sustainability
Systems Science
Toxicology
Water Quality (including Drinking Water, Surface Water, Groundwater)
Water Quantity and Reuse
Watershed Management

Selection Criteria

The BOSC is a balanced and diverse expert committee. The committee and each of its subcommittees strives to possess necessary domains of expertise, depth and breadth of knowledge, and diverse and balanced scientific perspectives. Nominations will be evaluated on the basis of several criteria including: (a) Demonstrated scientific and/or technical credentials and disciplinary expertise, knowledge, and experience in relevant fields; (b) availability to serve and willingness to commit time to the committee (approximately one to three meetings per year both by teleconferences and possibly face-to-face meetings); (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; (e) demonstrated ability to work constructively and effectively on committees; and (f) background and experiences that would contribute to the diversity of viewpoints on the Executive Committee or Subcommittee, *e.g.*, workforce sector, geographical location, social, cultural, and educational backgrounds, and professional affiliations.

Process and Deadline for Submitting Nominations

Any interested person or organization may nominate qualified persons to be considered for appointment to the advisory committee. Nominations should be submitted via the BOSC website at: <https://www.epa.gov/bosc>. Nominations should be submitted no later than November 12, 2021. To receive full consideration, nominations should include all the information requested. EPA's nomination form requests: Contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of

expertise of the nominee; committee preference; the nominee's curriculum vita and/or resume; and additional information that would be useful for considering the nomination such as background and qualifications (e.g., current position, educational background, expertise, research areas), experience relevant to one or more of ORD's research programs, service on other advisory committees and professional societies, and availability to participate as a member of the Executive Committee and/or Subcommittee. Persons having questions about the nomination procedures, or who are unable to submit nominations through the BOSC website, should contact Mr. Tom Tracy, as indicated above under **FOR FURTHER INFORMATION CONTACT** section of this notice.

Mary Ross,

Director, Office of Science Advisor, Policy and Engagement.

[FR Doc. 2021-22581 Filed 10-15-21; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 53394]

Privacy Act of 1974; Matching Program.

AGENCY: Federal Communications Commission.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended ("Privacy Act"), this document announces the modification of a computer matching program the Federal Communications Commission ("FCC" or "Commission" or "Agency") and the Universal Service Administrative Company (USAC) will conduct with the Georgia Department of Human Services, Division of Children and Family Services (DHS) ("Agency"). The purpose of this matching program is to verify the eligibility of applicants to and subscribers of Lifeline (existing purpose) and the new Emergency Broadband Benefit Program, both of which are administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before November 17, 2021. This computer matching program will commence on November 17, 2021, and

will conclude 18 months after the effective date.

ADDRESSES: Send comments to Margaret Drake, FCC, 45 L Street NE, Washington, DC 20554, or to Privacy@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Margaret Drake at 202-418-1707 or Privacy@fcc.gov.

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), Veterans and Survivors Pension Benefit, or various Tribal-specific federal assistance programs.

The Emergency Broadband Benefit Program (EBBP) was established by Congress in the Consolidated Appropriations Act of 2021, Public Law 116-260, 134 Stat. 1182. EBBP is a program that helps low-income Americans obtain discounted broadband service and one-time co-pay for a connected device (laptop, desktop computer or tablet). This program was created specifically to assist American families' access to broadband, which has proven to be essential for work, school, and healthcare during the public health emergency that exists as a result of COVID-19. A household may qualify for the EBBP benefit under various criteria, including an individual qualifying for the FCC's Lifeline program.

In a Report and Order adopted on March 31, 2016, (81 FR 33026, May 24, 2016) (*2016 Lifeline Modernization Order*), the Commission ordered USAC to create a National Lifeline Eligibility Verifier ("National Verifier"), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program.

The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for EBBP. The purpose of this matching program is to verify the eligibility of Lifeline and EBBP

applicants and subscribers by determining whether they receive Supplemental Nutrition Assistance Program (SNAP) benefits administered by the Georgia Department of Human Services, Division of Children and Family Services.

Participating Agencies

Georgia Department of Human Services, Division of Children and Family Services.

Authority for Conducting the Matching Program

The authority for the FCC's EBBP is Consolidated Appropriations Act of 2021, Public Law 116-260, 134 Stat. 1182; 47 CFR part 54. The authority for the FCC's Lifeline program is 47 U.S.C. 254; 47 CFR 54.400 through 54.423; Lifeline and Link Up Reform and Modernization, *et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4006-21, paras. 126-66 (2016) (*2016 Lifeline Modernization Order*).

Purpose(s)

In the 2016 Lifeline Modernization Order, the FCC required USAC to develop and operate the National Verifier to improve efficiency and reduce waste, fraud, and abuse in the Lifeline program. The stated purpose of the National Verifier is "to increase the integrity and improve the performance of the Lifeline program for the benefit of a variety of Lifeline participants, including Lifeline providers, subscribers, states, community-based organizations, USAC, and the Commission." 31 FCC Rcd 3962, 4006, para. 126. To help determine whether Lifeline applicants and subscribers are eligible for Lifeline benefits, the Order contemplates that the USAC-operated LED will communicate with information systems and databases operated by other Federal and State agencies. *Id.* at 4011-2, paras. 135-7. The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for EBBP.

The purpose of this modified matching agreement is to verify the eligibility of applicants and subscribers to Lifeline (existing purpose), as well as to the new EBBP and to other Federal programs that use qualification for Lifeline as an eligibility criterion. This new agreement would replace the existing agreement with Georgia, which permits matching only for the Lifeline program by checking an applicant's/ subscriber's participation in SNAP. Under FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for EBBP benefits.

Categories of Individuals

The categories of individuals whose information is involved in the matching program include, but are not limited to, those individuals who have applied for Lifeline and/or EBBP benefits; are currently receiving Lifeline and/or EBBP benefits; are individuals who enable another individual in their household to qualify for Lifeline and/or EBBP benefits; are minors whose status qualifies a parent or guardian for Lifeline and/or EBBP benefits; or are individuals who have received Lifeline and/or EBBP benefits.

Categories of Records

The categories of records involved in the matching program include, but are not limited to, the last four digits of the applicant's Social Security Number, date of birth, first name, and last name. The National Verifier will transfer these data elements to the Georgia Department of Human Services, Division of Children and Family Services which will respond either "yes" or "no" that the individual is enrolled in a qualifying assistance program: SNAP administered by Georgia Department of Human Services, Division of Children and Family Services.

System(s) of Records

The records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB-1, Lifeline, which was published in the **Federal Register** at 86 FR 11526 (Feb. 25, 2021).

The records shared as part of this matching program reside in the EBBP system of records, FCC/WCB-3, Emergency Broadband Benefit Program, which was published in the **Federal Register** at 86 FR 11523 (Feb. 25, 2021).

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2021-22544 Filed 10-15-21; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 20-68; DA 21-1103; FR ID 50348]

Exemption From Caller ID Authentication Requirements

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Wireline Competition Bureau (Bureau) provides directions and filing

instructions for the implementation verification certifications that voice service providers granted an exemption from the Commission's caller ID authentication rule must file.

DATES: All certifications and associated supporting statements must be filed no later than October 4, 2021.

ADDRESSES: All certifications and associated supporting statements must be filed electronically in WC Docket No. 20-68, Exemption from Caller ID Authentication Requirements, in the Commission's Electronic Comment Filing System (ECFS), available at <http://www.fcc.gov/ecfs>.

Filers may request that any materials or information submitted to the Commission in their certifications be withheld from public inspection pursuant to the procedures set forth in section 0.459 of the Commission's rules. However, effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Alexander Hobbs, Competition Policy Division, Wireline Competition Bureau at (202) 418-7433 or by email at Alexander.Hobbs@fcc.gov.

SUPPLEMENTARY INFORMATION: This document is a summary of the Bureau's Public Notice providing directions and filing instructions for the implementation verification certifications that voice service providers granted an exemption from the caller ID authentication rule must file, in WC Docket No. 20-68, DA 21-1103, released on September 3, 2021. The full text of this document is available for public inspection at the following internet address: <https://docs.fcc.gov/public/attachments/DA-21-1103A1.pdf>. To request materials in accessible formats for people with disabilities (e.g., braille, large print, electronic files, audio format, etc.), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), or (202) 418-0432 (TTY).

Synopsis

When Congress directed the Commission to mandate the

implementation of STIR/SHAKEN caller ID authentication by June 30, 2021, in the TRACED Act, it also required the Commission to grant exemptions from that mandate for voice service providers that could demonstrate early implementation progress by December 30, 2021. The Commission found that the TRACED Act created two exemptions: One for IP networks and one for non-IP networks. Under the Commission's application of the TRACED Act, to receive the IP network exemption, a voice service provider was required to (i) have undertaken the network preparations necessary to deploy the STIR/SHAKEN protocols on its network; (ii) have completed formal registration (including payment) and testing with the Policy Administrator; (iii) have completed the necessary network upgrades to at least one network element to enable the authentication and verification of caller ID information consistent with the STIR/SHAKEN standards; and (iv) asserted that it reasonably foresaw that it would have completed all necessary network upgrades to its network infrastructure to be able to authenticate and verify caller ID information for all SIP calls exchanged with STIR/SHAKEN-enabled partners by June 30, 2021.

The Commission implemented this TRACED Act requirement via a certification process and delegated authority to the Wireline Competition Bureau (Bureau) to make exemption determinations. Voice service providers seeking to qualify for the exemption were obligated to submit a certification and supporting statement by December 1, 2020, explaining in detail how they met each prong of the exemption sought. Because the fourth prong of the IP exemption was based on a voice service provider's prediction of its future ability to implement STIR/SHAKEN, the Commission foreclosed the possibility for abuse of this statutory provision and required any voice service provider granted an exemption to verify in a second certification, after June 30, 2021, that it achieved the implementation goals to which it first certified.

Seven voice service providers sought exemptions for their IP networks. In December 2020, the Bureau found that all seven voice service providers—AT&T Service Inc. (AT&T), Bandwidth Inc. (Bandwidth), Charter Communications, Inc. (Charter), Comcast Cable Communications, LLC (Comcast, Cox Communications, Inc. (Cox), Cellco Partnership, d/b/a Verizon Wireless (Verizon Wireless), and Vonage Holding Corp. (Vonage)—qualified for

the exemption on the basis that each certified and offered sufficient support to demonstrate satisfaction of all the criteria for an IP network exemption. These voice service providers were “therefore exempt from the requirements of section 64.6301 of [the Commission’s] rules.” They were nonetheless obligated to file in the Robocall Mitigation Database as required by section 64.6305 of the Commission’s rules and certify to their STIR/SHAKEN implementation status and, as appropriate, robocall mitigation efforts.

Implementation Verification Certification Requirements. In order to maintain the exemption from section 64.6301 of the Commission’s rules, each voice service provider granted an exemption must now “verify they completed full implementation in accordance with their commitments.” An officer of the voice service provider is required to sign the certification stating under penalty of perjury that the officer has personal knowledge that the company did in fact complete all necessary network upgrades to its network infrastructure by June 30, 2021. Each voice service provider granted an exemption is required to submit an accompanying statement explaining, in detail, how the company achieved the implementation goals it first certified to so that the Commission can verify the accuracy of the certification. Any voice service provider that cannot certify to full implementation will lose the exemption and be subject to the general rule requiring full STIR/SHAKEN implementation, effective immediately upon release of the Public Notice identifying which voice service providers achieved the implementation goals to which they previously committed.

Federal Communications Commission.

Pamela Arluk,

Chief, Competition Policy Division.

[FR Doc. 2021–22577 Filed 10–15–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or

the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board’s Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than November 17, 2021.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Community Bancshares, Inc., Seneca, Kansas*; through the merger of its subsidiary, CBI Acquisition Corporation, Seneca, Kansas; with and into BOTS, Inc., to indirectly acquire VisionBank, both of Topeka, Kansas.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Van Diest Investment Company, Webster City, Iowa*; to acquire NorthStar Bank, Estherville, Iowa.

Board of Governors of the Federal Reserve System, October 13, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–22666 Filed 10–15–21; 8:45 am]

BILLING CODE 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 November 2, 2021.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *The Foy 2021 Spousal Trust, Milwaukee, Wisconsin, Lori J. Foy, Cedarburg, Wisconsin, and Peter J. Wilder, Pewaukee, Wisconsin, as co-trustees; and the Foy Dynasty Trust, Milwaukee, Wisconsin, Peter J. Wilder, as trustee; to join the Foy/Lukas Family Control Group, a group acting in concert, to acquire voting shares of Community Bancshares of Wisconsin, Inc., and thereby indirectly acquire voting shares of Cornerstone Community Bank, both of Grafton, Wisconsin.*

B. Federal Reserve Bank of St. Louis (Holly A. Rieser, Manager) P.O. Box 442, St. Louis, Missouri 63166–2034.

Comments can also be sent electronically to

Comments.applications@stls.frb.org:

1. *The JFD Class B Common Trust (EDM), Ellen D. Milne, as trustee, both of Jackson, Wyoming; and the JFD Class B Common Trust (MJD), Creve Coeur, Missouri, Michael J. Dierberg, as trustee, St. Louis, Missouri; to acquire voting shares of FB Corporation, and thereby indirectly acquire voting shares of First Bank, both of Creve Coeur, Missouri.*

C. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *The Barbara B. Fishback Revocable FFC Holdings Trust U/A dated 3/18/19, Barbara B. Fishback and Van D. Fishback, as co-trustees, all of*

Brookings, South Dakota; to join the Fishback family shareholder group, a group acting in concert, to retain voting shares of Fishback Financial Corporation, and thereby indirectly retain voting shares of First Bank & Trust, both of Brookings, South Dakota.

Board of Governors of the Federal Reserve System, October 13, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-22671 Filed 10-15-21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Report of Institution-to-Aggregate Granular Data on Assets and Liabilities on an Immediate Counterparty Basis (FR 2510; OMB No. 7100-0376).

DATES: Comments must be submitted on or before December 17, 2021.

ADDRESSES: You may submit comments, identified by FR 2510, by any of the following methods:

- **Agency Website:** <https://www.federalreserve.gov/>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- **Email:** regs.comments@federalreserve.gov. Include the OMB number or FR number in the subject line of the message.

- **Fax:** (202) 452-3819 or (202) 452-3102.

- **Mail:** Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx> as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00

a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452-3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement, and other documentation, will be made available on the Board's public website at <https://www.federalreserve.gov/apps/reportforms/review.aspx> or may be requested from the agency clearance officer, whose name appears above. Final versions of these documents will be made available at <https://www.reginfo.gov/public/do/PRAMain>, if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

- a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions,

including whether the information has practical utility;

- b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

- c. Ways to enhance the quality, utility, and clarity of the information to be collected;

- d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

- e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Report of Institution-to-Aggregate Granular Data on Assets and Liabilities on an Immediate Counterparty Basis.

Agency form number: FR 2510.

OMB control number: 7100-0376.

Frequency: Quarterly.

Respondents: Any bank holding company (BHC) that is organized under the laws of the United States or any U.S. state and that is identified as a global systemically important bank (G-SIB) holding company under the Board's Regulation Q.

Estimated number of respondents: 8.

Estimated average hours per response: 568.

Estimated annual burden hours: 18,176.

General description of report: The FR 2510 collects granular exposure data on the assets, liabilities, and off-balance sheet holdings of G-SIBs, providing breakdowns by country, instrument, currency, maturity, sector, and other factors, and also collects country exposure data on an immediate counterparty basis and detailed information on firms' derivatives exposures. The information collected by the FR 2510 supports the Board's supervision of U.S. G-SIBs by allowing for a more complete balance sheet analysis of these firms, and allows the Board to more closely monitor the systemic impacts of such firms' activities and investments.

Legal authorization and confidentiality: The FR 2510 is authorized by section 5 of the Bank

Holding Company Act (BHC Act). Section 5 of the BHC Act authorizes the Board to require a bank holding company and any subsidiary of such company to submit reports under oath to keep the Board informed as to its financial condition, systems for monitoring and controlling financial and operating risks, and transactions with depository institution subsidiaries of the bank holding company.¹ The FR 2510 is mandatory for U.S. G-SIBs.

The information collected in the FR 2510 is collected as part of the Board's supervisory process, and is therefore considered confidential pursuant to exemption 8 of the Freedom of Information Act (FOIA), which protects information contained in "examination, operating, or condition reports" obtained in the bank supervisory process. In addition, individual respondents may request that information be kept confidential pursuant to exemption 4 of the FOIA, which protects nonpublic commercial or financial information, which is both customarily and actually treated as private by the respondent. Determinations of confidentiality based on exemption 4 of the FOIA would be made on a case-by-case basis.

Board of Governors of the Federal Reserve System, October 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-22589 Filed 10-15-21; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Domestic Branch Application (FR 4001; OMB No. 7100-0097).

DATES: Comments must be submitted on or before December 17, 2021.

ADDRESSES: You may submit comments, identified by *FR 4001*, by any of the following methods:

- **Agency website:** <https://www.federalreserve.gov/>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- **Email:** regs.comments@federalreserve.gov. Include the OMB number in the subject line of the message.

- **Fax:** (202) 452-3819 or (202) 452-3102.

- **Mail:** Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx> as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452-3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghribi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be available at

<https://www.reginfo.gov/public/do/PRAMain>, if approved. These documents will also be made available on the Board's public website at <https://www.federalreserve.gov/apps/reportforms/review.aspx> or may be requested from the agency clearance officer, whose name appears above.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Domestic Branch Application.

Agency form number: FR 4001.

OMB control number: 7100-0097.

Frequency: On occasion.

Respondents: State member banks (SMBs).

Estimated number of respondents:

Expedited notifications, 55;
nonexpedited notifications, 169;
disclosures, 224.

Estimated average hours per response:

Expedited notifications, 1;
nonexpedited notifications, 1.5;
disclosures, 0.5.

Estimated annual burden hours:

Expedited notifications, 55;
nonexpedited notifications, 254;
disclosures, 112.

General description of report: The Federal Reserve Act and the Board's

¹ 12 U.S.C. 1844(c)(1)(A).

Regulation H require an SMB to seek prior approval of the Federal Reserve System before establishing or acquiring a domestic branch. Such requests for approval must be filed as applications at the appropriate Reserve Bank for the SMB. Due to the limited information that an SMB generally has to provide for branch proposals, there is no reporting form for a domestic branch application. An SMB is required to notify the Federal Reserve by letter of its intent to establish one or more new branches and provide evidence that public notice of the proposed branch(es) has been published by the SMB in the appropriate newspaper(s). The Federal Reserve uses the information provided to fulfill its statutory obligation to review branch applications before acting on the proposals and to otherwise supervise SMBs.

Legal authorization and confidentiality: The filing requirements under the FR 4001 are authorized by section 9(3) of the Federal Reserve Act.¹ The filing requirements under the FR 4001 are required to obtain a benefit.

The information in an SMB's domestic branch application is public. An SMB may request that portions of its application be kept confidential pursuant to exemption 4 of the Freedom of Information Act (FOIA) if they contain commercial or financial information that is both customarily and actually treated as private.² Information provided by an SMB as part of its domestic branch application may also be considered confidential under FOIA exemption 6 if the application contains personal information, the disclosure of which would "constitute a clearly unwarranted invasion of privacy,"³ and under FOIA exemption 8 if it is obtained as part of an examination or supervision of a financial institution.⁴

Board of Governors of the Federal Reserve System, October 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-22590 Filed 10-15-21; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company

Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

All public comments will be made available on the Board's website at <https://www.federalreserve.gov/foia/readingrooms.htm#rr1> as submitted, unless modified for technical reasons or to remove personally identifiable information or other confidential information at the commenter's request. Accordingly, your comments will not be edited to remove any confidential, contact or identifying information.

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 November 17, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. **U.S. Bancorp, Minneapolis, Minnesota;** to acquire MUFG Union Bank, National Association, San Francisco, California, a direct wholly-owned national bank subsidiary of MUFG Americas Holdings Corporation, New York, New York, and an indirect subsidiary of Mitsubishi UFJ Financial Group, Inc., Tokyo, Japan.

Board of Governors of the Federal Reserve System, October 13, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-22663 Filed 10-15-21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Basel II Interagency Pillar 2 Supervisory Guidance (Pillar 2 Guidance) (FR 4199; OMB No. 7100-0320).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-3829.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportforms/review.aspx> or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: Basel II Interagency Pillar 2 Supervisory Guidance.

Agency form number: FR 4199.

OMB control number: 7100-0320.

Frequency: As needed.

Respondents: State member banks and bank holding companies (BHCs) that use the advanced approaches framework.

Estimated number of respondents: 15.

¹ 12 U.S.C. 321 (requiring state member banks to obtain Board approval prior to establishing a domestic branch).

² 5 U.S.C. 552(b)(4).

³ 5 U.S.C. 552(b)(6).

⁴ 5 U.S.C. 552(b)(8).

Estimated average hours per response: 420.

Estimated annual burden hours: 6,300.

General description of report: The Pillar 2 Guidance is intended to assist banking organizations that are subject to the Basel II advanced approaches capital adequacy framework (advanced approaches framework) in applying that framework. Advanced approaches banking organizations are required to use an internal ratings-based approach to calculate regulatory credit risk capital requirements and advanced measurement approaches to calculate regulatory operational risk capital requirements. Banking organizations are required to meet certain qualification requirements before they can use the advanced approaches framework for risk-based capital purposes. The Pillar 2 Guidance sets the expectation that such organizations maintain certain documentation as described in paragraphs 37, 41, 43, and 46 of this portion of the guidance.

Legal authorization and confidentiality: The collection of information is authorized pursuant to sections 9 and 11 of the Federal Reserve Act, section 5 of the Bank Holding Company Act of 1956, and section 161 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The FR 4199 is voluntary.

Because the collections of information associated with the guidance are maintained by each institution, the Freedom of Information Act (FOIA) would only be implicated if the Board obtained such records as part of the examination or supervision of a banking organization. In the event the records are obtained by the Board as part of the examination or supervision of a financial institution, this information may be considered confidential pursuant to exemption 8 of the FOIA, which protects information contained in "examination, operating, or condition reports" obtained in the bank supervisory process. In addition, the information may also be kept confidential under exemption 4 of the FOIA, which protects trade secrets and commercial or financial information obtained from a person that is both customarily and actually treated as private by the respondent.

Current actions: On June 9, 2021, the Board published a notice in the **Federal Register** (86 FR 30603) requesting public comment for 60 days on the extension, without revision, of the Pillar 2 Guidance. The comment period for this notice expired on August 9, 2021. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, October 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-22591 Filed 10-15-21; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates (FR Y-8; OMB No. 7100-0126).

DATES: Comments must be submitted on or before December 17, 2021.

ADDRESSES: You may submit comments, identified by FR Y-8, by any of the following methods:

- **Agency Website:** <https://www.federalreserve.gov/>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.

- **Email:** regs.comments@federalreserve.gov. Include the OMB number or FR number in the subject line of the message.

- **FAX:** (202) 452-3819 or (202) 452-3102.

- **Mail:** Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx> as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452-3684. Upon arrival, visitors will be required to present valid government-issued photo identification

and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395-6974.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement, and other documentation, will be made available on the Board's public website at <https://www.federalreserve.gov/apps/reportforms/review.aspx> or may be requested from the agency clearance officer, whose name appears above. Final versions of these documents will be made available at <https://www.reginfo.gov/public/do/PRAMain>, if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates.

Agency form number: FR Y–8.

OMB control number: 7100–0126.

Frequency: Quarterly.

Respondents: U.S. top-tier bank holding companies (BHCs), intermediate holding companies (IHCs), and savings and loan holding companies (SLHCs); foreign banking organizations (FBOs) that directly own or control a U.S. subsidiary insured depository institution.

Estimated number of respondents: Reporting, 692; recordkeeping, 692.

Estimated average hours per response: Reporting, 7.3; recordkeeping, 0.5.

Estimated annual burden hours: 21,590.

General description of report: The FR Y–8 collects information on covered transactions between an insured depository institution and its affiliates that are subject to the quantitative limits and other requirements of section 23A of the Federal Reserve Act (12 U.S.C. 371c) and the Board's Regulation W—Transactions Between Member Banks and Their Affiliates (12 CFR part 223). The data to be reported vary based on the activities and subsidiaries of the insured depository institution. A respondent must file a separate FR Y–8 report for each U.S. insured depository institution it controls.

Legal authorization and confidentiality: Section 5(c) of the Bank Holding Company Act authorizes the Board to require BHCs and IHCs to file the FR Y–8.¹ Section 10(b)(2) of the Home Owners' Loan Act authorizes the Board to require SLHCs to file the FR Y–8.² Section 8(a) of the International

Banking Act authorizes the Board to require FBOs that directly own or control a U.S. subsidiary insured depository institution to file the FR Y–8.³ Information provided on the FR Y–8 may be kept confidential under exemption 4 of the Freedom of Information Act (FOIA) as confidential commercial or financial information that is both customarily and actually treated as private.⁴ Information collected on the FR Y–8 may also be considered confidential under FOIA exemption 8 if it is obtained as part of an examination or supervision of a financial institution.⁵

The FR Y–8 report is mandatory for respondents that control an insured depository institution that has engaged in covered transactions with an affiliate during the reporting period.

Board of Governors of the Federal Reserve System, October 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–22592 Filed 10–15–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: October 26, 2021 at 10:00 a.m.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–415–527–5035, Code: 2760 209 1763; or via web: <https://tspmeet.webex.com/tspmeet/onstage/g.php?MTID=e43d422582b17038b9040319a5e5af615>.

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the September 28, 2021 Board Meeting Minutes
2. Monthly Reports
 - (a) Participant Activity Report
 - (b) Legislative Report
3. Quarterly Reports
 - (c) Investment Policy
 - (d) Audit Status
 - (e) Budget Review
4. Mid-Year Financial Review
5. Enterprise Risk Management Update
6. Internal Audit Update
7. Converge Update

Closed Session

Information covered under 5 U.S.C. 552b (c)(6) and (c)(9)(B).

³ 12 U.S.C. 3106(a).

⁴ 5 U.S.C. 552(b)(4).

⁵ 5 U.S.C. 552(b)(8).

(Authority: 5 U.S.C. 552b (e)(1))

Dated: October 13, 2021.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2021–22638 Filed 10–15–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

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

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, Maryland 20857; (301) 443–6593, or visit our website at: <http://www.hrsa.gov/vaccinecompensation/index.html>.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as

¹ 12 U.S.C. 1844(c).

² 12 U.S.C. 1467a(b)(2).

appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines. Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that “[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.” Set forth below is a list of petitions received by HRSA on September 1, 2021, through September 30, 2021. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master “shall afford all interested persons an opportunity to submit relevant, written information” relating to the following:

1. The existence of evidence “that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,” and

2. Any allegation in a petition that the petitioner either:

a. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by” one of the vaccines referred to in the Table, or

b. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine” referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person

choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, Maryland 20857. The Court’s caption (*Petitioner’s Name v. Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Diana Espinosa,

Acting Administrator.

List of Petitions Filed

1. Lerma-Marie Escobar-Remias, Washington, District of Columbia, Court of Federal Claims No: 21–1783V
2. Timothy Rodrigues, Honolulu, Hawaii, Court of Federal Claims No: 21–1785V
3. Steven Peterson, Phoenix, Arizona, Court of Federal Claims No: 21–1788V
4. George Yauneridge and Julia Yauneridge on behalf of J. Y., Pottstown, Pennsylvania, Court of Federal Claims No: 21–1789V
5. Lydia Lizalde, Phoenix, Arizona, Court of Federal Claims No: 21–1791V
6. Merlyn Bonham, Reno, Nevada, Court of Federal Claims No: 21–1792V
7. Gustavo Vega, New York, New York, Court of Federal Claims No: 21–1794V
8. Patricia Lariviere, Dresher, Pennsylvania, Court of Federal Claims No: 21–1796V
9. Amanda Breshears, Columbia, Missouri, Court of Federal Claims No: 21–1799V
10. Teresa Aultman, Birmingham, Alabama, Court of Federal Claims No: 21–1802V
11. Orie E. Fink, Pittsburgh, Pennsylvania, Court of Federal Claims No: 21–1803V
12. Virginia Waszak, Valparaiso, Indiana, Court of Federal Claims No: 21–1805V
13. Marlena Bacik, Rock Hill, South Carolina, Court of Federal Claims No: 21–1810V
14. Jian Wu on behalf of Yuqing Wu, San Gabriel, California, Court of Federal Claims No: 21–1811V
15. Angela Wessinger, Newman, Georgia, Court of Federal Claims No: 21–1812V
16. Bisera Muratovic, Johnston, Iowa, Court of Federal Claims No: 21–1813V
17. Wanda I. Rodriguez, New Haven, Connecticut, Court of Federal Claims No: 21–1814V
18. Maria Alsip, Chattanooga, Tennessee, Court of Federal Claims No: 21–1815V
19. Jordanna Valiente, Howell, New Jersey, Court of Federal Claims No: 21–1816V
20. Christina Prudden, St. Joseph, Missouri, Court of Federal Claims No: 21–1818V
21. Yanis Hernan Diaz Rojas and Nery Noelia Arita Chinchilla on behalf of Yorleni Margarita Diaz Arita, Deceased, Norcross, Georgia, Court of Federal Claims No: 21–1824V
22. Muamera Hasanovic, New York, New York, Court of Federal Claims No: 21–1828V
23. Pamela Johnson, Toledo, Ohio, Court of Federal Claims No: 21–1829V
24. McKenzie Oliver, Washington, District of Columbia, Court of Federal Claims No: 21–1831V
25. Linda Masai, Washington, District of Columbia, Court of Federal Claims No: 21–1832V
26. Elizabeth Schafer, St. Louis, Missouri, Court of Federal Claims No: 21–1834V
27. Bisera Muratovic, New York, New York, Court of Federal Claims No: 21–1835V
28. Taylor Nicol, Cass City, Michigan, Court of Federal Claims No: 21–1837V
29. Deborah R. Barber, Lancaster, South Carolina, Court of Federal Claims No: 21–1838V
30. Cora Owens, Warrensville Heights, Ohio, Court of Federal Claims No: 21–1839V
31. Ilene Busey, Coconut Creek, Florida, Court of Federal Claims No: 21–1840V
32. Caitlin M. Becker, Lafayette, Indiana, Court of Federal Claims No: 21–1841V
33. Eduardo Morelos, Perris, California, Court of Federal Claims No: 21–1842V
34. Wilburn E. Richardson, Washington, District of Columbia, Court of Federal Claims No: 21–1843V
35. Tarek Makki, Las Vegas, Nevada, Court of Federal Claims No: 21–1844V
36. Terry W. Chrisman, Van Wert, Ohio, Court of Federal Claims No: 21–1845V
37. Steven Jahn, Lakeland, Florida, Court of Federal Claims No: 21–1846V
38. Stacie Cogan, Cleveland, Ohio, Court of Federal Claims No: 21–1847V
39. Mary Ann Mitchell, Washington, District of Columbia, Court of Federal Claims No: 21–1848V
40. Silvia Quezada, Washington, District of Columbia, Court of Federal Claims No: 21–1849V
41. Jamie L. Holmes, Rockford, Illinois, Court of Federal Claims No: 21–1850V
42. William Bayley, Lafayette, Indiana, Court of Federal Claims No: 21–1851V
43. Derek Kell, Nacogdoches, Texas, Court of Federal Claims No: 21–1852V
44. Lindsey Woods, Johnston, Rhode Island, Court of Federal Claims No: 21–1853V
45. June Gregory, Memphis, Tennessee, Court of Federal Claims No: 21–1857V
46. Juan Gonzalez, Laveen, Arizona, Court of Federal Claims No: 21–1859V
47. Shannon Canitz, Mesa, Arizona, Court of Federal Claims No: 21–1860V
48. Myranda Smith on behalf of S. S., Wheeling, West Virginia, Court of Federal Claims No: 21–1863V
49. Mark Ostermiller, Boise, Idaho, Court of Federal Claims No: 21–1865V
50. Brenda Carrasquillo, Stamford, Connecticut, Court of Federal Claims No: 21–1866V
51. Melvin Price, Jacksonville, Florida, Court of Federal Claims No: 21–1867V
52. Thomas Tiver, Jr., Mt. Laurel, New Jersey, Court of Federal Claims No: 21–1868V
53. Elizabeth Ann Baker, Austin, Texas, Court of Federal Claims No: 21–1869V
54. Aileen Li, Washington, District of Columbia, Court of Federal Claims No: 21–1870V

55. Michael Frevola, New York, New York, Court of Federal Claims No: 21–1871V
56. Joyce Scratchard, Burleson, Texas, Court of Federal Claims No: 21–1875V
57. Michael Maxwell, Oviedo, Florida, Court of Federal Claims No: 21–1877V
58. Briana Watson, Kansas City, Missouri, Court of Federal Claims No: 21–1879V
59. Donna Spaid, Winchester, Virginia, Court of Federal Claims No: 21–1880V
60. Amanda Deluca, St. Louis, Missouri, Court of Federal Claims No: 21–1881V
61. Melanie Stanek, Wellesley Hills, Massachusetts, Court of Federal Claims No: 21–1882V
62. Bi Ying Gao, Houston, Texas, Court of Federal Claims No: 21–1884V
63. Terry Yormark, Chicago, Illinois, Court of Federal Claims No: 21–1886V
64. Richard Trudell, Boise, Idaho, Court of Federal Claims No: 21–1887V
65. Angela Mosley, Oklahoma City, Oklahoma, Court of Federal Claims No: 21–1889V
66. Andrea P. Giguere, Woonsocket, Rhode Island, Court of Federal Claims No: 21–1890V
67. John R. Greene, Jr., Arlington, Virginia, Court of Federal Claims No: 21–1891V
68. Rosemary Harville, Jefferson City, Tennessee, Court of Federal Claims No: 21–1893V
69. Ann Petrea Crawford, Cedar Falls, Iowa, Court of Federal Claims No: 21–1896V
70. Maryetta Spells, Deceased, Sacramento, California, Court of Federal Claims No: 21–1898V
71. George Grace, Tonawanda, New York, Court of Federal Claims No: 21–1901V
72. Janel Trepiccione, New Cumberland, Pennsylvania, Court of Federal Claims No: 21–1902V
73. Rachel Luginsky, St. Charles, Illinois, Court of Federal Claims No: 21–1903V
74. William R. Eddington, M.D., Marmaduke, Arkansas, Court of Federal Claims No: 21–1906V
75. Sheryl Askins, Philadelphia, Pennsylvania, Court of Federal Claims No: 21–1907V
76. Genevieve Arsenault, Southbridge, Massachusetts, Court of Federal Claims No: 21–1908V
77. Yesica Valdovinos Valle on behalf of M. V., Greensboro, North Carolina, Court of Federal Claims No: 21–1909V
78. John Michael Smith, Jr., Mayville, New York, Court of Federal Claims No: 21–1911V
79. Kimberly Beth Garrett, Grand Rapids, Michigan, Court of Federal Claims No: 21–1913V
80. Kevin Slayton, Annapolis, Maryland, Court of Federal Claims No: 21–1914V
81. Anna Howle on behalf of M. L. L., Washington, District of Columbia, Court of Federal Claims No: 21–1915V
82. Limor Mazlin, Washington, District of Columbia, Court of Federal Claims No: 21–1916V
83. Jo Ellen Jackman on behalf of Kenneth W. Jackman, Clarkston, Washington, Court of Federal Claims No: 21–1917V
84. Dana Ball, Wellesley Hills, Massachusetts, Court of Federal Claims No: 21–1920V
85. Janis Rockey, Hendersonville, Tennessee, Court of Federal Claims No: 21–1921V
86. Marjorie Putnam, Washington, District of Columbia, Court of Federal Claims No: 21–1923V
87. Mary Richardson, Steubenville, Ohio, Court of Federal Claims No: 21–1924V
88. Christopher Hurtte, Granite City, Illinois, Court of Federal Claims No: 21–1925V
89. Emma M. Grim, Sacramento, California, Court of Federal Claims No: 21–1927V
90. Rebecca Egan, Palmdale, California, Court of Federal Claims No: 21–1928V
91. Robert Elliott, Sioux Falls, Iowa, Court of Federal Claims No: 21–1929V
92. Linda Slafer, Orlando, Florida, Court of Federal Claims No: 21–1930V
93. Rebeka Spengler, Des Moines, Iowa, Court of Federal Claims No: 21–1932V
94. Dianne Harvanek, Lakewood, Colorado, Court of Federal Claims No: 21–1933V
95. Tamara Bernadine on behalf of E. S., Phoenix, Arizona, Court of Federal Claims No: 21–1935V
96. Tammy Macklin, Englewood, New Jersey, Court of Federal Claims No: 21–1936V
97. Michael Johnson, Englewood, New Jersey, Court of Federal Claims No: 21–1937V
98. Bonnie McKirdy, Philadelphia, Pennsylvania, Court of Federal Claims No: 21–1938V

[FR Doc. 2021–22598 Filed 10–15–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; the Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment Surveys, OMB No. 0906–0014, Revision

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

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this Notice has closed.

DATES: Comments on this ICR should be received no later than November 17, 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 Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the acting HRSA Information Collection Clearance Officer at paperwork@hrsa.gov or call (301) 443–9094.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: The Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment Surveys. OMB No. 0906–0014—Revision.

Abstract: The purpose of the Public Health System Assessment Surveys is to inform the Advisory Committee on Heritable Disorders in Newborns and Children (Committee) on states' ability to add newborn screening for particular conditions, including the feasibility, readiness and overall capacity to screen for a new condition.

The Committee was established under the Public Health Service Act, 42 U.S.C. 217a: Advisory councils or committees (PDF—215 KB), and Title XI § 1111 (42 U.S.C. 300b–10). The purpose of the Committee is to provide the Secretary with recommendations, advice, and technical information regarding the most appropriate application of technologies, policies, guidelines, and standards for: (a) Effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders; and (b) enhancing the ability of state and local health agencies to provide for newborn and child screening, counseling, and health care services for newborns and children having, or at risk for, heritable disorders. Specifically, the Committee makes systematic evidence-based recommendations on newborn screening for conditions that have the potential to change the health outcomes for newborns.

The Committee tasks an external workgroup to conduct systematic evidence-based reviews for conditions being considered for addition to the Recommended Uniform Screening Panel, and their corresponding newborn screening test(s), confirmatory test(s), and treatment(s). Reviews also include an analysis of the benefits and harms of newborn screening for a selected

condition at a population level and an assessment of state public health newborn screening programs' ability to implement the screening of a new condition.

A 60-day notice published in the **Federal Register**, 86 FR 38726 (July 22, 2021).

There were no public comments.

Need and Proposed Use of the Information: The surveys are administered by the Committee's Evidence Review Group to collect data from state newborn screening programs in the United States. The surveys have been developed to capture the following: (1) Readiness of state public health newborn screening programs to expand newborn screening to include the target condition, (2) specific requirements of screening for a condition that could hinder or facilitate implementation in each state, and (3) estimated timeframes needed for each state to complete major milestones toward full implementation of newborn screening for the condition.

The following is a summary of proposed changes to the Committee's Public Health System

Assessment Surveys

Proposed changes to the "INITIAL Survey of the Secretary's Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment":

- Survey title:

- *Current title:* "INITIAL Survey of the Secretary's Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment".

- *Proposed change:* (strike "Secretary's") "INITIAL Survey of the Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment"

- *Rationale:* Per the charter signed November 10, 2020, the ACHDNC is the correct name for the Committee.

- Introductory paragraph:

- *Current introductory paragraph:* "The purpose of this survey is to inform the Secretary of Health and Human Services Advisory Committee on

Heritable Disorders in Newborns and Children (Committee) about states' ability to add newborn screening (NBS) for [condition x] using information gathered from most of the state and territorial NBS programs in the U.S. . . ."

- *Proposed change:* (strike "Secretary of Health and Human Services") "The purpose of this survey is to inform the Advisory Committee on Heritable Disorders in Newborns and Children (Committee) about states' ability to add newborn screening (NBS) for [condition x] using information gathered from most of the state and territorial NBS programs in the U.S. . . ."

- *Rationale:* Per the charter signed November 10, 2020, the ACHDNC is the correct name of the Committee.

- Instructions for question 3 (grammatical edit):

- *Current instructions:* ". . . The following question asks you to consider, in general, how much the following factors would be an issue in considering adding [condition x] to your NBS panel."

- *Proposed change:* (strike "in", replace with "when"), ". . . The following question asks you to consider, in general, how much the following factors would be an issue when considering adding [condition x] to your NBS panel."

- *Rationale:* Correction of grammatical error.

Proposed changes to the "FOLLOW-UP Survey of the Secretary's Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment":

- Survey title:

- *Current title:* "INITIAL Survey of the Secretary's Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment".

- *Proposed change:* (strike "Secretary's") "INITIAL Survey of the Advisory Committee on Heritable Disorders in Newborns and Children's Pub.

- *Rationale:* Per the charter signed November 10, 2020, the ACHDNC is the correct name of the Committee.

- Question 9 (grammatical edits):

- *Current question:* "Have you developed a follow up protocol and/or educational materials for [condition x]? If so please describe the steps for short-term follow and how the plan was developed."

- *Proposed change:* (insert hyphen in "follow-up", insert "-up" in the phrase "short-term follow") "Have you developed a follow-up protocol and/or educational materials for [condition x]? If so, please describe the steps for short-term follow-up and how the plan was developed."

- *Rationale:* Correction of grammatical errors.

The data gathered informs the Committee on the following: (1) Feasibility of implementing population-based screening for the target condition, (2) readiness of state newborn screening programs to adopt screening for the condition, (3) gaps or limitations related to the feasibility or readiness of states to screen for a condition, and (4) areas of technical assistance and resources needed to facilitate screening for conditions with low feasibility or readiness.

Likely Respondents: The respondents to the survey will be state and territorial newborn screening programs.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

[It is anticipated that the proposed revisions will not impact the estimated annualized burden hours]

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
INITIAL Survey of the Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment	159	32	118	10.0	1,180

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS—Continued

[It is anticipated that the proposed revisions will not impact the estimated annualized burden hours]

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
FOLLOW-UP Survey of the Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment	² 30	³ 2	60	2.0	120
Total	89		178		1,300

¹ The respondents to the survey will be state and territorial newborn screening programs.² Up to 30 states and/or territories will be asked to complete a follow-up survey.³ Up to two conditions may be reviewed per year.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021-22619 Filed 10-15-21; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-4040-0009]

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 17, 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 4040-0009-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: Assurances for Construction Programs (SF-424D).

Type of Collection: Renewal.

OMB No.: 4040-0009.

Abstract

Assurances for Construction Programs (SF-424D) is used by applicants to apply for Federal financial assistance. The Assurances for Construction Programs (SF-424D) form allows the applicants to provide specific assurances as part of their grant proposals. This form is 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.

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
Assurances for Construction Programs (SF-424D).	Grant-seeking organizations	353	1	0.5	176.5
Total			1		176.5

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021-22649 Filed 10-15-21; 8:45 am]

BILLING CODE 4151-AE-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-4040-0019]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, Health and Human Services (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 17, 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 4040–0019–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: Project Abstract Summary.

Type of Collection: Renewal.

OMB No.: 4040–0019.

Abstract

The Project Abstract Summary form provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use Project Abstract Summary form for grant programs not required to collect all the data that is required on the SF–424 core data set and form. Project Abstract Summary form is used by organizations to apply for Federal financial assistance in the form of grants. This form is 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.

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
Project Abstract Summary	Grant applicants	3,467	1	1	3,467
Total		3,467		1	3,467

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–22647 Filed 10–15–21; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Neurological Injuries and Disorders.

Date: November 8, 2021.

Time: 11:00 a.m. to 5:00 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: Jordan Matthew Moore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002A1, Bethesda, MD 20892, (301) 451–0293, moorejom@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Cerebrovascular Disorders.

Date: November 10, 2021.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jordan Matthew Moore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002A1, Bethesda, MD 20892, (301) 451–0293, moorejom@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Transplantation and Autoimmunity.

Date: November 10, 2021.

Time: 12:00 p.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: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, prasads@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Infectious, Foodborne and

Waterborne Disease Diagnostics and Methods in Microbial Sterilization and Disinfection.

Date: November 15–16, 2021.

Time: 9:30 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: Gagan Pandya, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, (301) 435–1167, pandyaga@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–19–367: Maximizing Investigators' Research Award (R35—Clinical Trial Optional).

Date: November 18–19, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, balasundaramd@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Skeletal and Dental Biology and Tissue Engineering.

Date: November 18, 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: Chee Lim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, Bethesda, MD 20892, (301) 435-1850, limc4@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: October 12, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-22555 Filed 10-15-21; 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 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 Drug Abuse Special Emphasis Panel; NIDA and NIAAA Institutional Research Training Grant (T32/T35) Review Panel.

Date: November 10-12, 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: Sindhu Kizhakke Madathil, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827-5702, sindhu.kizhakkemadathil@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: October 13, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-22643 Filed 10-15-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIA.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE ON AGING, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIA.

Date: October 19-21, 2021.

Closed: October 19, 2021, 9:00 a.m. to 9:45 a.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Open: October 19, 2021, 9:45 a.m. to 12:45 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: October 19, 2021, 12:45 p.m. to 1:30 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Open: October 19, 2021, 1:30 p.m. to 3:30 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: October 19, 2021, 3:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: October 20, 2021, 9:00 a.m. to 9:15 a.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Open: October 20, 2021, 9:15 a.m. to 10:45 a.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: October 20, 2021, 10:45 a.m. to 3:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: October 21, 2021, 9:00 a.m. to 9:15 a.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Open: October 21, 2021, 9:15 a.m. to 10:45 a.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: October 21, 2021, 10:45 a.m. to 12:30 p.m.

Agenda: To review and evaluate committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, Biomedical Research Center, 3rd Floor, Conference Room 03C227, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Contact Person: Luigi Ferrucci, MD, Ph.D., Scientific Director, National Institute on Aging, 251 Bayview Boulevard, Suite 100, Room 4C225, Baltimore, MD 21224, 410-558-8110, LF27Z@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: October 13, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-22641 Filed 10-15-21; 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: Center for Scientific Review Special Emphasis Panel; Acute Brain Injury and Recovery.

Date: November 8, 2021.

Time: 2:00 p.m. to 5:00 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: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892-7846, 301-435-1254, yakovleva@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: November 9-10, 2021.

Time: 9:30 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: Mufeng Li, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-5653, limuf@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Musculoskeletal, Orthopedic, Oral, and Rehabilitation.

Date: November 16-17, 2021.

Time: 8:30 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: Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 237-9931, ansaria@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cell and Molecular Biology.

Date: November 16-17, 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: Ronit I. Yarden, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 904B, Bethesda, MD 20892, (202) 552-9939, yardenri@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pulmonary Fibrosis and Lung Injury.

Date: November 16-17, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: George M. Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7818, Bethesda, MD 20892, 301-435-0696, barnasg@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery for Aging, Neuropsychiatric and Neurologic Disorders.

Date: November 16-17, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aurea D. De Sousa, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5186, Bethesda, MD

20892, 301-827-6829, aurea.desousa@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery Involving the Nervous System.

Date: November 16-17, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lai Yee Leung, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011D, Bethesda, MD 20892, (301) 435-1042, leungl2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Nonviral Anti-Infective Therapeutics.

Date: November 18-19, 2021.

Time: 10:00 a.m. to 3:00 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: Bidyottam Mittra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20894, 301-435-4057, bidyottam.mittra@nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Maximizing Investigators' Research Award B Study Section.

Date: November 18-19, 2021.

Time: 10:00 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: Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7846, Bethesda, MD 20892, (301) 827-5263, sudha.veeraraghavan@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Mycology and Parasitology.

Date: November 22, 2021.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: 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: October 13, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-22644 Filed 10-15-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Senior Executive Service Performance Review Boards

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice announces the appointment of members of the Senior Executive Service (SES) Performance Review Boards (PRBs) for the Department of Homeland Security (DHS). The purpose of the PRBs is to make recommendations to the appointing authority (*i.e.*, Component head) on the performance of senior executives (career, noncareer, and limited appointees), including recommendation on performance ratings, performance-based pay adjustments, and performance awards. The PRBs will also make recommendations on the performance of Transportation Security Executive Service, Senior Level, and Scientific and Professional employees. To make its recommendations, the PRBs will review performance appraisals, initial summary ratings, any response by the employee, and any higher-level official's findings.

DATES: *Applicable Dates:* This Notice is applicable as of October 18, 2021.

FOR FURTHER INFORMATION CONTACT: Greg Ruocco, Director, Executive Resources, Office of the Chief Human Capital Officer, greg.ruocco@hq.dhs.gov, (202) 897-8470.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c) and 5 CFR 430.311, each agency must establish one or more PRBs to make recommendations to the appointing authority (*i.e.*, Component head) on the performance of its senior executives. Each PRB must consist of three or more members. More than one-half of the membership of a PRB must be SES career appointees when reviewing appraisals and recommending performance-based pay adjustments or performance awards for career appointees. Composition of the specific PRBs will be determined on an ad hoc basis from among the individuals listed below:

List of Names (Alphabetical Order)

Adamcik, Carol A.

Aguilar, Max
Alfonso-Royals, Angelica
Allen, Matthew C.
Alles, Randolph D.
Anderson, Sandra D.
Antognoli, Anthony
Archambeault, Gregory J.
Armstrong, Gloria R.
Arratia, Juan
Baden, Mary
Bailey, Angela S.
Baker, Jeremy D.
Baker, Paul E.
Barksdale-Perry, Nicole C.
Baroukh, Nader
Barrera, Staci A.
Barrett, Lawrence R.
Beagles, James M.
Berg, Peter B.
Berger, Katrina W.
Bernstein, Meira
Bhagowalia, Sanjeev
Bible, Daniel A.
Bible, Kenneth
Blackwell, Juliana J.
Blessey, Caroline
Bobich, Jeffrey M.
Bonner, Bryan
Borkowski, Mark S.
Boyd, John
Boyer, Stephen A.
Bradshaw, Patricia S.
Brane, Michelle
Braun, Jacob H.
Brewer, Julie S.
Bright, Andrea J.
Brito, Roberto
Brown, Alan S.
Browne, Rene E.
Brundage, William
Bryan, Michelle C.
Bucholtz, Kathleen L.
Bullock, Edna
Bunker, Michael D.
Burgess, Kenneth
Burks, Atisha
Burns, Robert P.
Burriesci, Kelli A.
Bush, Thomas L.
Bush, William B.
Cagen, Steven W.
Caggiano, Marshall L.
Caine, Jeffrey
Cameron, Michael K.
Campo, Brian
Canevari, Holly E.
Canty, Rachel E.
Cappello, Elizabeth A.
Carnes, Alexandra
Carpio, Philip F.
Carraway, Melvin J.
Castro, Raul M.
Chaleki, Thomas D.
Cheatle, Kimberly A.
Cheng, Wen-Ting
Clark, Alaina
Cleary Stannard, Jennifer S.
Cline, Richard K.
Cloe, David
Cofield, Valerie M.
Cohen, John D.
Collins, James L.
Condon, John A.
Cook, Charles
Coronado, Luis
Corrado, Janene M.

Cotter, Daniel
Courey, Marc B.
Courtney, Paul
Coven, Phyllis
Cox, Adam
Cox, Debra S.
Cronen, Christopher M.
Cross, Catherine C.
Crumpacker, Jim H.
Culliton-Gonzalez, Katherine
Cunningham, John D.
Dainton, Albert J.
Dargan, John L.
Das, Sharmistha
Daskal, Jennifer
Davidson, Michael J.
Davis, Michael P.
Davis, Michael P.
Dawson, Inga I.
Decker, Thomas R.
Dembling, Ross W.
DeNayer, Larry C.
Denton, David L.
DeQuattro, Pat
Di Pietro, Joseph R.
DiFalco, Frank J.
Dippa, Kathy L.
Dobitsch, Stephanie M.
Doran, Thomas J.
Dornburg, Erica M.
Dorr, Robert
Dragani, Nancy J.
Dunbar, Susan C.
Dupree, Lynn
Eaton, Joseph J.
Ederheimer, Joshua A.
Edwards, Benjamin R.
Edwards, Eric L.
Ejiasa, Cyprian
Eldredge, Deborah N.
Ellison, Jennifer
Emrich, Matthew D.
Escobar Carrillo, Felicia A.
Essaheb, Kamal
Evetts, Mark V.
Falk, Scott K.
Fallon, William T.
Fenton, Jennifer M.
Ferrara, William A.
Fitzmaurice, Stacey D.
Fitzpatrick, Ronnyka
Fluit, Heather
Fong, Heather
Francis, Steve K.
Fujimura, Paul
Gabbrielli, Tina
Gabbrielli, Tina W.
Gabriel, Russell
Gaches, Michael
Gantt, Kenneth D.
Geer, Harlan
Gersten, David
Gladwell, Angela R.
Glass, Veronica
Gountanis, John
Granger, Christopher
Grazzini, Christopher
Groom, Molly
Gunter, Brett A.
Guzman, Nicole
Guzman, Nicole G.
Habersaat, Mark S.
Hall, Christopher J.
Hampton, Stephanie L.
Harris, Melvin
Harvey, Melanie K.

Hatch, Peter
 Havranek, John F.
 Heinz, Todd W.
 Henderson, Rachelle B.
 Hess, David A.
 Hickey, Gary
 Higgins, Jennifer B.
 Highsmith, AnnMarie R.
 Hinkle-Bowles, Paige
 Hochman, Kathleen
 Holzer, James
 Hoover, Crinley S.
 Horton, Michael G.
 Horyn, Iwona B.
 Howard, Tammy
 Hoy, Serena
 Huang, Paul P.
 Huffman, Benjamin C.
 Hughes, Clifford T.
 Hunter, Adam
 Huse, Thomas F.
 Hysen, Eric
 Iletto, Carlene
 Jackson, Arnold D.
 James, Michele M.
 Jawetz, Tom
 Jenkins, Donna
 Jennings, David W.
 Jeronimo, Jose M.
 Johnson, James V.
 Johnson, Tae D.
 Jones, Eric C.
 Kaufman, Steven
 Kelley, Angela M.
 Kelly, Kevin M.
 Kerner, Francine
 King, Matthew H.
 King, Tatum S.
 Klein, Matthew
 Koumans, Marnix R.
 Kronisch, Matthew L.
 Kuepper, Andrew
 Kuhn, Karen A.
 LaJoye, Darby R.
 Lambeth, John
 Lanum, Scott F.
 Larrimore, David
 Laurance, Stephen A.
 Lawrence, Jamie
 Lechleitner, Patrick J.
 Lederer, Calvin M.
 Lee, Kimya S.
 Leonard, John P.
 Letowt, Philip J.
 Lewis, James
 Loiacono, Adam V.
 Lundgren, Karen E.
 Lynch, Steven M.
 Lyon, Shonnie R.
 Lyons, Todd M.
 Maday, Brian
 Magrino, Christopher
 Maher, Joseph B.
 Mapar, Jalal
 Marcott, Stacy
 Martin, Joseph F.
 Maurer, Tim
 McComb, Richard
 McCullar, Shannon
 McDermott, Thomas
 McDonald, Christina E.
 McElwain, Patrick J.
 McEntee, Jonathan
 McGovern, Helen Mary
 McLane, JoAnn
 Meade, Michael W.

Meckley, Tammy M.
 Medina, Yvonne R.
 Mehringer, Holly C.
 Meyer, Joel T.
 Michelini, Dennis J.
 Miles, Jere T.
 Miles, John D.
 Miller, Alice
 Miller, Gail
 Miller, Matthew S.
 Millona, Eva A.
 Mina, Peter E.
 Mitchell, Kathryn C.
 Moman, Christopher C.
 Moncarz, Benjamin D.
 Mulligan, George D.
 Murphy, Brian J.
 Murphy, Mark
 Murray, James M.
 Mussington, Brian D.
 Nally, Kevin J.
 Natarajan, Nitin
 Navarro, Donna M.
 Neitzel, Beth
 Neumeister, James
 Newman, Robert B.
 Nolan, Connie L.
 O'Connor, Kimberly
 Ogden, Jason T.
 Olick, Karen L.
 Olson, David
 Ondocin, Michael A.
 Ornato, Anthony M.
 Ortiz, Raul L.
 Padilla, Kenneth
 Padilla, Kenneth
 Padilla Jr, Manuel
 Palmer, David J.
 Paramore, Faron K.
 Paschall, Robert D.
 Patel, Kalpesh A.
 Patterson, Leonard E.
 Pavlik-Keenan, Catrina
 Perez, Nelson
 Perry, Timothy
 Picarelli, John
 Piccone, Colleen C.
 Pineiro, Marlen
 Podonsky, Glenn S.
 Pohlman, Teresa R.
 Porto, Victoria
 Powell, Jonathan
 Price, Corey A.
 Prosnitz, Susan M.
 Punteney, James
 Purifoy, Felicia
 Quinn, Timothy J.
 Raymond, John J.
 Renaud, Daniel M.
 Renaud, Tracy L.
 Rezmovic, Jeffrey M.
 Rodi III, Louis A.
 Rodriguez, Waldemar
 Roncone, Stephen A.
 Rosenblum, Marc R.
 Rubino, Jaclyn
 Rynes, Joel C.
 Sabatino, Diane J.
 Sahakian, Diane V.
 Salazar, Rebecca A.
 Salazar, Ronald M.
 Saltalamachea, Michael
 Salvano-Dunn, Dana
 Scardaville, Michael
 Scott, Kika M
 Sejour, Soldenise

Selby, Cara M.
 Sequin, Debbie W.
 Sevier, Adrian
 Shahoulian, David
 Shaw, David C.
 Shearer, Ruth C.
 Sheridan, Jeremy C.
 Short, Victoria D.
 Skelton, Kerry T.
 Smislova, Melissa
 Smith, Frederick B.
 Spradlin, Ryan L.
 Stephens, Celisa M.
 Stevenson, Tirelle D.
 Stiefel, Nathaniel I.
 Stough, Michael S.
 Stuntz, Shelby
 Sulc, Brian
 Sunstein, Cass
 Sutherland, Dan W.
 Swartz, Neal J.
 Sykes, Gwendolyn
 Tabaddor, Afsaneh
 Tapscott, Wallicia
 Taylor, Robin M.
 Todd, Sarah
 Tomney, Christopher J.
 Toris, Randolph B.
 Travina, John
 Try, Gregory W.
 Tschappel, Richard
 Valverde, Michael
 Van Houten, Ann
 Venture, Veronica
 Villanueva, Raymond
 Vinograd, Samantha
 Wales, Brandon
 Wallen, Steven
 Walton, Kimberly A.
 Washington, Karinda
 Wasowicz, John A.
 Watkins, Tracey L.
 Watson, Andre R.
 Wawro, Joseph D.
 Wells, James
 Whalen, Mary Kate
 Wheaton, Kelly D.
 Williams, Marta
 Williams II, Jesse J.
 Witte, Diane L.
 Wolfe, Herbert
 Wong, Sharon M.
 Wright, Christopher J.
 Yarwood, Susan A.

Dated: October 12, 2021.

Greg Ruocco,

Director, Executive Resources, Office of the Chief Human Capital Officer.

[FR Doc. 2021-22572 Filed 10-15-21; 8:45 am]

BILLING CODE 9112-FC-P

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

[22A2100DD/AAKC001030/
A0A501010.999900 253G; OMB Control
Number 1076-0134]

**Agency Information Collection
Activities; Student Transportation
Form**

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice of information collection;
request for comment.

SUMMARY: In accordance with the
Paperwork Reduction Act of 1995, we,
the Bureau of Indian Education (BIE) are
proposing to renew an information
collection.

DATES: Interested persons are invited to
submit comments on or before
December 17, 2021.

ADDRESSES: Send your comments on
this information collection request (ICR)
by mail to Elizabeth Appel, Director,
Office of Regulatory Affairs &
Collaborative Action—Indian Affairs,
U.S. Department of the Interior, 1849 C
Street NW, Mail Stop 4660, Washington,
DC 20240; or by email to comments@bia.gov. Please reference OMB Control
Number 1076-0134 in the subject line of
your comments.

FOR FURTHER INFORMATION CONTACT: To
request additional information about
this ICR, contact Charles Riley, phone:
(505) 563-5283.

SUPPLEMENTARY INFORMATION: In
accordance with the Paperwork
Reduction Act of 1995, we provide the
general public and other Federal
agencies with an opportunity to
comment on new, proposed, revised,
and continuing collections of
information. This helps us assess the
impact of our information collection
requirements and minimize the public's
reporting burden. It also helps the
public understand our information
collection requirements and provide the
requested data in the desired format.

We are soliciting comments on the
proposed ICR that is described below.
We are especially interested in public
comment addressing the following
issues: (1) Is the collection necessary to
the proper functions of the BIE; (2) will
this information be processed and used
in a timely manner; (3) is the estimate
of burden accurate; (4) how might the
BIE enhance the quality, utility, and
clarity of the information to be
collected; and (5) how might the BIE
minimize the burden of this collection
on the respondents, including through
the use of information technology.

Comments that you submit in
response to this notice are a matter of
public record. We will include or
summarize each comment in our request
to OMB to approve this ICR. Before
including your address, phone number,
email address, or other personal
identifying information in your
comment, you should be aware that
your entire comment—including your
personal identifying information—may
be made publicly available at any time.
While you can ask us in your comment
to withhold your personal identifying
information from public review, we
cannot guarantee that we will be able to
do so.

Abstract: The BIE is requesting
renewal of OMB approval for the
Student Transportation Form. The
Student Transportation regulations in
25 CFR part 39, subpart G, contain the
program eligibility and criteria that
govern the allocation of transportation
funds. Information collected from the
schools will be used to determine the
rate per mile. The information
collection provides transportation
mileage for Bureau-funded schools,
which determines the allocation of
transportation funds. This information
is collected using a web-based system,
Web Education Transportation (Web
ET).

Title of Collection: Student
Transportation Form.

OMB Control Number: 1076-0134.

Form Number: None.

Type of Review: Extension of a
currently approved collection.

Respondents/Affected Public:
Contract and Grant schools; Bureau-
operated schools.

**Total Estimated Number of Annual
Respondents:** 183 per year, on average.

**Total Estimated Number of Annual
Responses:** 183 per year, on average.

**Estimated Completion Time per
Response:** Two hours.

**Total Estimated Number of Annual
Burden Hours:** 366 hours.

Respondent's Obligation: Required to
Obtain a Benefit.

Frequency of Collection: Once per
year.

**Total Estimated Annual Nonhour
Burden Cost:** \$0.

An agency may not conduct or
sponsor and a person is not required to
respond to a collection of information
unless it displays a currently valid OMB
control number.

The authority for this action is the
Paperwork Reduction Act of 1995 (44
U.S.C. 3501 *et seq.*)

Elizabeth K. Appel,

*Director, Office of Regulatory Affairs and
Collaborative Action—Indian Affairs.*

[FR Doc. 2021-22602 Filed 10-15-21; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[LLNVS01000.L58530000.EU0000.241A; N-
97771; 12-08807; MO# 4500153661;
TAS:15X5232]

**Notice of Realty Action: Classification
for Lease and/or Conveyance for
Recreation and Public Purposes of
Public Lands (N-97771) for a Park in
the Southwest Portion of the Las
Vegas Valley, Clark County, Nevada**

AGENCY: Bureau of Land Management,
Department of the Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land
Management (BLM), Las Vegas Field
Office, has examined and found suitable
for classification for lease and
subsequent conveyance under the
provisions of the Recreation and Public
Purposes (R&PP) Act, as amended,
approximately 10 acres of public land in
the Las Vegas Valley, Clark County,
Nevada. Clark County Real Property
Management proposes to use the land
for a 10-acre public park that will help
meet expanding recreational needs in
the southwestern part of the Las Vegas
Valley.

DATES: Interested parties may submit
written comments regarding the
proposed classification for lease and
conveyance of the land until December
2, 2021.

ADDRESSES: Mail written comments to
the BLM Las Vegas Field Office,
Assistant Field Manager, 4701 North
Torrey Pines Drive, Las Vegas, Nevada
89130, fax to (775) 515-5010.

FOR FURTHER INFORMATION CONTACT:
Jamie Moeini at the above address, by
telephone at (702) 515-5129, or by
email at jmoeini@blm.gov. Persons who
use a telecommunications device for the
deaf (TDD) may call the Federal Relay
Service (FRS) at 1-800-877-8339 to
contact the above individual during
normal business hours. The FRS is
available 24 hours a day, 7 days a week,
to leave a message or question with the
above individual. You will receive a
reply during normal business hours.

SUPPLEMENTARY INFORMATION: The parcel
is located south of Patrick Lane and

west of Tee Pee Lane in southwest Las Vegas and is legally described as:

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 31, NE1/4NW1/4SE1/4.

The area described contains 10 acres in Clark County, Nevada.

In accordance with the R&PP Act, Clark County Real Property Management has filed an application to develop the above-described land as a public park consisting of a splash pad, four multiage playground areas, premanufactured restrooms with water bottle fillers, four 16 feet by 16 feet shade structures, four 16 feet by 24 feet shade structures, four turf fenced dog runs, a sport/exercise equipment area, a trash enclosure, large turf areas, trees, planters, typical desert landscaping, paved walking trails, concrete sidewalks, street and park lighting, a paved 53-space parking lot, and utilities for direct support of the proposed park. Additional detailed information pertaining to this publication, plan of development, and site plan is available in case file N-97771, which is available for review at the BLM Las Vegas Field Office at the above address.

Clark County Real Property Management is a political subdivision of the State of Nevada, and is therefore a qualified applicant under the R&PP Act.

Subject to limitations prescribed by law and regulations, prior to patent issuance the holder of any right-of-way grant within the lease area may be given the opportunity to amend the right-of-way grant for conversion to a new term, including perpetuity, if applicable.

The land identified is not needed for any Federal purpose. The lease and/or conveyance is consistent with the BLM Las Vegas Resource Management Plan dated October 5, 1998, and would be in the public interest. Clark County Real Property Management has not applied for more than the 640-acre limitation for public purpose uses in a year and has submitted a statement that their application is for a definite project as required in regulations at 43 CFR 2741.4(b).

The lease and conveyance, when issued, will be subject to the following terms, conditions, and reservations:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945);

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior;

3. All mineral deposits in the land so patented, and the right to prospect for, mine, and remove such deposits from the same under applicable law and

regulations as established by the Secretary of the Interior are reserved to the United States, together with all necessary ingress and egress rights;

4. Lease or conveyance of the parcel is subject to valid existing rights;

5. An appropriate indemnification clause protecting the United States from claims arising out of the lessee's/patentee's use, occupancy, or operations on the leased/patented lands; and

6. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease and conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

Interested parties may submit written comments on the suitability for classification of the land as a public park project in Clark County. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs. Interested parties may also submit written comments regarding the specific use proposed in the application, plan of development, site plan, and whether the BLM followed proper administrative procedures in reaching the decision to lease and convey under the R&PP Act.

Before including your address, phone number, email, address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Only written comments submitted to the Assistant Field Manager, BLM Las Vegas Field Office, will be considered properly filed. Any adverse comments will be considered protests and will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action.

In the absence of any adverse comments, the decision will become effective on December 17, 2021. The lands will not be available for lease and

conveyance until after the decision becomes effective.

(Authority: 43 CFR 2741.5)

Shonna Dooman,

Field Manager, Las Vegas Field Office.

[FR Doc. 2021-22653 Filed 10-15-21; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS00000 L19200000.ET0000 WBS LRORF1808700 MO# 4500154284]

Public Notice of Legal Land Description and Map Availability, Nevada Test and Training Range, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice constitutes official publication of the legal land description for the Nevada Test and Training Range in Nevada, which is withdrawn and reserved for military purposes.

DATES: The legal land description became effective on October 18, 2021.

ADDRESSES: Copies of the map are available for public review at the Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502, and the Bureau of Land Management, Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130-2301.

FOR FURTHER INFORMATION CONTACT: Eric Benavides, Realty Specialist, BLM Southern Nevada District Office, 4701 North Torrey Pines Dr., Las Vegas, NV 89130-2301; ebenavides@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: On January 1, 2021, Public Law 116-283, the National Defense Authorization Act (NDAA) for Fiscal Year 2021, was enacted. The NDAA under Title XXVIII, Subtitle E, Sec. 2843 extended the withdrawal of public land created by the Military Lands Withdrawal Act of 1999 (MLWA) (Title XXX of Public Law 106-65; 113 STAT. 885), as amended by Public Law 113-291 (128 STAT. 3878-3879), by establishing a termination date of November 6, 2046, for those lands

withdrawn and reserved in section 3011(b) (113 STAT. 886) of the MLWA. Pursuant to section 3012 (113 STAT. 890) of the MLWA, this Notice advises the public of the official legal land description for the public lands withdrawn and reserved for use by the Secretary of the Air Force for military purposes. As the legal land description for the Nevada Test and Training Range was not published in the **Federal Register** following enactment of the MLWA, this Notice corrects that deficiency. The public lands withdrawn for the Nevada Test and Training Range are described as:

Mount Diablo Meridian, Nevada

- Tps. 1 thru 4 S., R. 44 E.
 T. 5 S., R. 44 E., partly unsurveyed,
 Secs. 1 and 2, 10 thru 16 and 20 thru 36.
 T. 6 S., R. 44 E., unsurveyed,
 Secs. 1 thru 6, 8 thru 17, 21 thru 27, and
 34 thru 36.
 T. 7 S., R. 44 E., partly unsurveyed,
 Secs. 1, 2, and 11 thru 13.
 Tps. 1 thru 4 S., R. 45 E.
 Tps. 5 and 6 S., R. 45 E., unsurveyed.
 T. 7 S., R. 45 E., unsurveyed,
 Secs. 1 thru 30 and 32 thru 36.
 T. 8 S., R. 45 E., unsurveyed,
 Secs. 1 thru 4, 10 thru 14, and 24 and 25.
 Tps. 1 and 2 S., R. 46 E.
 Tps. 3 thru 8 S., R. 46 E., unsurveyed.
 T. 9 S., R. 46 E., unsurveyed,
 Secs. 1 thru 5, 9 thru 15, and 23 and 24.
 Tps. 1 and 2 S., R. 47 E.
 Tps. 3 thru 8 S., R. 47 E., unsurveyed.
 T. 9 S., R. 47 E., unsurveyed,
 Secs. 1 thru 30 and 33 thru 36.
 T. 10 S., R. 47 E., partly unsurveyed,
 Secs. 1, 2, and 12.
 Tps. 1 and 2 S., R. 48 E.
 Tps. 3, 4, and 5 S., R. 48 E., unsurveyed.
 T. 6 S., R. 48 E., unsurveyed,
 Secs. 1 thru 34;
 sec. 35, N $\frac{1}{2}$;
 sec. 36, N $\frac{1}{2}$.
 T. 7 S., R. 48 E., unsurveyed,
 Secs. 3 thru 10 and 15 thru 23;
 sec. 25, W $\frac{1}{2}$;
 Secs. 26 thru 36.
 Tps. 8 and 9 S., R. 48 E., unsurveyed.
 T. 10 S., R. 48 E., unsurveyed,
 Secs. 1 thru 17, 21 thru 26, and 36.
 Tps. 1 and 2 S., R. 49 E.
 Tps. 3, 4, and 5 S., R. 49 E., unsurveyed.
 T. 6 S., R. 49 E., unsurveyed,
 Secs. 1 thru 30;
 Sec. 31, N $\frac{1}{2}$ and SE $\frac{1}{4}$;
 Secs. 32 thru 36.
 T. 7 S., R. 49 E., unsurveyed,
 Secs. 1 thru 5;
 Sec. 6, E $\frac{1}{2}$.
 T. 8 S., R. 49 E., unsurveyed,
 Sec. 6, W $\frac{1}{2}$;
 Sec. 7;
 Sec. 17, W $\frac{1}{2}$;
 Secs. 18 thru 20 and 28 thru 33;
 Sec. 34, W $\frac{1}{2}$.
 T. 9 S., R. 49 E., unsurveyed,
 Secs. 3 thru 11 and 14 thru 23;
 Secs. 24 and 25, excepting those portions
 withdrawn by Public Land Order 2568;
 Secs. 26 thru 35;
 Sec. 36, excepting those portions
 withdrawn by Public Land Order 2568.
 T. 10 S., R. 49 E., unsurveyed,
 Sec. 1, excepting those portions withdrawn
 by Public Land Order 2568;
 Secs. 2 thru 11;
 Secs. 12 and 13, excepting those portions
 withdrawn by Public Land Order 2568;
 Secs. 14 thru 23;
 Secs. 24 and 25, excepting those portions
 withdrawn by Public Land Order 2568;
 Secs. 26 thru 35;
 Sec. 36, excepting those portions
 withdrawn by Public Land Order 2568.
 T. 11 S., R. 49 E., unsurveyed,
 Sec. 1, excepting those portions withdrawn
 by Public Land Order 2568;
 Secs. 2 thru 11;
 Secs. 12 and 13, excepting those portions
 withdrawn by Public Land Order 2568;
 Secs. 14 thru 23;
 Secs. 24 and 25, excepting those portions
 withdrawn by Public Land Order 2568;
 Secs. 26 thru 35;
 Sec. 36, excepting those portions
 withdrawn by Public Land Order 2568.
 T. 12 S., R. 49 E., unsurveyed,
 Sec. 1, excepting those portions withdrawn
 by Public Land Order 2568;
 Secs. 2 thru 11;
 Secs. 12 and 13, excepting those portions
 withdrawn by Public Land Order 2568;
 Secs. 14 thru 23;
 Secs. 24 and 25, excepting those portions
 withdrawn by Public Land Order 2568;
 Secs. 26 thru 35;
 Sec. 36, excepting those portions
 withdrawn by Public Land Order 2568.
 Tps. 1 thru 5 S., R. 50 E., unsurveyed.
 T. 6 S., R. 50 E., unsurveyed,
 Secs. 1 thru 33.
 T. 7 S., R. 50 E., unsurveyed,
 Sec. 6.
 Tps. 2 thru 5 S., R. 51 E., unsurveyed.
 T. 6 S., R. 51 E., unsurveyed,
 Secs. 1 thru 30 and 34 thru 36.
 T. 7 S., R. 51 E., unsurveyed,
 Sec. 1.
 Tps. 3 and 4 S., R. 51 $\frac{1}{2}$ E., unsurveyed.
 Tps. 3 thru 6 S., R. 52 E., unsurveyed.
 T. 7 S., R. 52 E., unsurveyed,
 Secs. 1 thru 16, 21 thru 28, and 33 thru 36.
 T. 8 S., R. 52 E., unsurveyed,
 Secs. 1 thru 4;
 Secs. 9 thru 12, excepting those portions
 withdrawn by Public Land Order 805.
 Tps. 3 and 4 S., R. 53 E.
 Tps. 5, 6, and 7 S., R. 53 E., unsurveyed.
 T. 8 S., R. 53 E., unsurveyed,
 Secs. 1 thru 6;
 Secs. 7 thru 12, excepting those portions
 withdrawn by Public Land Order 805.
 T. 3 S., R. 54 E.,
 Secs. 4 thru 9, 16 thru 21, and 28 thru 33.
 T. 4 S., R. 54 E.,
 Secs. 4 thru 9, 16 thru 21, and 28 thru 33.
 Tps. 5, 6, and 7 S., R. 54 E., unsurveyed.
 T. 8 S., R. 54 E., unsurveyed,
 Secs. 1 thru 6;
 Secs. 7 thru 11, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 12 and 13;
 Secs. 14 and 23, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 24 and 25;
 Secs. 26 and 35, excepting those portions
 withdrawn by Public Land Order 805;
 Sec. 36.
 T. 9 S., R. 54 E., unsurveyed,
 Sec. 1;
 Secs. 2 and 11, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 12 and 13;
 Secs. 14 and 23, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 24 and 25;
 Secs. 26 and 35, excepting those portions
 withdrawn by Public Land Order 805;
 Sec. 36.
 T. 10 S., R. 54 E., unsurveyed,
 Sec. 1;
 Secs. 2 and 11, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 12 and 13;
 Secs. 14 and 23, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 24 and 25;
 Secs. 26 and 35, excepting those portions
 withdrawn by Public Land Order 805;
 Sec. 36.
 T. 11 S., R. 54 E., unsurveyed,
 Sec. 1;
 Secs. 2 and 11, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 12 and 13;
 Secs. 14 and 23, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 24 and 25;
 Secs. 26 and 35, excepting those portions
 withdrawn by Public Land Order 805;
 Sec. 36.
 T. 12 S., R. 54 E., unsurveyed,
 Sec. 1;
 Secs. 2 and 11, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 12 and 13;
 Secs. 14 and 23, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 24 and 25;
 Secs. 26 and 35, excepting those portions
 withdrawn by Public Land Order 805;
 Sec. 36.
 T. 13 S., R. 54 E., unsurveyed,
 Sec. 9, excepting those portions withdrawn
 by Public Land Order 805;
 Secs. 10 thru 15;
 Secs. 16 and 21, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 22 thru 27;
 Secs. 28 and 33, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 34 thru 36.
 T. 14 S., R. 54 E., unsurveyed,
 Secs. 1 thru 3;
 Secs. 4 and 9, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 10 thru 15;
 Secs. 16 and 21, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 22 thru 27;
 Secs. 28 and 33, excepting those portions
 withdrawn by Public Land Order 805;
 Secs. 34 thru 36.
 Tps. 5 thru 14 S., R. 55 E., unsurveyed.
 T. 5 S., R. 55 $\frac{1}{2}$ E., unsurveyed,
 Secs. 6 thru 8, 16 thru 21, and 28 thru 33.
 Tps. 6 thru 15 S., R. 55 $\frac{1}{2}$ E., unsurveyed.
 T. 16 S., R. 55 $\frac{1}{2}$ E.,
 Sec. 1, N $\frac{1}{2}$;
 Sec. 2, lots 1 and 2, and NE $\frac{1}{4}$.
 T. 5 S., R. 56 E., unsurveyed,
 Secs. 19 and 20 and 27 thru 35.
 T. 6 S., R. 56 E., partly unsurveyed,

Secs. 2 thru 11, 14 thru 23, and 25 thru 36.
 T. 7 S., R. 56 E., partly unsurveyed,
 Secs. 1 thru 11;
 Sec. 13, W1/2;
 Secs. 14 thru 23;
 Sec. 24, NW1/4;
 Secs. 26 thru 35.
 Tps. 8 thru 14 S., R. 56 E., unsurveyed.
 T. 15 S., R. 56 E.
 T. 16 S., R. 56 E.,
 Secs. 1 thru 6;
 Sec. 8, lot 1;
 Sec. 9, lot 1;
 tracts 38, 39, 40, and 41;
 tract 42, lots A, B, and C.
 T. 6 S., R. 57 E.,
 Sec. 30, lots 1 thru 4, E1/2NW1/4, and E1/2SW1/4;
 Sec. 31.
 T. 7 S., R. 57 E.,
 Sec. 6.
 Tps. 8 thru 15 S., R. 57 E., unsurveyed.
 T. 16 S., R. 57 E., partly unsurveyed,
 Secs. 1 thru 6;
 Sec. 7, NE1/4;
 Secs. 8 thru 16;
 Sec. 17, NE1/4;
 Sec. 20, SE1/4SW1/4, and S1/2SE1/4;
 Secs. 21 thru 26;
 Sec. 27, NE1/4;
 Sec. 28, NW1/4NW1/4;
 Sec. 29, N1/2NE1/4, and NE1/4NW1/4;
 Sec. 35, NE1/4;
 Sec. 36.
 Tps. 8 thru 15 S., R. 58 E., unsurveyed.
 T. 16 S., R. 58 E., unsurveyed,
 Secs. 1 thru 10, 15 thru 22, and 27 thru 34.
 T. 17 S., R. 58 E.,
 Secs. 1 thru 4;
 Sec. 5, NE1/4;
 Sec. 9, NE1/4;
 Sec. 10, N1/2, N1/2SW1/4, SE1/4SW1/4, and SE1/4;
 Secs. 11 and 12;
 Sec. 13, NW1/4;
 Sec. 14, N1/2, NE1/4SW1/4, and SE1/4;
 Sec. 15, NE1/4NE1/4.
 Tps. 8 thru 14 S., R. 59 E., unsurveyed.
 T. 19 S., R. 62 E.,
 Sec. 13, lots 2, 4, and 5, excepting those portions lying within the right-of-way of the Union Pacific Railroad;
 Sec. 14, lots 1, 2, 5, 6, and 8, N1/2NE1/4, and NW1/4, excepting those portions lying within the right-of-way of the Union Pacific Railroad;
 Sec. 24, SE1/4, excepting those portions lying within the right-of-way of Nevada State Route 604 (Las Vegas Blvd.);
 Sec. 25, lot 2.
 T. 19 S., R. 63 E.,
 Sec. 19, lot 4, SE1/4SW1/4, and SW1/4SE1/4, excepting those portions lying within the right-of-way of Nevada State Route 604 (Las Vegas Blvd.);
 Sec. 27, S1/2NW1/4 and SE1/4SE1/4;
 Sec. 28, S1/2NE1/4 and SE1/4NW1/4;
 Sec. 30, lots 1 and 2, W1/2NE1/4, and E1/2NW1/4.

The area described aggregates approximately 362,678 acres in Clark County, 778,681 acres in Lincoln County, and 1,808,244 acres in Nye County. The total area aggregates approximately 2,949,603 acres.

(Authority: Public Law 106–65 as amended by Public Laws 113–291 and 116–283)

Jon K. Raby,

State Director, Nevada.

[FR Doc. 2021–22587 Filed 10–15–21; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[BOEM Docket No. 2021–0072]

Notice on Outer Continental Shelf Oil and Gas Lease Sales

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: List of restricted joint bidders.

SUMMARY: Pursuant to the Energy Policy and Conservation Act of 1975 and the Bureau of Ocean Energy Management (BOEM) regulatory restrictions on joint bidding, BOEM is publishing this list of restricted joint bidders. Each entity within one of the following groups is restricted from bidding with any entity in any of the other groups listed below at Outer Continental Shelf oil and gas lease sales held during the bidding period of November 1, 2021, through April 30, 2022.

DATES: This list of restricted joint bidders covers the bidding period of November 1, 2021, through April 30, 2022, and succeeds the prior list published on April 26, 2021 (86 FR 22067), which covered the period of May 1, 2021, through October 31, 2021.

SUPPLEMENTARY INFORMATION:

Group I

BP America Production Company
 BP Exploration & Production Inc.
 BP Exploration (Alaska) Inc.

Group II

Chevron Corporation
 Chevron U.S.A. Inc.
 Chevron Midcontinent, L.P.
 Unocal Corporation
 Union Oil Company of California
 Pure Partners, L.P.

Group III

Eni Petroleum Co. Inc.
 Eni Petroleum US LLC
 Eni Oil US LLC
 Eni Marketing Inc.
 Eni BB Petroleum Inc.
 Eni US Operating Co. Inc.
 Eni BB Pipeline LLC

Group IV

Equinor ASA
 Equinor Gulf of Mexico LLC
 Equinor USA E&P Inc.

Group V

Exxon Mobil Corporation
 Exxon Mobil Exploration Company

Group VI

Shell Oil Company
 Shell Offshore Inc.
 SWEPI LP
 Shell Frontier Oil & Gas Inc.
 SOI Finance Inc.
 Shell Gulf of Mexico Inc.

Group VII

Total E&P USA, Inc.

Even if an entity does not appear on the above list, BOEM may disqualify and reject certain joint or single bids submitted by an entity if that entity is chargeable for the prior production period with an average daily production in excess of 1.6 million barrels of crude oil, natural gas, and natural gas liquids. See 30 CFR 556.512.

Authority: 42 U.S.C. 6213; and 30 CFR 556.511–556.515.

Amanda B. Lefton,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2021–22580 Filed 10–15–21; 8:45 am]

BILLING CODE 4310–MR–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Criminal Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory committee on criminal rules; notice of cancellation of open hearing.

SUMMARY: The following virtual public hearing on proposed amendments to the Federal Rules of Criminal Procedure has been canceled: Criminal Rules Hearing on November 8, 2021. The announcement for this hearing was previously published in the **Federal Register** on August 11, 2021.

DATES: November 8, 2021.

FOR FURTHER INFORMATION CONTACT:

Scott Myers, Esq., Acting Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, RulesCommittee_Secretary@ao.uscourts.gov.

(Authority: 28 U.S.C. 2073.)

Dated: November 12, 2021.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2021–22549 Filed 10–15–21; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–888P]

Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2022

AGENCY: Drug Enforcement

Administration, Department of Justice.

ACTION: Notice with request for comments.

SUMMARY: The Drug Enforcement Administration (DEA) proposes to establish the 2022 aggregate production quotas for controlled substances in schedules I and II of the Controlled Substances Act (CSA) and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

DATES: Interested persons may file written comments on this notice in accordance with 21 CFR 1303.11(c) and 1315.11(d). Electronic comments must be submitted, and written comments must be postmarked, on or before November 17, 2021. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

Based on comments received in response to this notice, the Administrator may hold a public hearing on one or more issues raised. In the event the Administrator decides in her sole discretion to hold such a hearing, the Administrator will publish a notice of any such hearing in the **Federal Register**. After consideration of any comments or objections, or after a hearing, if one is held, the Administrator will publish in the **Federal Register** a final order establishing the 2022 aggregate production quotas for schedule I and II controlled substances, and an assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

ADDRESSES: To ensure proper handling of comments, please reference “Docket

No. DEA–888P” on all correspondence, including any attachments. DEA encourages that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted, and there is no need to resubmit the same comment. Paper comments that duplicate electronic submissions are not necessary and are discouraged. Should you wish to mail a paper comment *in lieu* of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT:

Scott A. Brinks, Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152, Telephone: (571) 776–2265.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at <http://www.regulations.gov>. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

The Freedom of Information Act applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase “PERSONAL IDENTIFYING INFORMATION” in the first paragraph of your comment. You must also place all the personal identifying information you do not want made publicly available in the first paragraph of your

comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase “CONFIDENTIAL BUSINESS INFORMATION” in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified and located as directed above will generally be made available in redacted form. If a comment contains so much confidential business information or personal identifying information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to <http://www.regulations.gov> may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document is available at <http://www.regulations.gov> for easy reference.

Legal Authority

Section 306 of the CSA (21 U.S.C. 826) requires the Attorney General to establish production quotas for each basic class of controlled substances listed in schedules I and II, and for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The Attorney General has delegated this function to the Administrator of the DEA pursuant to 28 CFR 0.100.

Analysis for Proposed 2022 Aggregate Production Quotas and Assessment of Annual Needs

The proposed 2022 aggregate production quotas (APQ) and assessment of annual needs represent those quantities of schedule I and II controlled substances, and the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, to be manufactured in the United States (U.S.) in 2022 to provide for the estimated medical, scientific, research, and industrial needs of the United States, lawful export requirements, and the establishment and maintenance of reserve stocks. These quotas include imports of ephedrine, pseudoephedrine, and phenylpropanolamine, but do not include imports of controlled substances for use in industrial processes.

Aggregate Production Quotas

In determining the proposed 2022 aggregate production quotas, the Administrator has taken into account the criteria of 21 U.S.C. 826(a) and 21 CFR 1303.11. DEA proposes the aggregate production quotas for 2022 by considering the following seven factors:

- (1) Total net disposal of the class by all manufacturers during the current and two preceding years;
- (2) Trends in the national rate of net disposal of the class;
- (3) Total actual (or estimated) inventories of the class and of all substances manufactured from the class, and trends in inventory accumulation;
- (4) Projected demand for such class as indicated by procurement quotas requested pursuant to Sec. 1303.12;
- (5) The extent of any diversion of the controlled substance in the class;
- (6) Relevant information obtained from the Department of Health and Human Services (HHS), including from the Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), and the Centers for Medicare and Medicaid Services (CMS), and relevant information obtained from the states; and
- (7) Other factors affecting medical, scientific, research, and industrial needs of the United States and lawful export requirements, as the Administrator finds relevant, including changes in the currently accepted medical use in treatment with the class or the substances manufactured from it, the economic and physical availability of raw materials for use in manufacturing and for inventory purposes, yield and stability problems, potential disruptions to production (including possible labor strikes), and recent unforeseen emergencies such as floods and fires.

Assessment of Annual Needs

In similar fashion, in determining the proposed 2022 assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, the Administrator has taken into account the criteria of 21 U.S.C. 826(a) and 21 CFR 1315.11 and considered the five following factors:

- (1) Total net disposal of the chemical by all manufacturers and importers during the current and two preceding years;
- (2) Trends in the national rate of net disposal of each chemical;
- (3) Total actual (or estimated) inventories of the chemical and of all substances manufactured from the chemical, and trends in inventory accumulation;
- (4) Projected demand for each chemical as indicated by procurement and import quotas requested pursuant to Sec. 1315.32; and
- (5) Other factors affecting medical, scientific, research, and industrial needs in the United States, lawful export requirements, and the establishment and maintenance of reserve stocks, as the Administrator finds relevant, including

changes in the currently accepted medical use in treatment with the chemicals or the substances manufactured from them, the economic and physical availability of raw materials for use in manufacturing and for inventory purposes, yield and stability problems, potential disruptions to production (including possible labor strikes), and recent unforeseen emergencies such as floods and fires.

21 CFR 1315.11(b).

In determining the proposed 2022 assessment of annual needs, DEA used the calculation methodology previously described in the 2010 and 2011 assessments of annual needs (74 FR 60294, Nov. 20, 2009, and 75 FR 79407, Dec. 20, 2010, respectively).

DEA formally solicited input from FDA, CDC, CMS, and the states in February and March of 2021, as required by 21 U.S.C. 826 and 21 CFR part 1303. Specifically, DEA requested information on trends in the legitimate use of select schedule I and II controlled substances from FDA, rates of overdose deaths for covered controlled substances from CDC, and diversion of covered controlled substances from CMS. DEA's request for information from the states was made to Prescription Drug Monitoring Program (PDMP) Administrators through the National Association of State Controlled Substances Authorities (NASCSA).

Information From the Food and Drug Administration—Schedule II Opioids and Stimulants

In accordance with 21 CFR part 1303, 21 U.S.C. 826, and 42 U.S.C. 242, HHS continues to provide DEA with estimates of the quantities of select schedule I and II controlled substances and three list I chemicals that will be required to meet the legitimate medical needs of the United States for a given calendar year. The responsibility to provide these estimates of legitimate medical needs resides with FDA. FDA provides DEA with its predicted estimates of medical usage for selected controlled substances based on information available to them at a specific point in time in order to meet statutory requirements. With regard to medical usage of schedule II opioids, FDA predicts levels of medical need for the United States will decline on average 18.88 percent between calendar years 2021 and 2022. These declines are expected to occur across a variety of schedule II opioids including fentanyl, hydrocodone, hydromorphone, oxycodone, and oxymorphone. DEA considered the potential for diversion of schedule II opioids as well as a potential increase in demand for certain opioids identified as necessary to treat ventilated patients with COVID-19 in

the table of proposed 2022 aggregate production quotas listed below, as is required pursuant to 21 CFR 1303.11(b)(7).

With regard to the schedule II stimulants amphetamine, methylphenidate, and lisdexamfetamine, which are widely used to treat patients with attention deficit hyperactivity disorder (ADHD), FDA predicted a 1.66 percent decline in domestic medical use. FDA also raised concerns over drug shortage notifications it received from patients for certain medications as well as recalls for specific ADHD medications. DEA considered FDA's concerns when calculating the aggregate production quota for these substances. In addition, DEA has observed a significant increase in the number of quota applications for product development efforts as well as exports for medical use for these controlled substances. For example, exports of schedule II stimulant products in calendar year 2020 totaled 75 percent more than FDA's estimated domestic medical need for stimulant products manufactured from these three controlled substances, which demonstrated that significant quantities of schedule II stimulants produced domestically are intended for export.

While DEA has observed a significant increase in demand among domestic manufacturers to bring generic ADHD-products to a relatively stable domestic market, it has also grown increasingly concerned over how these market forces may impact the misuse of prescription stimulants among young adults, which in turn coincides with an increase in demand for illicit stimulants (*i.e.*, methamphetamine and cocaine). It is notable that major increases in diagnosis and treatment of ADHD coincide with FDA approval of various stimulants: Concerta (long-acting methylphenidate) in 2000, Ritalin LA (methylphenidate) in 2002, Adderall (dextroamphetamine saccharate, amphetamine aspartate, dextroamphetamine sulfate, and amphetamine sulfate) in 2002, and Vyvanse (lisdexamfetamine) in 2007. These medications are all placed in schedule II because of their high abuse liability and associated risk of addiction.

Stimulants prescribed to treat ADHD are some of the most diverted drugs among adolescents with risk for the development of abuse and dependence.^{1 2} Increasing diagnoses of

¹ Epstein-Ngo QM, et al., Diversion of ADHD Stimulants and Victimization Among Adolescents, 41 J Ped Psychol 788–798 (2015).

² Wilens TE, et al., Misuse and Diversion of Stimulants Prescribed for ADHD: A Systematic

this disorder have led to increases in filled prescriptions and changes to the APQ to meet patients' medical needs. The diversion of ADHD medications for the purposes of recreational abuse or performance enhancement is common, with approximately 5–10 percent of high school students and 5–35 percent of college students, depending on the study, misusing and diverting stimulants prescribed for ADHD.³ As a consequence, DEA is consulting with federal partners at HHS and closely monitoring trends in licit and illicit stimulant use and corresponding diversion and misuse.

Information Received by DEA Regarding Projected Trends for Certain Schedule I Controlled Substances

There has been a significant increase in the use of schedule I hallucinogenic controlled substances for research and clinical trial purposes. DEA has received and subsequently approved new applications for schedule I research registrations and new applications for registration from manufacturers and corresponding quota applications to grow, synthesize, extract, and manufacture dosage forms containing specific schedule I hallucinogenic substances for clinical trial purposes. DEA supports regulated research with schedule I controlled substances, as evidenced by increases proposed for 2022 as compared with aggregate production quotas for these substances in 2021. Further, DEA published the final rule, "Controls to Enhance the Cultivation of Marijuana for Research in the United States" in December 2020, and the agency is working diligently to review and approve applications for schedule I manufacturers of marijuana that conform to the federal requirements contained in the CSA. See 85 FR 82333. Based on the increase in research and clinical trial applications, DEA has proposed increases in 3,4-Methylenedioxyamphetamine (MDA), 3,4-Methylenedioxymethamphetamine (MDMA), 5-Methoxy-N,N-dimethyltryptamine, Dimethyltryptamine, Lysergic acid diethylamide (LSD), Marijuana, Marijuana Extract, Mescaline, Psilocybin, Psilocyn, and All Other Tetrahydrocannabinols to support manufacturing activities related to the increased level of research and clinical trials with these schedule I controlled substances.

Review of the Literature, 47 J Amer Acad Child Adolesc Psychiatry 21–31 (2008).

³ Epstein-Ngo QM, et al., Diversion of ADHD Stimulants and Victimization Among Adolescents, 41 J Ped Psychol 788–798 (2015).

Information Received by DEA for Consideration of the Remaining Factors

For the factors listed in 21 CFR 1303.11(b)(3) and (4), DEA registered manufacturers of controlled substances in schedules I and II provided information by submitting their individual data to DEA database systems used for reporting inventory, and for distribution, manufacturing, and estimated quota requirements to meet sales forecasts, for each class of controlled substance. See 21 CFR 1303.12, 1303.22, and part 1304.

Factor 1303.11(b)(5) requires DEA to consider the extent of diversion of controlled substances. Diversion is defined as all distribution, dispensing, or other use of controlled substances for other than legitimate medical purposes. In order to consider the extent of diversion, DEA extracted individual registrant reports of diversion of controlled substances from 2020 from its Theft Loss Report database. This database is comprised of DEA registrant reported entries documenting diversion in the legitimate distribution chain consisting of employee theft, break-ins, armed robberies, and material lost in transit.

The data was categorized by basic drug class, and the amount of active pharmaceutical ingredient (API) in the dosage form was delineated with an appropriate metric for use in proposing aggregate production quota values (*i.e.*, weight). The estimates of diversion as required by the Substance Use-Disorder Prevention that Promotes Opioid Recovery Treatment for Patients and Communities Act of 2018 (SUPPORT Act) (Pub. L. 115–271) are discussed later in the document.

In this proposed 2022 aggregate production quota, DEA also considered the effects of the COVID–19 pandemic, pursuant to 21 CFR 1303.11(b)(7), relative to the continued increase in demand for opioids necessary to treat ventilated patients.

Estimates of Diversion Pursuant to the SUPPORT Act

The SUPPORT Act mandates that in establishing any quota under 21 U.S.C. 826, or any procurement quota established by regulation, for fentanyl, oxycodone, hydrocodone, oxycodone, or hydromorphone (referred to as a "covered controlled substance"), DEA "shall estimate the amount of diversion of the covered controlled substance that occurs in the United States." In estimating diversion under 21 U.S.C. 826(i)(1), DEA:

(1) "shall consider information", in consultation with the Secretary of

Health and Human Services, it "determines reliable on rates of overdose deaths and abuse and overall public health impact related to the covered controlled substance in the United States"; and

(2) "may take into consideration" whatever other sources of information it determines reliable.

The SUPPORT Act further mandates that DEA "make appropriate quota reductions, as determined by [DEA], from the quota [it] would have otherwise established had such diversion not been considered." 21 U.S.C. 826(i)(1)(C).

In determining an estimate of the amount of diversion of the covered controlled substance that occurs in the United States, DEA considered information from state PDMP Administrators and legitimate distribution chain participants as described in detail below.

Information From PDMPs Provided by Certain States for Consideration in the Estimate of Diversion

Pursuant to 21 CFR 1303.11(b)(6), DEA requested state PDMP data for the purpose of establishing its aggregate production quota. DEA believes state PDMPs to be an essential, reliable source of information from which it can effectively estimate diversion of the five covered controlled substances. This year, in March 2021, DEA sent a letter to NASCSA requesting its assistance in obtaining aggregated PDMP data for the five covered controlled substances from each state. DEA indicated that it was specifically interested in obtaining an analysis of prescription data from each state's PDMP that would assist DEA in estimating diversion and setting appropriate quotas in compliance with the SUPPORT Act. In its request, DEA provided specific questions, discussed in detail below, based on common indicia of potential diversion well-known as "red flags" by physicians, pharmacists, manufacturers, distributors, and federal and state regulatory and law enforcement agencies.⁴ DEA investigators and administrative prosecutors also rely on Agency case law in which these red flags of diversion have been upheld as indicia of potential diversion.^{5 6} Certain

⁴ National Association of Boards of Pharmacy (NABP) coalition consensus document "Stakeholders Challenges and Red Flags and Warning Signs Related to Prescribing and Dispensing Controlled Substances" (2015). www.nabp.pharmacy/resources/reports.

⁵ The Medicine Shoppe, 29 FR 59504, 59507, 59512–13 (2014); Holiday CVS, L.L.C., d/b/a CVS Pharmacy Nos. 219 and 5195, 57 FR 62316 (2012).

⁶ The mere indicia of red flags alone is not proof of violation of 21 U.S.C. 824 or any other violation

state regulations now include red flag circumstances as potential indicators of illegitimate prescriptions, and thus of potential abuse and diversion of controlled substances. *See* The Pharmacy Place Order, 86 FR 21008, at 21012 (2021) (citing 22 Tex. Admin. Code § 291.29(c)(4), specifying the geographical distance between the practitioner and the patient or between the pharmacy and the patient).

DEA requested responses from state PDMP Administrators by June 1, 2021. NASCSA disseminated DEA's request to its PDMP Administrators and provided them with a report tool to ensure that responses to DEA's questions were extracted consistently across all states that responded. Sixteen states and one county provided DEA with summarized PDMP data between June 2 and July 13, 2021, utilizing the standardized report developed by NASCSA.⁷ See Table 1a below.

TABLE 1a—STATES/COUNTIES THAT RESPONDED TO DEA'S DATA REQUEST

State/territory
1. Alabama.
2. Alaska.
3. Arizona.
4. Delaware.
5. Hawaii.
6. Iowa.
7. Indiana.
8. Michigan.
9. Mississippi.
10. Montana.
11. New Jersey.
12. New Mexico.
13. Nevada.
14. Rhode Island.
15. St. Louis County, Missouri.
16. South Carolina.
17. Virginia.

Pharmacies are required by state law to enter controlled substance dispensing data into the state's PDMP database, which includes, among other things, the prescriber's name, registered address and DEA number, prescription information (such as drug name), dispensing date, dosage dispensed, pharmacy registered address information, and patient address. DEA considers PDMP data to be an accurate representation of dispensing activities in states. DEA, through NASCSA, requested information from state PDMP Administrators covering 2018–2020 regarding the five covered controlled

substances. DEA received data for the following red-flag metrics:

- The total number of patients who saw three or more prescribers in a 90-day period and received an opioid at each visit. For this metric, DEA was specifically interested in the number of prescriptions dispensed for the five covered controlled substances to these patients, expressed as a percentage of the total prescriptions dispensed for that particular covered controlled substance, as well as the corresponding quantity of the covered controlled substance dispensed. This metric (patients being prescribed covered controlled substances from three or more prescribers in a 90-day period) is used to identify potential doctor shopping, a common technique used to obtain a high number of controlled substances, which may lead to abuse or diversion of controlled substances. DEA has long considered doctor shopping to be an indicator of potential diversion.⁸

- The number of prescriptions for each of the five covered controlled substances dispensed that exceeded 240 morphine milligram equivalents (MME) daily, expressed as a percentage of the total covered controlled substance prescriptions dispensed as well as the corresponding quantity of the covered controlled substance dispensed. The CDC has advised prescribers to avoid increasing dosages of opioids beyond 90 MME for patients with chronic pain.⁹ DEA believes that accounting for quantities in excess of 240 MME daily allows for consideration of oncology patients with legitimate medical needs for covered controlled substance prescriptions in excess of 90 MME daily. Higher dosages place individuals at higher risk of overdose and death. Numerous dispensings of prescriptions with dosages exceeding 240 MME daily may indicate diversion such as illegal distribution of controlled substances, or prescribing outside the usual course of professional practice.

- The number of covered controlled substance prescriptions paid for entirely by cash and not submitted for insurance reimbursement.¹⁰ This response was expressed as a percentage of the total prescriptions for the five covered controlled substances dispensed, as well as the corresponding quantity of the covered controlled substances dispensed. When investigating potential diversion, cash payments are one

element considered when identifying prescriptions filled for nonmedical purposes. Prescribers or pharmacies with unusually high percentages of cash payments for controlled substances may indicate diversion.¹¹

DEA received PDMP data from the states in a standardized format that allowed DEA to aggregate the data of each state. The PDMP data sample comes from a population of approximately 78.5 million people, which represents approximately 24 percent of the U.S. population. DEA believes this sample is sufficient to derive a reasonable nationwide estimate.

DEA recognizes that the PDMP data received does not show that meeting any single one of the criteria listed above is enough to establish conclusively that the subject prescriptions were diverted. DEA continues to evaluate its methodologies in estimating diversion in an effort to adjust quotas more efficiently. State participation is crucial to accurate data analysis, and DEA anticipates working closely with states, as well as other federal and state entities, in future quota determinations.

DEA's Analysis of Reports Received From State PDMP Administrators

To calculate a national diversion estimate for each of the covered controlled substances from the responses received from state PDMP Administrators, DEA relied upon the number of individuals who received a prescription for a covered controlled substance that met any of the three diversion metrics for each of calendar years 2018–2020. That number was then compared to the corresponding population for the states responding to DEA's request in order to estimate a percentage of the population issued a prescription with a red flag. Using this estimated percentage for 2018–20, DEA analyzed trends in the data to predict the estimated percentage of patients who would be expected to meet these diversion metrics for 2022.

DEA also reviewed aggregate sales data for each of the covered controlled substances, which it extracted from

of the CSA. This rule discusses only their use by DEA as an analytical tool used to estimate diversion.

⁷ NASCSA formatted DEA's request into an analytics model developed by one of its associates, Appriss Inc.

⁸ Frank's Corner Pharmacy, 60 FR 17574 (1995); Holiday CVS, L.L.C., d/b/a CVS Pharmacy Nos. 219 and 5195, 57 FR 62316 (2012).

⁹ www.cdc.gov/drugoverdose/pdf/prescribing/Guidelines_factsheet-a.pdf.

¹⁰ This total does not include insurance co-payments made with cash.

¹¹ *Suntree Pharmacy and Suntree Medical Equipment, LLC*, 85 FR 73753 (2018) (finding that the pharmacy filled prescriptions despite the presence of multiple unresolved red flags, including cash payments); *Pharmacy Doctors Enterprises d/b/a Zion Clinic Pharmacy*, 83 FR 10876 (2018) (revoking pharmacy's registration for filling prescriptions that raised the red flag of customers paying cash for their prescriptions, among other red flags).

IQVIA's National Sales Perspective.¹² IQVIA sales data was selected to help quantify diversion at the national level because it reflects the best national estimate for all prescriptions written and filled, including the total quantity available for diversion or misuse. DEA analyzed trends in IQVIA sales data from January 2018–May 2021, in order to predict the estimated national sales for 2022.

DEA multiplied the forecasted percentage of patients who received a prescription for a covered controlled substance that met any of the three diversion-related metrics for 2022 by the forecasted sales data from IQVIA for 2022 to estimate diversion for each of the covered controlled substances. The resulting estimate of diversion from data submitted by state PDMP Administrators is summarized below in Table 1b. This data contributed to the final diversion estimate applied in Table 3.

TABLE 1b—DIVERSION ESTIMATES BASED ON STATE PDMP DATA FOR COVERED CONTROLLED SUBSTANCES

Controlled substance	(g)
Fentanyl	16
Hydrocodone	135,591
Hydromorphone	274
Oxycodone	164,838
Oxymorphone	0

Registrant Reported Legitimate Distribution Chain Diversion

DEA extracted data from its Drug Theft and Loss database, and categorized it by each basic drug class. The quantity of API in each dosage form was delineated with the appropriate metric, and then the quantity of API of each covered controlled substance was aggregated by metric weight where the data was available. DEA calculated the estimated amount of diversion by multiplying the strength of the API listed for each finished dosage form by the total amount of units reported to estimate the metric weight in grams of the controlled substance being diverted. The estimate of diversion for each of the covered controlled substances is displayed in Table 2. This data contributed to the final diversion estimates set forth in Table 3.

TABLE 2—DIVERSION ESTIMATES BASED ON SUPPLY CHAIN DIVERSION DATA FOR COVERED CONTROLLED SUBSTANCES

Controlled substance	(g)
Fentanyl	77
Hydrocodone	19,448
Hydromorphone	901
Oxycodone	45,582
Oxymorphone	528

In accordance with the SUPPORT Act, DEA's estimate of diversion for the five

controlled substances was calculated by combining the values in Tables 1b and 2. DEA made reductions to the aggregate production quotas for each covered controlled substance by the resulting quantities listed in Table 3.

TABLE 3—TOTAL ESTIMATES OF DIVERSION FOR COVERED CONTROLLED SUBSTANCES

Total diversion estimates applied to the 2022 APQ (g)	
Fentanyl	93
Hydrocodone	155,039
Hydromorphone	1,175
Oxycodone	210,420
Oxymorphone	528

The Administrator, therefore, proposes to establish the 2022 aggregate production quotas for certain schedule I and II controlled substances and assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, expressed in grams of anhydrous acid or base, as follows:

Basic class	Proposed 2022 quotas
	(g)
Schedule I	
-[1-(2-Thienyl)cyclohexyl]pyrrolidine	20
1-(1-Phenylcyclohexyl)pyrrolidine	30
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	10
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201)	30
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)	30
1-[1-(2-Thienyl)cyclohexyl]piperidine	15
2'-fluoro 2-fluorofentanyl	30
1-Benzylpiperazine	25
1-Methyl-4-phenyl-4-propionoxypiperidine	10
2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)	30
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)	30
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)	30
2-(2,5-Dimethoxy-4-n-propylphenyl)ethanamine (2C-P)	30
2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)	100
2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)	30
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)	30
2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82)	25
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)	30
2-(4-Iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5)	30
2,5-Dimethoxy-4-ethylamphetamine (DOET)	25
2,5-Dimethoxy-4-n-propylthiophenethylamine	25
2,5-Dimethoxyamphetamine	25
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)	30

¹² DEA has purchased this data from IQVIA for decades and routinely uses this information to

administer several regulatory functions, including the administration of DEA's quota program.

Basic class	Proposed 2022 quotas
	(g)
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	30
3,4,5-Trimethoxyamphetamine	30
3,4-Methylenedioxymphetamine (MDA)	200
3,4-Methylenedioxymethamphetamine (MDMA)	3,200
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	40
3,4-Methylenedioxy-N-methylcathinone (methyline)	40
3,4-Methylenedioxypropyvalerone (MDPV)	35
3-FMC; 3-Fluoro-N-methylcathinone	25
3-Methylfentanyl	30
3-Methylthiofentanyl	30
4-Bromo-2,5-dimethoxyamphetamine (DOB)	30
4-Bromo-2,5-dimethoxyphenethylamine (2-CB)	25
4-Chloro-alpha-pyrrolidinovalerophenone (4-chloro-alpha-PVP)	25
4-CN-Cumyl-Butinaca	25
4-Fluoroisobutyl fentanyl	30
4F-MDMB-BINACA	30
4-FMC; Flephedrone	25
4-MEC; 4-Methyl-N-ethylcathinone	25
4-Methoxyamphetamine	150
4-Methyl-2,5-dimethoxyamphetamine (DOM)	25
4-Methylaminorex	25
4-Methyl-N-methylcathinone (mephedrone)	45
4-Methyl-alpha-ethylaminopentiophenone (4-MEAP)	25
4-Methyl-alpha-pyrrolidinoheptaphenone (MHPH)	25
4'-Methyl acetyl fentanyl	30
4-Methyl-alpha-pyrrolidinopropiophenone (4-MePPP)	25
5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol	50
5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog)	40
5F-AB-PINACA; (1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide	25
5F-ADB; 5F-MDMB-PINACA (methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	25
5F-CUMYL-P7AICA; 1-(5-Fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3carboximide	25
5F-CUMYL-PINACA	25
5F-EDMB-PINACA	25
5F-MDMB-PICA	25
5F-AMB (methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	25
5F-APINACA; 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	25
5-Fluoro-PB-22; 5F-PB-22	25
5-Fluoro-UR144, XLR11 ([1-(5-fluoro-pentyl)-1Hindol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	25
5-Methoxy-3,4-methylenedioxymphetamine	25
5-Methoxy-N,N-diisopropyltryptamine	25
5-Methoxy-N,N-dimethyltryptamine	550
AB-CHMINACA	30
AB-FUBINACA	50
AB-PINACA	30
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	30
Acetorphine	25
Acetyl Fentanyl	100
Acetyl-alpha-methylfentanyl	30
Acetyldihydrocodeine	30
Acetylmethadol	25
Acryl Fentanyl	25
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	50
AH-7921	30
All other tetrahydrocannabinol	2,000
Allylprodine	25
Alphacetylmethadol	25
alpha-Ethyltryptamine	25
Alphameprodine	25
Alphamethadol	25
alpha-Methylfentanyl	30
alpha-Methylthiofentanyl	30
alpha-Methyltryptamine (AMT)	25
alpha-Pyrrolidinobutiophenone (alpha-PBP)	25
alpha-pyrrolidinoheptaphenone (PV8)	25
alpha-pyrrolidinoheptaphenone (alpha-PHP)	25
alpha-Pyrrolidinopentiophenone (alpha-PVP)	25
Aminorex	25
Anileridine	20
APINCA, AKB48 (N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide)	25
Benzethidine	25
Benzylmorphine	30

Basic class	Proposed 2022 quotas
	(g)
Betacetylmethadol	25
beta-Hydroxy-3-methylfentanyl	30
beta-Hydroxyfentanyl	30
beta-Hydroxythiofentanyl	30
beta-Methyl fentanyl	30
beta'-Phenyl fentanyl	30
Betameprodine	25
Betamethadol	4
Betaprodine	25
Brorphine	30
Bufotenine	15
Butylone	25
Butyryl fentanyl	30
Cathinone	40
Clonitazene	25
Codeine methylbromide	30
Codeine-N-oxide	192
Crotonyl Fentanyl	25
Cyclopentyl Fentanyl	30
Cyclopropyl Fentanyl	20
Cyprenorphine	25
d-9-THC	384,460
Desomorphine	25
Dextromoramide	25
Diapromide	20
Diethylthiambutene	20
Diethyltryptamine	25
Difenoxin	9,200
Dihydromorphine	653,548
Dimenoxadol	25
Dimepheptanol	25
Dimethylthiambutene	20
Dimethyltryptamine	250
Dioxyaphetyl butyrate	25
Dipipanone	25
Drotebanol	25
Ethylmethylthiambutene	25
Ethylone	25
Etonitazene	25
Etorphine	30
Etoxidine	25
Fenethylamine	30
Fentanyl carbamate	30
Fentanyl related substances	600
FUB-144	25
FUB-AKB48	25
Fub-AMB, MMB-Fubinaca, AMB-Fubinaca	25
Furanyl fentanyl	30
Furethidine	25
gamma-Hydroxybutyric acid	29,417,000
Heroin	150
Hydromorphanol	40
Hydroxypethidine	25
Ibogaine	30
Isobutyryl Fentanyl	25
Isotonitazene	25
JWH-018 and AM678 (1-Pentyl-3-(1-naphthoyl)indole)	35
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	45
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	45
JWH-081 (1-Pentyl-3-[1-(4-methoxynaphthoyl)]indole)	30
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)	30
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	35
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole)	30
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole)	30
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole)	30
Ketobemidone	30
Levomoramide	25
Levophenyacetylmorphan	25
Lysergic acid diethylamide (LSD)	500
MAB-CHMINACA; ADB-CHMINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	30

Basic class	Proposed 2022 quotas
	(g)
MDMB-CHMICA; MMB-CHMINACA(methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	30
MDMB-FUBINACA (methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30
MMB-CHMICA-(AMB-CHIMCA); Methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate	25
Marijuana	3,200,000
Marijuana extract	1,000,000
Mecloqualone	30
Mescaline	100
Methaqualone	60
Methcathinone	25
Methoxyacetyl fentanyl	30
Methyldesorphine	5
Methyldihydromorphine	25
Morpheridine	25
Morphine methylbromide	5
Morphine methylsulfonate	5
Morphine-N-oxide	150
MT-45	30
Myrophine	25
NM2201: Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	25
N,N-Dimethylamphetamine	25
Naphyrone	25
N-Ethyl-1-phenylcyclohexylamine	25
N-Ethyl-3-piperidyl benzilate	10
N-Ethylamphetamine	24
N-Ethylhexedrone	25
N-Ethylpentylone, ephylone	30
N-Hydroxy-3,4-methylenedioxyamphetamine	24
Nicocodeine	25
Nicomorphine	25
N-methyl-3-piperidyl benzilate	30
Noracymethadol	25
Norlevorphanol	2,550
Normethadone	25
Normorphine	40
Norpipanone	25
Ocfentanil	25
ortho-Fluoroacryl fentanyl	30
ortho-Fluorobutryl fentanyl	30
Ortho-Fluorofentanyl,2-Fluorofentanyl	30
ortho-Fluoroisobutryl fentanyl	30
ortho-Methyl acetylfentanyl	30
ortho-Methyl methoxyacetyl fentanyl	30
Para-Chlorisobutryl fentanyl	30
Para-fluorobutryl fentanyl	25
Para-fluorofentanyl	25
para-Fluoro furanyl fentanyl	30
Para-Methoxybutryl fentanyl	30
Para-Methoxymethamphetamine	30
para-Methylfentanyl	30
Parahexyl	5
PB-22; QUPIC	20
Pentdrone	25
Pentylone	25
Phenadoxone	25
Phenampromide	25
Phenomorphane	25
Phenoperidine	25
Phenyl fentanyl	30
Pholcodine	5
Piritramide	25
Proheptazine	25
Propiridine	25
Propiram	25
Psilocybin	3,000
Psilocyn	2,000
Racemoramide	25
SR-18 and RCS-8 (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)	45
SR-19 and RCS-4 (1-Pentyl-3-[(4-methoxy)-benzoyl]indole)	30
Tetrahydrofuranyl fentanyl	15
Thebacon	25
Thiafentanil	25

Basic class	Proposed 2022 quotas
	(g)
Thiofentanyl	25
Thiofuranyl fentanyl	30
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	30
Tilidine	25
Trimeperidine	25
UR-144 (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	25
U-47700	30
Valeryl fentanyl	25

Schedule II

1-Phenylcyclohexylamine	15
1-Piperidinocyclohexanecarbonitrile	25
4-Anilino-N-phenethyl-4-piperidine (ANPP)	886,415
Alfentanil	3,260
Alphaprodine	25
Amobarbital	20,100
Bezitramide	25
Carfentanil	20
Cocaine	60,492
Codeine (for conversion)	1,364,981
Codeine (for sale)	22,260,178
D-amphetamine (for sale)	21,200,000
D,l-amphetamine	21,200,000
d-amphetamine (for conversion)	18,000,000
Dexmethylphenidate (for sale)	6,200,000
Dexmethylphenidate (for conversion)	6,500,000
Dextropropoxyphene	35
Dihydrocodeine	132,658
Dihydroetorphine	25
Diphenoxylate (for conversion)	14,100
Diphenoxylate (for sale)	770,800
Ecgonine	60,492
Ethylmorphine	30
Etorphine hydrochloride	32
Fentanyl	691,511
Glutethimide	25
Hydrocodone (for conversion)	1,250
Hydrocodone (for sale)	29,599,888
Hydromorphone	2,097,255
Isomethadone	30
L-amphetamine	30
Levo-alphaacetylmethadol (LAAM)	25
Levomethorphan	30
Levorphanol	23,010
Lisdexamfetamine	24,000,000
Meperidine	770,588
Meperidine Intermediate-A	30
Meperidine Intermediate-B	30
Meperidine Intermediate-C	30
Metazocine	15
Methadone (for sale)	25,619,700
Methadone Intermediate	27,673,600
Methamphetamine	150
d-methamphetamine (for conversion)	485,020
d-methamphetamine (for sale)	40,000
l-methamphetamine	587,229
Methylphenidate (for sale)	41,800,000
Methylphenidate (for conversion)	15,300,000
Metopon	25
Moramide-intermediate	25
Morphine (for conversion)	2,584,860
Morphine (for sale)	22,525,461
Nabilone	62,000
Norfentanyl	25
Noroxymorphone (for conversion)	22,044,741
Noroxymorphone (for sale)	1,000
Oliceridine	22,500
Opium (powder)	250,000
Opium (tincture)	530,837
Oripavine	33,010,750

Basic class	Proposed 2022 quotas
	(g)
Oxycodone (for conversion)	519,061
Oxycodone (for sale)	54,003,559
Oxymorphone (for conversion)	28,204,371
Oxymorphone (for sale)	516,469
Pentobarbital	30,766,670
Phenazocine	25
Phencyclidine	35
Phenmetrazine	25
Phenylacetone	40
Piminodine	25
Racemethorphan	5
Racemorphan	5
Remifentanyl	3,000
Secobarbital	172,100
Sufentanyl	4,000
Tapentadol	13,447,541
Thebaine	57,137,944
List I Chemicals	
Ephedrine (for conversion)	100
Ephedrine (for sale)	4,136,000
Phenylpropanolamine (for conversion)	14,878,320
Phenylpropanolamine (for sale)	7,990,000
Pseudoephedrine (for conversion)	1,000
Pseudoephedrine (for sale)	174,246,000

The Administrator further proposes that aggregate production quotas for all other schedule I and II controlled substances included in 21 CFR 1308.11 and 1308.12 remain at zero.

These proposed 2022 quotas reflect the quantity that DEA believes is necessary to meet the estimated medical, scientific, research, and industrial needs of the United States, to include any increase in demand for certain controlled substances used to treat patients with COVID-19. DEA remains committed to conducting continuous surveillance on the supply of schedule II controlled substances and list I chemicals necessary to treat patients with COVID-19, and, pursuant to her authority, the Administrator will move swiftly and decisively to increase any 2022 aggregate production quota that she determines is necessary to address an unforeseen increase in demand, should that occur.

In accordance with 21 CFR 1303.13 and 1315.13, upon consideration of the relevant factors, the Administrator may adjust the 2022 aggregate production quotas and assessment of annual needs as needed.

Conclusion

After consideration of any comments or objections, or after a hearing, if one is held, the Administrator will issue and publish in the **Federal Register** a final order establishing the 2022 aggregate production quotas for controlled

substances in schedule I and II and establishing an assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, 21 CFR 1303.11(c) and 1315.11(f).

Anne Milgram,
Administrator.

[FR Doc. 2021-22624 Filed 10-15-21; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")

On October 12, 2021, the Department of Justice lodged a proposed Settlement Agreement in *In re: LGA3 Corp.*, Civil Action No. 20-11456 with the United States Bankruptcy Court for the District of Delaware (Bankruptcy Court).

On June 1, 2020, Syracuse China Company and certain affiliates filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code, which was jointly administered as *In re: Libbey Glass Inc. et al.*, Case No. 20-11439. Under the First Amended Joint Plan of Reorganization for Libbey Glass and its Affiliate Debtors Under Chapter 11 of the Bankruptcy Code, as confirmed by the Bankruptcy Court, the Debtors have reserved \$900,000 as a

General Unsecured Recovery Cash Pool to be distributed on a pro rata basis to holders of Allowed General Unsecured Claims.

The United States, on behalf of the United States Environmental Protection Agency (EPA), filed a proof of claim contending that Syracuse China Company was liable under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675, for the United States' response costs incurred in response to releases and threats of releases of hazardous substances at or in connection with two Operable Units (OUs) of the Onondaga Lake Superfund Site, located in Syracuse, Onondaga County, New York. These OUs are referred to as the Lower Ley Creek OU and the Ley Creek Deferred Media OUs (collectively, the Ley Creek OUs).

Under the Settlement Agreement, the United States on behalf of EPA shall have an Allowed General Unsecured Claim in the amount of \$6,616,976 to be allocated between the Ley Creek OUs in proportion to the alleged remedial action costs as alleged in the United States' proof of claim filed in this action.

The publication of this notice opens a period for public comment on the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources

Division, Environmental Enforcement Section, and should refer to *In re LGA3 Corp.*, Civil Action No. 20–11456 (Bankr. D. Del.), D.J. Ref. No. 90–11–3–08348/6. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$3.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–22622 Filed 10–15–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Senior Community Service Employment Program (SCSEP)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before November 17, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Title V of the Older Americans Act of 1965 (OAA) (Reauthorized by Pub. L. 116–131, March 25, 2020) authorizes this information collection. The purposes of this Information Collection Request are to fulfill the statutory requirements for SCSEP data collection by supporting ETA’s ability to collect grantee performance data, including information on participant characteristics and outcomes (and pursuant to OAA 2020); document the equitable distribution of SCSEP services; assess customer satisfaction with the SCSEP program; and ensure that states are reporting on the SCSEP program as part of the State Plan process. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 16, 2021 (86 FR 20203).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not

display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Senior Community Service Employment Program (SCSEP).

OMB Control Number: 1205–0040.

Affected Public: State, Local, and Tribal Governments; Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 70,408.

Total Estimated Number of Responses: 70,408.

Total Estimated Annual Time Burden: 157,921 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D)).

Dated: October 12, 2021.

Mara Blumenthal,
Senior PRA Analyst.

[FR Doc. 2021–22593 Filed 10–15–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Guam Military Base Realignment Contractors Recruitment Standards

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before November 17, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202-693-8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The National Defense Authorization Act (NDAA) for Fiscal Year 2010 (Pub. L. 111-84, enacted October 28, 2009) authorizes this information collection. The NDAA requires an expanded effort to recruit U.S. and other eligible workers for employment on Guam military base realignment construction projects. These recruitment requirements help fulfill the responsibilities assigned to the Secretary of Labor in the provisions of the NDAA by increasing employment opportunities for U.S. workers. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 24, 2021 (86 FR 33364).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-ETA.

Title of Collection: Guam Military Base Realignment Contractors Recruitment Standards.

OMB Control Number: 1205-0484.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 62.

Total Estimated Number of Responses: 62.

Total Estimated Annual Time Burden: 93 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D)).

Dated: October 12, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021-22595 Filed 10-15-21; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; O*Net Data Collection Program

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before November 17, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and

clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202-693-8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The O*NET Data Collection Program is an ongoing effort to collect and maintain current information on the detailed characteristics of occupations and skills for more than 900 occupations. Section 308 of the Workforce Innovation and Opportunity Act (WIOA) authorizes this collection and requires the Secretary of Labor to oversee the "development, maintenance, and continuous improvement of a nationwide workforce and labor market information system" which shall include, among other components, "skill trends by occupation and industry." The resulting database provides the most comprehensive standardized source of occupational and skills information in the nation. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 29, 2021 (86 FR 16392).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-ETA.

Title of Collection: O*Net Data Collection Program.

OMB Control Number: 1205-0421.

Affected Public: Individuals or Households; Federal Government; State, Local, and Tribal Governments; Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 40,942.

Total Estimated Number of Responses: 40,942.

Total Estimated Annual Time Burden: 16,446 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D)).

Dated: October 12, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021-22594 Filed 10-15-21; 8:45 am]

BILLING CODE 4510-FN-P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

TIME AND DATE: The Legal Services Corporation's (LSC) Board of Directors and its six committees will meet October 25–26, 2021. On Monday, October 25, the first meeting will begin at 12:15 p.m. Eastern Daylight Time (EDT), with the next meeting commencing promptly upon adjournment of the immediately preceding meeting. On Tuesday, October 26, the first meeting will again begin at 11:00 a.m., EDT, with the next meeting commencing promptly upon adjournment of the immediately preceding meeting.

PLACE: *Public Notice of Virtual Meeting.*

LSC will conduct the October 25–26, 2021 meetings virtually via Zoom.

Public Observation: Unless otherwise noted herein, the Board and all committee meetings will be open to public observation. Members of the public who wish to participate remotely in the public proceedings may do so by following the directions provided below.

Directions for Open Sessions

Monday, October 25, 2021

- To join the Zoom meeting by computer, please use this link.
- <https://lsc-gov.zoom.us/j/97618139032?pwd=ZU15SnIzVjdxX0F2R0gxcTh3dkpUUT09>
- Meeting ID: 976 1813 9032
- Passcode: 102021
- To join the Zoom meeting with one tap from your mobile phone, please click dial:
- +16468769923, 97618139032# US (New York)
- +13017158592, 97618139032# US (Washington DC)
- To join the Zoom meeting by telephone, please dial one of the following numbers:
- +1 646 876 9923 US (New York)
- +1 301 715 8592 US (Washington DC)
- Meeting ID: 976 1813 9032
- Passcode: 102021
- Find your local number: <https://lsc-gov.zoom.us/u/acCVpRj1FD>

Tuesday, October 26, 2021

- To join the Zoom meeting by computer, please use this link.
- <https://lsc-gov.zoom.us/j/93655413488?pwd=Z3BmWnVMT2ZVTlBvYVJUYUM4SW96UT09>
- Meeting ID: 936 5541 3488
- Passcode: 102021
- To join the Zoom meeting with one tap from your mobile phone, please click dial:
- +16468769923, 93655413488# US (New York)
- +13017158592, 93655413488# US (Washington DC)
- To join the Zoom meeting by telephone, please dial one of the following numbers:
- +1 646 876 9923 US (New York)
- +1 301 715 8592 US (Washington DC)
- Meeting ID: 936 5541 3488
- Passcode: 102021
- Find your local number: <https://lsc-gov.zoom.us/u/acCVpRj1FD>

Once connected to Zoom, please immediately mute your computer or telephone. Members of the public are asked to keep their computers or telephones muted to eliminate background noise. To avoid disrupting the meetings, please refrain from placing the call on hold if doing so will trigger recorded music or other sound.

From time to time, the Chair may solicit comments from the public. To participate in the meeting during public comment, use the 'raise your hand' or 'chat' functions in Zoom and wait to be recognized by the Chair before stating your questions and/or comments.

STATUS: Open, except as noted below.

Institutional Advancement Committee — Open, except that, upon a vote of the Board of Directors, the meeting may be closed to the public to consider and act on recommendations to invite prospective members to join the Leaders Council and Emerging Leaders Council, and to receive a briefing on development activities.

Audit Committee — Open, except that, upon a vote of the Board of Directors, the meeting may be closed to the public for briefings on the Office of Compliance and Enforcement's (OCE) active enforcement matter(s) and to discuss follow-up work by OCE relating to open Office of Inspector General investigations.

Board of Directors — Open, except that, upon a vote of the Board of Directors, a portion of the meeting may be closed to the public for briefings by management and LSC's Inspector General, and to consider and act on the General Counsel's report on potential and pending litigation involving LSC

and prospective Leaders Council and Emerging Leaders Council members.

Any portion of the closed session consisting solely of briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session.¹

A verbatim written transcript will be made of the closed session of the Board, Audit and Institutional Advancement Committee meetings. The transcript of any portions of the closed sessions falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) and (10), will not be available for public inspection. A copy of the General Counsel's Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Meeting Schedule

	Start time (all EDT)
Monday, October 25, 2021	
1. Governance and Performance Review Committee Meeting p.m. EDT 2. Institutional Advancement Committee (IAC) Meeting 3. Communications Subcommittee of the IAC Meeting 4. Operations and Regulations Committee Meeting 5. Delivery of Legal Services Committee Meeting	12:15
Tuesday, October 26, 2021	
1. Finance Committee Meeting a.m. EDT .. 2. Audit Committee Meeting 3. Board of Directors Meeting	11:00

October 25, 2021

Governance and Performance Review Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's open session meeting on July 22, 2021
3. Briefing on legal aid and the Executive Branch
 - a. White House and U.S. Department of Justice report on establishing the Access to Justice Office and Legal Aid Interagency Roundtable
 - b. White House, U.S. Department of Justice and U.S. Department of Treasury initiatives on eviction
 - Ron Flagg, President
 - Carol Bergman, Vice President for Government Relations & Public

¹ 5 U.S.C. 552b(a)(2) and (b). See also 45 CFR 1622.2 & 1622.3.

- Affairs
4. Report on annual Board and Committee evaluations
 - Carol Bergman, Vice President for Government Relations & Public Affairs
 5. Consider and act on other business
 6. Public comment
 7. Consider and act on adjournment of meeting

Institutional Advancement Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's open session meeting on July 23, 2021
3. Update on Leaders Council and Emerging Leaders Council
 - John G. Levi, Chairman of the Board
4. Development report
 - Nadia Elguindy, Director of Institutional Advancement
5. Consider and act on Resolution #2021–XXX, Approving the Expenditure of Private Funds to Engage Latz & Co to assist with 50th Anniversary Fundraising Campaign
6. Consider and act on Resolution #2021–XXX, Approving the Expenditure of Private Funds to Support LSC's Rural Summer Legal Corps
7. Consider and act on Resolution #2021–XXX, Designating leftover private funds, previously earmarked for the Legal Navigator project, as unrestricted funds
8. Update on Veterans Task Force and Opioid Task Force Implementation
 - Stefanie Davis, Senior Assistant General Counsel
9. Consider and act on Resolution #2021–XXX, Approving the Expenditure of Private Funds to Support the Opioid Task Force Training Module Project
10. Update on the Eviction Study
 - Lynn Jennings, Vice President for Grants Management
11. Update on Housing Task Force
 - Helen Guyton, Senior Assistant General Counsel
12. Update on the Rural Justice Task Force
 - Jessica Wechter, Special Assistant to the President
13. Public comment
14. Consider and act on other business
15. Consider and act on motion to adjourn the open session meeting and proceed to a closed session

Closed Session

1. Approval of minutes of the Institutional Advancement Committee's Closed Session meeting on July 23, 2021

2. Development activities report
 - Nadia Elguindy, Director of Institutional Advancement
3. Consider and act on motion to approve Leaders Council and Emerging Leaders Council invitees
4. Consider and act on other business
5. Consider and act on motion to adjourn the meeting

Communications Subcommittee of the Institutional Advancement Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Subcommittee's open session meeting on July 23, 2021
3. Communications and social media update
 - Carl Rauscher, Director of Communications and Media Relations
4. Public comment
5. Consider and act on other business
6. Consider and act on motion to adjourn the meeting

Operations and Regulations Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's open session meeting on July 22, 2021
3. Update on retrospective review of LSC's regulations
 - Stefanie Davis, Senior Assistant General Counsel
4. Public comment
5. Consider and act on other business
6. Consider and act on motion to adjourn the meeting

Delivery of Legal Services Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's open session meeting on July 22, 2021
3. Performance criteria update
 - Lynn Jennings, Vice President for Grants Management
 - Joyce McGee, Director, Office of Program Performance
4. Discussion of Delivery of Legal Services Committee Charter
 - Fr. Pius Pietrzyk, Board Vice Chair, Committee Chair
5. Report on client services reviewers
 - Lynn Jennings, Vice President for Grants Management
 - James Scruggs, Deputy Director, Office of Program Performance
6. Discussion on growing need for legal assistance with consumer debt
 - Ron Flagg, President
7. Panel discussion: Changes to Grantee Operations and Business Models due to COVID–19

- Jim Cook, Executive Director, Idaho Legal Services
 - Yvonne Maria Jimenez, President & CEO, Neighborhood Legal Services of Los Angeles
 - Jonathan Mannina, Executive Director, Community Legal Aid (Mass.)
 - Kathleen (Kate) McGarvey, Executive Director, Ohio State Legal Services Association
 - Moderator: Ronké Hughes, Deputy Director, Office of Program Performance
8. Public comment
 9. Consider and act on other business
 10. Consider and act on a motion to adjourn the meeting

October 26, 2021

Finance Committee Agenda

Open Session

1. Approval of meeting agenda
2. Approval of minutes of the Committee's open session meetings on June 30, July 13, and July 22, 2021
3. Presentation of LSC's financial report for the Fiscal Year ending September 30, 2021
 - Debbie Moore, Chief Financial Officer and Treasurer
4. Report on Fiscal Year 2022 appropriation and supplemental requests
 - Carol Bergman, Vice President for Government Relations and Public Affairs
5. Report on Fiscal Year 2022 budget
 - Ron Flagg, President
 - Debbie Moore, Chief Financial Officer and Treasurer
6. Consider and Act on Resolution #2021–XXX: Adopting a Temporary Operating Budget and Granting Special Circumstance Operating Authority for FY 2022
7. Report on Fiscal Year 2023 budget request
 - Carol Bergman, Vice President for Government Relations and Public Affairs
8. Briefing on Office of Financial and Administrative Services staffing
 - Debbie Moore, Chief Financial Officer and Treasurer
9. Briefing on Financial Services Projects
 - Debbie Moore, Chief Financial Officer and Treasurer
10. Public comment
11. Consider and act on other business
12. Consider and act on motion to adjourn the meeting

Audit Committee Meeting

Open Session

1. Approval of agenda

2. Approval of minutes of the Committee's open session meeting on July 22, 2021
3. Briefing by the Office of Inspector General
 - Jeffrey Schanz, Inspector General
 - Roxanne Caruso, Assistant Inspector General for Audit
4. Review LSC's efforts, including training and education, to help ensure that LSC employees and grantees act ethically and safeguard LSC funds
 - Will Gunn, Vice President for Legal Affairs
 - Debbie Moore, Treasurer & Chief Financial Officer
 - Lynn Jennings, Vice President for Grants Management
 - Daniel O'Rourke, Assistant Inspector General for Investigations
5. Management update regarding risk management
 - Will Gunn, Vice President for Legal Affairs
6. Briefing about follow-up by the Office of Compliance and Enforcement on referrals by the Office of Inspector General regarding audit reports and annual financial statement audits of grantees
 - Lora Rath, Director, Office of Compliance and Enforcement
 - Roxanne Caruso, Assistant Inspector General for Audit
7. Public comment
8. Consider and act on other business
9. Consider and act on motion to adjourn the open session meeting and proceed to a closed session

Closed Session

1. Approval of minutes of the Committee's closed session meeting on July 22, 2021
2. Briefing by Office Compliance and Enforcement on active enforcement matter(s) and follow-up on open investigation referrals from the Office of Inspector General
 - Lora Rath, Director, Office of Compliance and Enforcement
3. Consider and act on motion to adjourn the meeting

Board of Directors Meeting

Open Session

1. Pledge of Allegiance
2. Approval of agenda
3. Approval of minutes of the Board's open session meeting on July 23, 2021
4. Chairman's Report
5. Members' Reports
6. President's Report
7. Inspector General's Report
8. Consider and act on the Report of the Governance and Performance Review Committee

9. Consider and act on the Report of the Institutional Advancement Committee
10. Consider and act on the Report of the Operations and Regulations Committee
11. Consider and act on the Report of the Delivery of Legal Services Committee
12. Consider and act on the Report of the Finance Committee
13. Consider and act on the Report of the Audit Committee
14. Public comment
15. Consider and act on other business
16. Consider and act on whether to authorize a closed session meeting of the Board to address items listed below

Closed Session

1. Approval of minutes of the Board's closed session meeting on July 23, 2021
2. Management briefing
3. Inspector General briefing
4. Consider and act on General Counsel's report on potential and pending litigation involving LSC
5. Consider and act on prospective Leaders Council and Emerging Leaders Council invitees
6. Consider and act on motion to adjourn the meeting

CONTACT PERSON FOR MORE INFORMATION: Jessica Wechter, Special Assistant to the President, at (202) 295-1626. Questions may also be sent by electronic mail to wechterj@lsc.gov.

Non-Confidential Meeting Materials: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC website, at <https://www.lsc.gov/about-lsc/board-meeting-materials>.

Dated: October 13, 2021.

Stefanie Davis,

Senior Assistant General Counsel and Ethics Officer, Legal Services Corporation.

[FR Doc. 2021-22657 Filed 10-14-21; 11:15 am]

BILLING CODE 7050-01-P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 21-11]

Notice of Open Meeting

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Federal Advisory Committee Act, the Millennium Challenge Corporation (MCC) Economic

Advisory Council was established as a discretionary advisory committee on October 5, 2018. Its charter was renewed for a second term on October 1, 2020. The MCC Economic Advisory Council serves MCC solely in an advisory capacity and provides advice and guidance to MCC economists, evaluators, leadership of the Department of Policy and Evaluation, and senior MCC leadership regarding relevant trends in development economics, applied economic and evaluation methods, poverty analytics, as well as modeling, measuring, and evaluating development interventions. In doing so, the MCC Economic Advisory Council helps sharpen MCC's analytical methods and capacity in support of the agency's economic development goals. It also serves as a sounding board and reference group for assessing and advising on strategic policy innovations and methodological directions at MCC.

DATES: Friday, November 5, 2021, from 10:00 a.m.–12:00 p.m. EDT.

ADDRESSES: The meeting will be held via conference call and/or WebEx.

FOR FURTHER INFORMATION CONTACT:

Mesbah Motamed, 202.521.7874
MCCEACouncil@mcc.gov or visit www.mcc.gov/about/org-unit/economic-advisory-council.

SUPPLEMENTARY INFORMATION:

Agenda. During this meeting of the MCC Economic Advisory Council, members will receive an overview of MCC's work and the context and function of the MCC Economic Advisory Council within MCC's mission. The MCC Economic Advisory Council will also discuss issues related to MCC's core functions, including the following topics: (i) Incorporating resilience to shocks in MCC's analytic and investment priorities; (ii) understanding the role of digital technologies in improving resilience and accelerating economic growth.

Public Participation: The meeting will be open to the public. Members of the public may file written statement(s) before or after the meeting. If you plan to participate, please submit your name and affiliation no later than Friday, October 29, 2021 to MCCEACouncil@mcc.gov to receive dial-in instructions and to be placed on an attendee list.

(Authority: Federal Advisory Committee Act, 5 U.S.C. App.)

Dated: October 13, 2021.

Thomas G. Hohenthanner,

Acting VP/General Counsel and Corporate Secretary.

[FR Doc. 2021-22635 Filed 10-15-21; 8:45 am]

BILLING CODE 9211-03-P

NATIONAL SCIENCE FOUNDATION**Sunshine Act Meetings**

TIME AND DATE: Tuesday, October 19, 2021, from 1:20–2:05 p.m. EDT.

PLACE: This meeting will be held by teleconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda is: Remarks by the NSB Chair and the Chair of the Subcommittee on TIP; a presentation on TIP; discussions and feedback on the plans.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, cblair@nsf.gov, 703/292–7000. Meeting information and updates may be found at <http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine>. Please refer to the National Science Board website www.nsf.gov/nsb for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021–22713 Filed 10–14–21; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD**Sunshine Act Meeting**

TIME AND DATE: 1:00 p.m., Tuesday, November 2, 2021.

PLACE: Virtual.

STATUS: The one item may be viewed by the public through webcast only.

MATTER TO BE CONSIDERED:

67364 Investigation Report—Runway Overrun During Landing, Peninsula Aviation Services Inc., d.b.a. PenAir flight 3296, Saab 2000, N686PA, Unalaska, Alaska, October 17, 2019

CONTACT PERSON FOR MORE INFORMATION: Candi Bing at (202) 590–8384 or by email at bingc@ntsb.gov.

Media Information Contact: Peter Knudson by email at peter.knudson@ntsb.gov or (202) 314–6100.

This meeting will take place virtually. The public may view it through a live or archived webcast by accessing a link under “Webcast of Events” on the NTSB home page at www.ntsb.gov.

There may be changes to this event due to the evolving situation concerning the novel coronavirus (COVID–19). Schedule updates, including weather-related cancellations, are also available at www.ntsb.gov.

The National Transportation Safety Board is holding this meeting under the

Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: Thursday, October 14, 2021.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2021–22727 Filed 10–14–21; 11:15 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–1151; NRC–2021–0158]

Westinghouse Electric Company, LLC; Columbia Fuel Fabrication Facility; and US Ecology, Inc.; Idaho Resource Conservation and Recovery Act Subtitle C Hazardous Disposal Facility Located Near Grand View, Idaho

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment and exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption and associated license amendment related to a request from Westinghouse Electric Company, LLC (WEC) from NRC regulations with respect to a request for alternate disposal and exemptions for specified low-activity radioactive waste from the Columbia Fuel Fabrication Facility (CFFF) in Hopkins, South Carolina for waste containing byproduct material and special nuclear material (SNM) under License Number SNM–1107. Additionally, the NRC is taking the related action of approving exemptions to US Ecology, Inc. (USEI) from the applicable licensing requirements to allow USEI to receive and dispose of the material from CFFF without an NRC license. The USEI disposal facility, located near Grand View, Idaho, is a Subtitle C Resource Conservation and Recovery Act (RCRA) hazardous waste disposal facility permitted by the State of Idaho to receive low-level radioactive waste and is not licensed by the NRC. Approval of the alternate disposal request from WEC and the exemptions and license amendment requested by WEC and associated exemptions for USEI would allow WEC to transfer the specific waste from CFFF for disposal at USEI.

DATES: This exemption is effective on October 12, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0158 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0158. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION**

CONTACT section of this document.

- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. The Request for Alternate Disposal Approval and Exemption for Specific CFFF Waste (License No. SNM–1197, Docket No. 70–1151) dated June 1, 2021 is available in ADAMS under Accession No. ML21153A001. The staff’s Safety Evaluation Report dated October 4, 2021 is available in ADAMS under Package Accession No. ML21202A110.

- **Attention:** The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

David Tiktinsky, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8740, email: David.Tiktinsky@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

WEC is the holder of a Special Nuclear Materials License SNM–1107 under part 70 of title 10 of the *Code of Federal Regulations* (10 CFR), “Domestic Licensing of Special Nuclear Material,” which authorizes the fabrication of nuclear fuel at the CFFF. The USEI disposal facility near Grand View, Idaho is a Subtitle C RCRA hazardous waste disposal facility permitted by the State of Idaho to receive radioactive waste.

II. Request/Action

The proposed action would approve the alternate disposal request and provide exemptions from 10 CFR 70.3

and 10 CFR 30.3 and an associated WEC license amendment, allowing WEC to transfer and USEI to receive and dispose of 133,000 ft³ of calcium fluoride (CaF₂) sludge containing byproduct and special nuclear material (low enriched uranium {<5wt% U-235}). The CaF₂ to be disposed of is generated from CFFF site operations and previously stored in onsite lagoons. The lagoons are periodically dredged and the resulting CaF₂ sludge is placed in piles on the site for drying prior to disposal.

As proposed, this waste would be transported from CFFF in South Carolina to the USEI facility near Grand View, Idaho. The USEI facility is a RCRA Subtitle C hazardous waste disposal facility permitted by the State of Idaho.

III. Discussion

Pursuant to 10 CFR 70.17 and 10 CFR 30.11, the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of 10 CFR part 70 and part 30 respectively, as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

The Exemption Is Authorized by Law

The proposal provides that the material described in this notice would be transported and disposed of in compliance with Federal, State, and local regulations. Specifically, the material will be removed from the site per WEC's proposed disposal procedures and NRC license and State and local regulations. It will be shipped in accordance with U.S. Department of Transportation regulations to USEI. USEI, a RCRA Subtitle C disposal site, must obtain approval from the State of Idaho to receive and dispose of the material in accordance with its RCRA Subtitle C regulations in addition to the exemptions evaluated here. Therefore, such disposal is not otherwise contrary to NRC requirements, and is otherwise authorized by law.

The Exemption Will Not Endanger Life, Property and Is Consistent With the Common Defense and Security

NRC staff reviewed the information provided by WEC to support their 10 CFR 20.2002 alternate disposal request and the specific exemptions from 10 CFR 30.3 and 10 CFR 70.3 and associated license amendment in order to dispose of the described CaF₂ sludge associated with cleanup activities at CFFF. The NRC staff concluded that the requested disposal of 133,000 ft³ of CaF₂ sludge is acceptable under 10 CFR

20.2002. Details provided in this request, in combination with appropriate references to past approvals of similar procedures and material from the same site, provide an adequate description of the waste and the proposed manner and conditions of waste disposal. Lastly, because of the presence of SNM, the NRC evaluated potential criticality in its safety evaluation report and found no concerns. Therefore, the NRC concludes that issuance of the exemption will not endanger life, property, and is consistent with the common defense and security.

The Exemption Is in the Public Interest

Issuance of the exemptions to WEC and USEI is in the public interest because it provides for the efficient and safe disposal for the subject waste material, facilitates the decommissioning of the CFFF site consistent with the consent agreement between CFFF and the South Carolina Department of Health and Environmental Control, and conserves low-level radioactive waste disposal capacity at licensed low-level radioactive disposal sites while ensuring that the material being considered is disposed of safely in a regulated facility. Therefore, based upon the evaluation above, exemptions are appropriate pursuant to 10 CFR 30.11 and 10 CFR 70.17.

IV. Environmental Considerations

As required by 10 CFR 51.21, the NRC performed an environmental assessment (EA) that analyzes the environmental impacts of the proposed exemption in accordance with the National Environmental Policy Act of 1969 and NRC implementing regulations in 10 CFR part 51. Based on the conclusions of the EA, the NRC staff has determined that there is no need to prepare an environmental impact statement for the proposed exemption and has issued a finding of no significant impact (FONSI). The EA and FONSI were published in the **Federal Register** on October 12, 2021 (86 FR 56729).

V. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 70.17 and 10 CFR 30.11, exemptions for WEC and USEI are authorized by law, will not present an undue risk to the public health and safety, are consistent with the common defense and security, and are in the public interest. Therefore, the Commission hereby grants WEC and USEI exemptions from 10 CFR 70.3 and 10 CFR 30.3 to allow WEC to transfer 133,000 ft³ of CaF₂ sludge from the WEC

CFFF for disposal at the USEI disposal facility located near Grand View, Idaho, and issues WEC a conforming license amendment.

Dated: October 13, 2021.

For the Nuclear Regulatory Commission.

Jacob I. Zimmerman,

Chief, Fuel Facility Licensing Branch,
Division of Fuel Management, Office of
Nuclear Material Safety and Safeguards.

[FR Doc. 2021-22645 Filed 10-15-21; 8:45 am]

BILLING CODE 7590-01-P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Partitions of Eligible Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intent to request extension of OMB approval of information collection.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget extend approval, under the Paperwork Reduction Act, of a collection of information contained in its regulation on Partitions of Eligible Multiemployer Plans. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments must be submitted on or before December 17, 2021.

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

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Email:* paperwork.comments@pbgc.gov. Refer to OMB control number 1212-0068 in the subject line.
- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005-4026.

Commenters are strongly encouraged to submit public comments electronically. PBGC expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable.

All submissions received must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and refer to OMB control number 1212-0068. All comments received will be

posted without change to PBGC's website, <http://www.pbgc.gov>, including any personal information provided. Commenters should not include any information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information ("confidential business information"). Submission of confidential business information without a request for protected treatment constitutes a waiver of any claims of confidentiality.

Copies of the collection of information may be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005-4026, or calling 202-229-4040 during normal business hours. TTY users may call the Federal Relay Service toll-free at 800-877-8339 and ask to be connected to 202-229-4040.

FOR FURTHER INFORMATION CONTACT:

Melissa Rifkin (rifkin.melissa@pbgc.gov), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005-4026; 202-229-6563. (TTY and TDD users may call the Federal relay service toll-free at 800-877-8339 and ask to be connected to 202-229-6563.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of a collection of information contained in its regulation on Partitions of Eligible Multiemployer Plans (29 CFR part 4233). This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

Sections 4233(a) and (b) of the Employee Retirement Income Security Act of 1974 (ERISA) allow a plan sponsor of a multiemployer plan to apply to PBGC for a partition of the plan and state the criteria that PBGC uses to determine a plan's eligibility for a partition.

PBGC's regulation on Partitions of Eligible Multiemployer Plans (29 CFR part 4233) sets forth the procedures for applying for a partition, the information required to be included in a partition application, and notices to interested parties of the application.

PBGC needs the information to determine whether a plan is eligible for partition and whether a proposed partition would comply with the statutory conditions required before PBGC may order a partition.

The collection of information under the regulation has been approved by OMB under control number 1212-0068 (expires February 1, 2022). PBGC intends to request that OMB extend its approval for another three years. 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.

PBGC estimates that each year there will be one application for a partition submitted by a plan sponsor under this regulation. The total estimated annual burden of the collection of information is 13 hours and \$45,600.

PBGC is soliciting public comments to—

- 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 methodologies and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Issued in Washington, DC, by:
Stephanie Cibinic,
*Deputy Assistant General Counsel for
Regulatory Affairs, Pension Benefit Guaranty
Corporation.*

[FR Doc. 2021-22628 Filed 10-15-21; 8:45 am]

BILLING CODE 7709-02-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93294; File No. SR-
CboeBZX-2021-068]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees in BZX Rule 14.13 Applicable to Securities Listed on the Exchange

October 12, 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 30, 2021, Cboe BZX Exchange, Inc. ("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

Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") is filing with the Securities and Exchange Commission ("Commission") a proposed rule change to amend the fees applicable to securities listed on the Exchange, which are set forth in BZX Rule 14.13, Company Listing Fees. 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

On August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing, and delisting of companies on the Exchange,³ which it modified on February 8, 2012 in order to adopt pricing for the listing of

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR-BATS-2011-018).

exchange-traded products (“ETPs”)⁴ on the Exchange.⁵ The Exchange currently charges entry fees for non-generically listed ETPs and charges certain annual listing fees pursuant to Exchange Rule 14.13.

Now, the Exchange proposes to adopt Rule 14.13(b)(3) which would provide for a Corporate Actions Fee. The proposed Corporate Actions Fee would apply to a Company⁶ making a corporate action that would require the Exchange to update its records. For example, a change to the Company name or symbol, par value, shareholder rights plan, or reverse stock split would be subject to the proposed fee.⁷ Such a fee would be used to address the costs associated with revising the Exchange’s records when Companies engage in such corporate actions. The Exchange notes that Companies making multiple changes (e.g., a change to both the symbol and par value) that results from the same corporate action in an individual security would be charged a total of \$2,500, and would not be assessed a separate Corporate Actions Fee for each change. The Exchange proposes to implement the proposed fee effective January 1, 2022.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,⁸ in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5),⁹ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its issuers, and it does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that proposed Rule 14.13(b)(3) which implements a Corporate Action Fee for Companies with securities listed on the Exchange is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would apply equally for all Companies making a corporate action that would require the Exchange to update its records. The

Exchange believes that charging such a Corporate Action Fee is reasonable given the additional resources required by the Exchange in connection with such a corporate action.

Furthermore, the marketplace for listings is extremely competitive and there are several other national securities exchanges that offer ETP listings. Transfers between listing venues occur frequently for numerous reasons, including listing fees. The proposed rule change reflects a competitive pricing structure, which the Exchange believes will enhance competition both among ETP issuers and listing venues, to the benefit of investors. Furthermore, as noted above the proposed change is substantively similar to fees charged by Arca.¹⁰

Based on the foregoing, the Exchange believes that the proposed rule changes are consistent with the Act.

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. With respect to the proposed new Corporate Actions Fee, the Exchange does not believe that the changes burden competition, but instead, enhance competition, as it is intended to address the costs associated with revising the Exchange’s records when Companies engage in corporate actions. As such, the proposal is a competitive proposal designed to enhance pricing competition among listing venues and implement pricing for corporate actions that better reflects expenses associated with listing ETPs on the Exchange. The Exchange does not believe the proposed amendment would burden intramarket competition as the proposed fee would be assessed to all issuers uniformly that require a change to Exchange records resulting from a corporate action.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹¹ and paragraph (f) of Rule 19b-4¹² 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.

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-2021-068 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-2021-068. 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

⁴ As defined in Rule 11.8(e)(1)(A), the term “ETP” means any security listed pursuant to Exchange Rule 14.11.

⁵ See Securities Exchange Act Release No. 66422 (February 17, 2012), 77 FR 11179 (February 24, 2012) (SR-BATS-2012-010).

⁶ See Exchange Rule 14.1(a)(3).

⁷ The Exchange notes that the proposed Corporate Actions Fee is substantively similar to those charged by NYSE Arca, Inc. (“Arca”). See the Administrative Fees provided under the Arca Equities Listing Fees at https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Listing_Fee_Schedule.pdf.

⁸ 15 U.S.C. 78f.

⁹ 15 U.S.C. 78f(b)(4) and (5).

¹⁰ *Supra* note 14 [sic].

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

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-2021-068 and should be submitted on or before November 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-22575 Filed 10-15-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93295; File No. SR-Phlx-2021-57]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7, Section 4, Multiply Listed Options Fees

October 12, 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 October 6, 2021, Nasdaq PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I 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 amend Phlx’s Pricing Schedule at Options 7, Section 4, “Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY).”

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on October 1, 2021.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/>

rulebook/phlx/rules, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to amend its pricing at Options 7, Section 4, “Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY).” The Exchange proposes to amend the way it calculates qualifying Qualified Contingent Cross or “QCC” Orders for purposes of paying a QCC rebate.

Today, the Exchange assesses a \$0.20 per contract QCC Transaction Fee to Lead Market Makers,³ Market Makers,⁴ Firms,⁵ and Broker-Dealers.⁶

³ The term “Lead Market Maker” applies to transactions for the account of a Lead Market Maker (as defined in Options 2, Section 12(a)). A Lead Market Maker is an Exchange member who is registered as an options Lead Market Maker pursuant to Rule Options 2, Section 12(a). An options Lead Market Maker includes a Remote Lead Market Maker which is defined as an options Lead Market Maker in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Options 2, Section 11. See Options 7, Section 1.

⁴ The term “Market Maker” is defined in Options 1, Section 1(b)(28) as a member of the Exchange who is registered as an options Market Maker pursuant to Options 2, Section 12(a). A Market Maker includes SQTs and RSQTs as well as on and Floor Market Makers. See Options 7, Section 1.

⁵ The term “Firm” applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC. See Options 7, Section 1.

⁶ The term “Broker-Dealer” applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category. See Options 7, Section 1.

Customers⁷ and Professionals⁸ are not assessed a QCC Transaction Fee. QCC Transaction Fees apply to electronic QCC Orders, as defined in Options 3, Section 12,⁹ and Floor QCC Orders, as defined in Options 8, Section 30(e) (collectively “Combined QCC Orders”).

Today, the Exchange pays rebates on all qualifying executed Combined QCC Orders, except where the transaction is either: (i) Customer-to-Customer; (ii) Customer-to-Professional; (iii) Professional-to-Professional or (iv) a dividend, merger, short stock interest or reversal or conversion strategy execution, pursuant to the below QCC rebate schedule, up to a maximum of \$550,000 in a given month.

QCC REBATE SCHEDULE

Tier	Threshold	Rebate per contract
Tier 1	0 to 99,999 contracts in a month.	\$0.00
Tier 2	100,000 to 299,999 contracts in a month.	0.05
Tier 3	300,000 to 499,999 contracts in a month.	0.07
Tier 4	500,000 to 699,999 contracts in a month.	0.08
Tier 5	700,000 to 999,999 contracts in a month.	0.09
Tier 6	Over 1,000,000 contracts in a month.	0.11

Today, the Exchange aggregates volume from all executed Combined QCC Orders and excludes QCC transactions where the transaction is either: (i) Customer-to-Customer; (ii) Customer-to-Professional; (iii)

⁷ The term “Customer” applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (“OCC”) which is not for the account of a broker or dealer or for the account of a “Professional” (as that term is defined in Options 1, Section 1(b)(45)). See Options 7, Section 1.

⁸ The term “Professional” applies to transactions for the accounts of Professionals, as defined in Exchange Rule 1000(b)(43) means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). See Options 7, Section 1.

⁹ QCC Orders within Options 3, Section 12 are submitted electronically. The Exchange proposes to add the word “electronic” before QCC Orders in several places within Options 7, Section 4 for clarity.

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Professional-to-Professional; or (iv) a dividend, merger, short stock interest or reversal or conversion strategy execution (as defined in Options 7, Section 4).

At this time, the Exchange proposes to amend the way it calculates qualifying Combined QCC Orders for purposes of paying a QCC rebate. With this proposal, the Exchange would aggregate volume from all executed Combined QCC Orders, including Customer-to-Customer, Customer-to-Professional, and Professional-to-Professional transactions for purposes of determining the QCC rebate tier threshold. The Exchange would continue to exclude dividend, merger, short stock interest or reversal or conversion strategy executions from the QCC rebate tier qualification.

The Exchange believes that this amendment will encourage market participants to execute additional Customer-to-Customer, Customer-to-Professional, and Professional-to-Professional Combined QCC Orders for purposes of qualifying for a higher QCC rebate tier.¹⁰

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹² in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed changes to Phlx's Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has 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'. . . ." ¹³

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, 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."¹⁴

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options security transaction services. The Exchange is only one of sixteen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange's proposal to amend the way it calculates qualifying Combined QCC Orders for purposes of paying a QCC rebate is reasonable. The proposed amendment to qualify for a QCC rebate is intended to incentivize market participants to execute a greater amount of Customer-to-Customer, Customer-to-Professional, and Professional-to-Professional Combined QCC Orders on Phlx to qualify for a higher QCC rebate tier. While the Exchange would continue not to pay a QCC rebate for Customer-to-Customer, Customer-to-Professional, and Professional-to-Professional Combined QCC Orders, market participants would benefit by executing these orders by potentially qualifying for higher QCC rebate tiers. Today, Customer-to-Customer, Customer-to-Professional,

and Professional-to-Professional Combined QCC Orders are not counted in the tier qualification calculation for QCC rebates but would be counted with this proposal. Also, today, dividend, merger, short stock interest or reversal or conversion strategy executions are not counted in the tier qualification calculation for QCC rebates and would continue to not be counted.

The Exchange's proposal to amend the way it calculates qualifying Combined QCC Orders for purposes of paying a QCC Rebate is equitable and not unfairly discriminatory. The Exchange uniformly would apply the proposed QCC tier qualification to all market participants when paying QCC rebates on Combined QCC Orders for all qualifying transactions executed on Phlx.

Amending rule text within Options 7, Section 4 to add the word "electronic" before QCC Orders in several places within Options 7, Section 4, where the reference applies to QCC Orders as defined in Options 3, Section 12, is reasonable, equitable and not unfairly discriminatory because the amendments will bring additional clarity to the rule text.

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.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. 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, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

¹⁰ The Exchange also proposes two technical amendments to Options 7, Section 4. First, the Exchange proposes to change a "," to a ";" after "(ii) Customer-to-Professional." Second, the Exchange proposes to add a ";" after "(iii) Professional-to-Professional."

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(4) and (5).

¹³ *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)).

¹⁴ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

Intra-Market Competition

The Exchange's proposal to amend the way it calculates qualifying Combined QCC Orders for purposes of paying a QCC Rebate does not impose an undue burden on competition. The Exchange uniformly would apply the proposed QCC tier qualification to all market participants when paying QCC rebates on Combined QCC Orders for all qualifying transactions executed on Phlx.

Amending rule text within Options 7, Section 4 to add the word "electronic" before QCC Orders in several places within Options 7, Section 4, where the reference applies to QCC Orders as defined in Options 3, Section 12, does not impose an undue burden on competition because the amendments will bring additional clarity to the rule text.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)¹⁵ of the Act and subparagraph (f)(2) of Rule 19b-4¹⁶ 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)¹⁷ of the Act to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2021-57 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2021-57. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-Phlx-2021-57 and should be submitted on or before November 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-22566 Filed 10-15-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 1:30 p.m. on Thursday, October 21, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Authority: 5 U.S.C. 552b.

Dated: October 14, 2021.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2021-22772 Filed 10-14-21; 4:15 pm]

BILLING CODE 8011-01-P

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f)(2).

¹⁷ 15 U.S.C. 78s(b)(2)(B).

¹⁸ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93287; File No. SR-BX-2021-045]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Related to the Market Wide Circuit Breaker Until March 18, 2022

October 12, 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 October 6, 2021, Nasdaq BX, Inc. (“BX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to a proposal to extend the pilot related to the market-wide circuit breaker in Equity 4, Rule 4121 to the close of business on March 18, 2022.

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

The Exchange proposes to extend the pilot related to the market-wide circuit breaker in Equity 4, Rule 4121 to the close of business on March 18, 2022.

Background

The market-wide circuit breaker (“MWCB”) rules, including the Exchange’s Rule 4121 under Equity 4, provide an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when cash equities securities experience extreme market-wide declines. The MWCB rules are designed to slow the effects of extreme price declines through coordinated trading halts across both cash equity and equity options securities markets.

The cash equities rules governing MWCBs were first adopted in 1988 and, in 2012, all U.S. cash equity exchanges and FINRA amended their cash equities uniform rules on a pilot basis (the “Pilot Rules,” *i.e.*, Equity 4, Rule 4121).³ The Pilot Rules currently provide for trading halts in all cash equity securities during a severe market decline as measured by a single-day decline in the S&P 500 Index (“SPX”).⁴ Under the Pilot Rules, a market-wide trading halt will be triggered if SPX declines in price by specified percentages from the prior day’s closing price of that index. The triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. and before 3:25 p.m. would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. would not halt market-wide trading. (Level 1 and Level 2 halts may occur only once a day.) A market decline that triggers a Level 3 halt at any time during the trading day would halt market-wide trading for the remainder of the trading day.

The Commission approved the Pilot Rules, the term of which was to

coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (the “LULD Plan”),⁵ including any extensions to the pilot period for the LULD Plan.⁶ In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.⁷ In light of the proposal to make the LULD Plan permanent, the Exchange amended Equity 4, Rule 4121 to untie the pilot’s effectiveness from that of the LULD Plan and to extend the pilot’s effectiveness to the close of business on October 18, 2019.⁸ The Exchange subsequently filed to extend the Pilot Rules’ effectiveness for an additional year to the close of business on October 18, 2020,⁹ and later, on October 18, 2021.¹⁰

The Exchange now proposes to amend Equity 4, Rule 4121 to extend the pilot to the close of business on March 18, 2022. This filing does not propose any substantive or additional changes to Rule 4121.

The MWCB Task Force and the March 2020 MWCB Events

In late 2019, Commission staff requested the formation of a MWCB Task Force (“Task Force”) to evaluate the operation and design of the MWCB mechanism. The Task Force included representatives from the SROs, the Commission, CME, the Commodity Futures Trading Commission (“CFTC”), and the securities industry and conducted several organizational meetings in December 2019 and January 2020.

In Spring 2020, the MWCB mechanism proved itself to be an effective tool for protecting markets through turbulent times. In March 2020, at the outset of the worldwide COVID-19 pandemic, U.S. equities markets experienced four MWCB Level 1 halts,

⁵ See Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012). The LULD Plan provides a mechanism to address extraordinary market volatility in individual securities.

⁶ See Securities Exchange Act Release Nos. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR-BX-2011-068) (Approval Order); and 68815 (February 1, 2013), 78 FR 9752 (February 11, 2013) (SR-BX-2013-009) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Delay the Operative Date).

⁷ See Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019).

⁸ See Securities Exchange Act Release No. 85585 (April 10, 2019), 84 FR 15643 (April 16, 2019) (SR-BX-2019-008).

⁹ See Securities Exchange Act Release No. 87208 (October 3, 2019), 84 FR 54213 (October 9, 2019) (SR-BX-2019-034).

¹⁰ See Securities Exchange Act Release No. 90145 (October 9, 2020), 85 FR 65462 (October 15, 2020) (SR-BX-2020-029).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR-BATS-2011-038; SR-BYX-2011-025; SR-BX-2011-068; SR-CBOE-2011-087; SR-C2-2011-024; SR-CHX-2011-30; SR-EDGA-2011-31; SR-EDGX-2011-30; SR-FINRA-2011-054; SR-ISE-2011-61; SR-NASDAQ-2011-131; SR-NSX-2011-11; SR-NYSE-2011-48; SR-NYSEAmex-2011-73; SR-NYSEArca-2011-68; SR-Phlx-2011-129) (“Pilot Rules Approval Order”).

⁴ The rules of the equity options exchanges similarly provide for a halt in trading if the cash equities exchanges invoke a MWCB Halt. *See, e.g.*, Options 3, Section 9(e).

on March 9, 12, 16, and 18, 2020. In each instance, the markets halted as intended upon a 7% drop in the S&P 500 Index, and resumed as intended 15 minutes later.

In response to these events, in the Spring and Summer of 2020, the Task Force held ten meetings that were attended by Commission staff, with the goal of performing an expedited review of the March 2020 halts and identifying any areas where the MWCB mechanism had not worked properly. Given the risk of unintended consequences, the Task Force did not recommend changes that were not rooted in a noted deficiency. The Task Force recommended creating a process for a backup reference price in the event that SPX were to become unavailable, and enhancing functional MWCB testing. The Task Force also asked CME to consider modifying its rules to enter into a limit-down state in the futures pre-market after a 7% decline instead of 5%. CME made the requested change, which became effective on October 12, 2020.¹¹

The MWCB Working Group's Study

On September 17, 2020, the Director of the Commission's Division of Trading and Markets asked the SROs to conduct a more complete study of the design and operation of the Pilot Rules and the LULD Plan during the period of volatility in the Spring of 2020.

In response to the request, the SROs created a MWCB "Working Group" composed of SRO representatives and industry advisers that included members of the advisory committees to both the LULD Plan and the NMS Plans governing the collection, consolidation, and dissemination of last-sale transaction reports and quotations in NMS Stocks. The Working Group met regularly from September 2020 through March 2021 to consider the Commission's request, review data, and compile its study. The Working Group's efforts in this respect incorporated and built on the work of the MWCB Task Force.

The Working Group submitted its study to the Commission on March 31, 2021 (the "Study").¹² In addition to a timeline of the MWCB events in March 2020, the Study includes a summary of the analysis and recommendations of

the MWCB Task Force; an evaluation of the operation of the Pilot Rules during the March 2020 events; an evaluation of the design of the current MWCB system; and the Working Group's conclusions and recommendations.

In the Study, the Working Group concluded: (1) The MWCB mechanism set out in the Pilot Rules worked as intended during the March 2020 events; (2) the MWCB halts triggered in March 2020 appear to have had the intended effect of calming volatility in the market, without causing harm; (3) the design of the MWCB mechanism with respect to reference value (SPX), trigger levels (7%/13%/20%), and halt times (15 minutes) is appropriate; (4) the change implemented in Amendment 10 to the Plan to Address Extraordinary Market Volatility (the "Limit Up/Limit Down Plan" or "LULD Plan") did not likely have any negative impact on MWCB functionality; and (5) no changes should be made to the mechanism to prevent the market from halting shortly after the opening of regular trading hours at 9:30 a.m.

In light of the foregoing conclusions, the Working Group also made several recommendations, including that the Pilot Rules should be permanent without any changes.¹³

Proposal To Extend the Operation of the Pilot Rules Pending the Commission's Consideration of the Exchange's Filing To Make the Pilot Rules Permanent

On July 16, 2021, the New York Stock Exchange ("NYSE") proposed a rule change to make the Pilot Rules permanent, consistent with the Working Group's recommendations.¹⁴ On August 27, 2021, the Commission extended its time to consider the proposed rule change to October 20, 2021.¹⁵ The Exchange now proposes to extend the expiration date of the Pilot Rules to the end of business on March 18, 2022.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁶ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁷ in particular, in that it is designed 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 market-wide circuit breaker mechanism under Rule 4121 is an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. Extending the market-wide circuit breaker pilot for an additional five months would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's [sic] proposed rule change to make the Pilot Rules permanent.

The Exchange also believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. Based on the foregoing, the Exchange believes the benefits to market participants from Pilot Rules should continue on a pilot basis because they will promote fair and orderly markets and protect investors and the public interest.

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 because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's proposed rule change to make the Pilot Rules permanent.

Further, the Exchange understands that FINRA and other national securities exchanges will file proposals to extend their rules regarding the market-wide circuit breaker pilot. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

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

¹¹ See https://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_1.pdf; https://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_2.pdf.

¹² See Report of the Market-Wide Circuit Breaker ("MWCB") Working Group Regarding the March 2020 MWCB Events, submitted March 31, 2021 (the "Study"), available at https://www.nyse.com/publicdocs/nyse/markets/nyse/Report_of_the_Market-Wide_Circuit_Breaker_Working_Group.pdf.

¹³ See *id.* at 46.

¹⁴ See Securities Exchange Act Release No. 92428 (July 16, 2021), 86 FR 38776 (July 22, 2021) (SR-NYSE-2021-40).

¹⁵ See Securities Exchange Act Release No. 92785A (August 27, 2021), 86 FR 50202 (September 7, 2021) (SR-NYSE-2021-40).

¹⁶ 15 U.S.C. 78f(b).

¹⁷ 15 U.S.C. 78f(b)(5).

the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁸ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁹

A proposed rule change filed under Rule 19b-4(f)(6)²⁰ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²¹ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange asked that the Commission waive the 30 day operative delay so that the proposal may become operative immediately upon filing. Extending the Pilot Rules' effectiveness to the close of business on March 18, 2022 will extend the protections provided by the Pilot Rules, which would otherwise expire in less than 30 days. Waiver of the operative delay would therefore permit uninterrupted continuation of the MWCB pilot while the Commission reviews the NYSE's proposed rule change to make the Pilot Rules permanent. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.²²

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-BX-2021-045 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-2021-045. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-BX-2021-045 and should be submitted on or before November 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-22567 Filed 10-15-21; 8:45 am]

BILLING CODE 8011-01-P

²³ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93291; File No. SR-CboeBYX-2021-023]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a Rule Regarding the Allowance of Off-Exchange Transactions by a Member Acting as Agent Otherwise Than on BYX in Accordance With Rule 19c-1 Under the Securities Exchange Act of 1934

October 12, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that, on September 29, 2021, Cboe BYX Exchange, Inc. (the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ 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") proposes to adopt a rule regarding the allowance of off-exchange transactions by a Member acting as agent otherwise than on BYX in accordance with Rule 19c-1 under the Securities Exchange Act of 1934 (the "Act").⁵ 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

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ See 17 CFR 240.19c-1.

¹⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the five-day pre-filing requirement in this case.

²⁰ 17 CFR 240.19b-4(f)(6).

²¹ 17 CFR 240.19b-4(f)(6)(iii).

²² For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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 adopt a rule regarding off-exchange transactions by a Member acting as agent. Rule 19c-1 and Rule 19c-3 under the Act⁶ describe rule provisions that each national securities exchange must include in its Rules regarding the ability of members to engage in transactions off an exchange. While the Exchange already incorporates the required provision in Rule 19c-3 under the Act into Rule 13.6, and its stated policies and practices are consistent with these provisions of the Act, the Exchange Rules do not currently include the provisions in Rule 19c-1 under the Act. Therefore, the proposed rule change adopts this provision in new Rule 13.6(a)⁷ in accordance with Rule 19c-1 under the Act. Specifically, proposed Rule 13.6(a) (in accordance with Rule 19c-1 under the Act) provides that no rule, stated policy, or practice of this Exchange shall prohibit or condition, or be construed to prohibit or condition, or otherwise limit, directly or indirectly, the ability of any Member acting as agent to effect any transaction otherwise than on this Exchange with another person (except when such Member also is acting as agent for such other person in such transaction) in any equity security listed on this Exchange or to which unlisted trading privileges on this Exchange have been extended.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁸ Specifically, the Exchange believes the proposed rule change is consistent with the Section

6(b)(5)⁹ 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.

In particular, the Exchange believes proposed Rule 13.16(a) is consistent with the Act, because it adopts an Exchange Rule specifically required by Rule 19c-1 regarding off-exchange transactions for members' agency transactions. The Exchange's current Rule 13.6 and stated policies and procedures currently comply with provisions governing off-exchange trading in Rule 19c-3 under the Act. The proposed rule change is designed to prevent fraudulent and manipulative practices, promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system as it will add transparency to the Exchange Rules by making it explicit in its Rules the provisions of Rule 19c-1 under the Act, as is required by all national exchanges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended as a competitive trading tool, rather it makes explicit the provisions governing off-exchange trading by a Member acting as agent in Rule 19c-1 of the Act within the Exchange Rules, which were previously inadvertently excluded. The provisions regarding off-exchange trading by a Member acting as agent apply equally to all Members, and each national securities exchange is required to include the provision of Rule 19c-1 under the Act in its rules.

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

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 Act¹⁰ and Rule 19b-4(f)(6) thereunder.¹¹

A proposed rule change filed under Rule 19b-4(f)(6)¹² normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b-4(f)(6)(iii)¹³ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay for this filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will allow the Exchange to immediately update its rules to reflect the requirements of Rule 19c-1 of the Act.¹⁴ Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.¹⁵

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.

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 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.

¹² 17 CFR 240.19b-4(f)(6).

¹³ 17 CFR 240.19b-4(f)(6)(iii).

¹⁴ 17 CFR 240.19c-1.

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁶ See 17 CFR 240.19c-1 and § 240.19c-3.

⁷ The proposed rule change also updates the provision in current Rule 13.6 (which incorporate Rule 19c-3 under the Act) to be Rule 13.6(b).

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

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-2021-023 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-2021-023. 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-CboeBYX-2021-023, and should be submitted on or before November 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-22568 Filed 10-15-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93293; File No. SR-Phlx-2021-58]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Options 7, Section 10

October 12, 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 30, 2021, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule at Options 7, Section 10 (Proprietary Data Feed Fees) to: (i) Allow the external distribution of analytic products derived from information contained in the Phlx Options Trade Outline ("PHOTO") to the general investing public; (ii) increase fees for End of Day, Intra-Day, and historical data to reflect the current market value of these products; and (iii) offer a discounted fee for 36 months of historical data for current distributors. The proposal also includes a number of conforming and technical changes described further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/phlx/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This Proposal will: (i) Allow the external distribution of analytic products derived from PHOTO information to the general investing public; (ii) increase fees for End of Day, Intra-Day, and historical data to reflect the current market value of these products; and (iii) offer a discounted fee for 36 months of historical data for current distributors.

The Exchange initially filed these proposed pricing changes on August 6, 2021 (SR-Phlx-2021-46), but withdrew that filing on August 19, 2021. This filing reintroduces the August 6 Proposal.

PHLX Options Trade Outline ("PHOTO")

PHOTO provides customers with the ability to create and test trading models and analytic strategies and build customized sentiment indicators using the following data fields:³

- Aggregate number of buy and sell transactions in the affected series;
- Aggregate volume traded electronically on the Exchange in the affected series;
- Aggregate number of trades effected on the Exchange to open a position;⁴

³ See Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR-Phlx-2010-121) (initial filing introducing PHOTO on September 1, 2010).

⁴ PHOTO provides subscribers with the aggregate number of "opening purchase transactions." The term "opening purchase transaction" means an exchange options transaction in which the purchaser's intention is to create or increase a long position in the series of options involved in such transaction. See Options 1, Section 1(b)(34). PHOTO will also provide subscribers with the aggregate number of "opening writing transactions." The term "opening writing transaction" means an Exchange options transaction in which the seller's (writer's) intention is to create or increase a short position in the series

¹⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

- Aggregate number of trades effected on the Exchange to close a position;⁵
- Origin of the orders involved in trades on the Exchange in the affected series during a particular trading session, specifically aggregated in the following categories of participants: Customers, broker-dealers, market makers (including specialists, Registered Options Traders (“ROTs”), Streaming Quote Traders (“SQTs”)⁶ and Remote Streaming Quote Traders (“RSQTs”),⁷ and Professionals.⁸

PHOTO is available in End of Day and Intra-Day files. The End of Day file is updated during an overnight process with additional fields and is available the following morning.⁹ The monthly subscriber fee for the End of Day product is currently \$400.

The Intra-Day product is captured in “snapshots” taken every 10 minutes throughout the trading day, available to

of options involved in such transaction. *See* Options 1, Section 1(b)(35).

⁵ PHOTO provides subscribers with the aggregate number of “closing purchase transactions” in the affected series. A “closing purchase transaction” means an Exchange options transaction in which the purchaser’s intention is to reduce or eliminate a short position in the series of options involved in such transaction. *See* Options 1, Section 1(b)(11). PHOTO will also provide subscribers with the aggregate number of “closing sale transactions.” A “closing sale transaction” means an Exchange options transaction in which the seller’s intention is to reduce or eliminate a long position in the series of options involved in such transaction. *See* Options 1, Section 1(b)(12).

⁶ A “Streaming Quote Trader” or “SQT” means a Market Maker who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the trading floor of the Exchange. An SQT may only submit quotes in classes of options in which the SQT is assigned. *See* Options 1, Section 1(b)(54).

⁷ A “Remote Streaming Quote Trader” or “RSQT” means a Market Maker that is a member affiliated with a Remote Streaming Quote Trader Organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A qualified RSQT may function as a Remote Lead Market Maker upon Exchange approval. An RSQT is also known as a Remote Market Maker (“RMM”) pursuant to Options 2, Section 11. A Remote Streaming Quote Organization (“RSQTO”) or Remote Market Maker Organization (“RMO”) are Exchange member organizations that have qualified pursuant to Options 2, Section 1. *See* Options 1, Section 1(b)(49).

⁸ The term “Professional” means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). Member organizations must indicate whether orders are for Professionals. *See* Options 1, Section 1(b)(45).

⁹ These additional fields are: (i) Option First Trade Price; (ii) Option High Trade Price; (iii) Option Low Trade Price; (iv) Option Last Trade Price; (v) Total Phlx electronic volume for the series; (vi) Total industry volume for the series; and (vii) Open interest for the series.

subscribers within 5 minutes of the conclusion of each period. Subscribers receive the first calculation at 9:45 a.m. ET, representing data captured from 9:30 a.m. to 9:39 a.m., and the second calculation at 9:55 a.m., representing data from both the most recent snapshot and previous snapshots, continuing over the course of the trading day. The monthly subscriber fee for the Intra-Day product is currently \$1,500.

PHOTO historical data provides information about the past activity of all option series traded on the Exchange for each trading session conducted during a prior calendar month selected by the subscriber.¹⁰ This data is intended to enhance a purchaser’s ability to analyze option trade and volume data, evaluate historical trends in the trading activity of a particular option series, and create and test trading models and analytical strategies. The product provides the following data:

- Aggregate number of buy and sell transactions in the affected series for each trading session conducted during the specified calendar month(s);
- Aggregate volume traded electronically on the Exchange in the affected series for each trading session conducted during the specified calendar month(s);
- Aggregate number of trades effected on the Exchange to open a position¹¹ for each trading session conducted during the specified calendar month(s);
- Aggregate number of trades effected on the Exchange to close a position¹² for each trading session conducted during the specified calendar month(s);
- Origin of the orders involved in trades on the Exchange in the affected series for each trading session conducted during the specified calendar month(s), specifically aggregated in the following categories of participants: Customers, broker-dealers, market makers (including specialists, ROTs, SQTs¹³ and RSQTs),¹⁴ and Professionals.¹⁵

Historical PHOTO data is available starting in January 2009 in both End of Day and Intra-Day files.¹⁶ The End of Day product provides aggregate data for the entire trading session, while the Intra-Day product includes periodic,

cumulative data for each trading session at ten minutes intervals. The fee for the historical End of Day product is currently \$400 per month, and the fee for the historical Intra-Day product is \$750 per month.

PHOTO is one of five market data products offered by the Exchange.¹⁷ The others are Phlx Depth of Market,¹⁸ Top of Phlx Options,¹⁹ TOPO Plus Orders,²⁰ and Historical Phlx Orders.²¹ PHOTO plays a unique role in this array. It is not necessary to execute a trade, but it supplies the customer with information about underlying market trends designed to improve the quality of that customer’s investment decisions. Customers can, and often do, elect to forego this information. The current purchasers of PHOTO are investment banks, market makers, asset managers and other buy-side investors.²²

PHOTO is subject to direct competition from similar end of day and intra-day options trading summaries offered by ten other options exchanges.²³ All of these exchanges

¹⁷ There is little overlap in the data provided by PHOTO and the data provided by the other options market data products offered by the Exchange. The only elements of overlapping data would be the last sale information, which is available through Top of Phlx Options and TOPO Plus orders, and total exchange volume, which can be derived from several of the other products.

¹⁸ Phlx Depth of Market (Phlx Depth) is designed to provide aggregate order book and last sale data from the PHLX Options Market in an easy-to-display format. Similar to NASDAQ TotalView-Aggregated feed, PHLX Depth summarizes the order interest at each price level in the PHLX system. *See* Options 3, Section 23(a)(3).

¹⁹ Top of Phlx Options (TOPO) is designed to provide Best Bid and Offer (BBO) and last sale information directly to PHLX Options Market participant firms that subscribe to the data feed. *See* Options 3, Section 23(a)(1).

²⁰ TOPO Plus Orders is designed to provide Best Bid and Offer (BBO) and last sale information plus the state of single and complex orders on the PHLX order book to firms on a real-time basis. TOPO Plus Orders provides access to both the TOPO data feed and the PHLX Orders data feed. *See* Options 3, Section 23(a)(2).

²¹ Historical Phlx Orders provides a historical record of the simple and complex order message data from the TOPO Plus Orders data product. Subscribers to this historical product may download the Historical Phlx Orders daily message logs on a T+1 basis from a secure FTP server. Historical Phlx Orders is available as eight separate files each day, four for simple orders and four for complex orders. The data originates from the Phlx Orders data feed and therefore, no quote data is included.

²² An average of 26 customers per month over the past year have subscribed to either the End of Day or Intra-Day product.

²³ These substitute products are: Nasdaq Options Trade Outline, ISE Trade Profile, GEMX Trade Profile data; open-close data from Choe C1, C2, BZX, and EDGX; and Open Close Reports from MIAX Options, Pearl, and Emerald. A small number of options exchanges do not offer PHOTO-like products: Amex, ARCA, BOX, BX Options, and MRX, although the Exchange understands that

¹⁰ *See* Securities Exchange Act Release 63351 (November 19, 2010), 75 FR 73140 (November 29, 2010) (SR-Phlx-2010-154).

¹¹ *See Supra*, n. 4.

¹² *See Supra*, n. 5.

¹³ *See Supra*, n. 6.

¹⁴ *See Supra*, n. 7.

¹⁵ *See Supra*, n. 8.

¹⁶ *See* Securities Exchange Act Release No. 63351 (November 19, 2010), 75 FR 73140 (November 29, 2010) (SR-Phlx-2010-154) (introducing fees for PHOTO historical data).

offer essentially the same end of day and intra-day options trading summary information, and generally differ solely in the amount of history available for purchase.²⁴ A few data fields available on PHOTO are also available on the OPRA feed.²⁵

The options trading summary files offered by these ten exchanges are substitutes, not complements.²⁶ PHOTO provides data on options market activity which can be used to infer longer-term trends. The information provided by one exchange is generally similar to that provided by other exchanges because order flow can move from one exchange to another, and market sentiment trends that appear on one exchange are likely to be similar to the sentiment trends on other exchanges. The key differentiator in the quality of the data depends on the volume of transactions on a given exchange. The greater the volume of transactions, the greater the value of the data. We observe that customers purchase sufficient data to provide a view of the market, but not more, as the value of data from each additional exchange yields diminishing returns.²⁷ Fees for PHOTO are therefore constrained by the competition among exchanges for similar options trading summary products.

Proposed Changes

The Proposal will: (i) Allow the external distribution of analytic products derived from PHOTO information to the general investing public; (ii) increase fees for End of Day, Intra-Day, and historical data to reflect the current market value of the product; and (iii) offer a discounted fee for 36

similar products for BX Options and MRX may be forthcoming.

²⁴ For example, Cboe offers history for their end of day data starting in January 1990 while PHOTO End of Day history is only offered starting in January 2009. Also, Cboe offers intraday starting in October 2019 while PHOTO intraday is offered starting in January 2009.

²⁵ The overlap is limited to open interest, total industry volume, and first, high, low, and last trade price for an option series.

²⁶ Complementary products require the purchaser to buy both products together to be useful, as in the example of a video game and a video game console, or a smartphone and a smartphone charger. Products are substitutes when the purchase of one product renders purchase of the other product less necessary, as in the case of smartphones from two different manufacturers.

²⁷ Customers sometimes choose between purchasing PHOTO-type data from one exchange with a relatively large market share, or multiple exchanges with smaller market shares which collectively represent roughly the same fraction of the market as the larger exchange. Once the customer has an adequate view of the market, either through one or a small number of exchanges, the customer does not purchase additional data as the value of more data diminishes with each successive purchase.

months of historical data for current distributors.

External Distribution to the General Investing Public

The external distribution of PHOTO data or any analytic product derived from such data is not currently permitted, as explained in the initial filing of this product.²⁸ The Exchange proposes to remove that prohibition and allow vendors to distribute “Derived Data”²⁹ based on PHOTO. Derived Data is “any Information generated in whole or in part from Exchange Information”³⁰ such that the Information generated cannot be reverse engineered to recreate Exchange Information, or be used to create other data that is recognizable as a reasonable substitute for such Exchange Information.” The Exchange proposes to allow the distribution of Derived Data based on the information contained in the PHOTO product.³¹

An example of the type of Derived Data that the Exchange would like vendors to disseminate is the Sentiment Indicator currently offered by the Nasdaq ISE Exchange.³² This indicator compares the number of opening long call options to opening long put options.³³ If the value is greater than

²⁸ See Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR-Phlx-2010-121) (“PHOTO is available only for internal use and distribution by subscribers.”).

²⁹ “Derived Data” is not currently a defined term in the Phlx Rulebook. In the Nasdaq rulebook, “Derived Data” is defined as “any information generated in whole or in part from Exchange Information such that the information generated cannot be reverse engineered to recreate Exchange Information, or be used to create other data that is recognizable as a reasonable substitute for such Exchange Information.” See Nasdaq Rulebook, Equity 7 (Pricing Schedule), Section 139(f) (definition of Derived Data for the Nasdaq Last Sale and Nasdaq Last Sale Plus data feeds).

³⁰ “Exchange Information” is any data or information that has been collected, validated, processed and/or recorded by the Exchange and made available for transmission relating to: (i) Eligible securities or other financial instruments, markets, products, vehicles, indicators, or devices; (ii) activities of the Exchange; or (iii) other information or data from the Exchange. Information includes, but is not limited to, any element of information used or processed in such a way that Exchange Information or a substitute for such Information can be identified, recalculated or re-engineered from the processed information.

³¹ Although Derived Data is a general term, in the context of this proposal it applies only to data derived from PHOTO information.

³² See Nasdaq ISE, LLC Rules, Options 7 (Pricing Schedule), Section 10(D) (Enhanced Sentiment Market Data), available at <https://listingcenter.nasdaq.com/rulebook/ise/rules/ISE%20Options%207>. See also <https://www.nasdaq.com/market-activity/ise-index>.

³³ ISE sentiment Index = (Number of long call options purchased + Number of long put options purchased) × 100. Focusing on opening activity allows for a more accurate measure of true investor sentiment.

100, more long call options have been purchased by investors than long put options, while values less than 100 indicates the opposite. The higher the index is above 100, the more bullish the market sentiment is thought to be; the lower the index is below 100, the more bearish. This is but one example.

While the Exchange could develop and market such products on its own, a more effective way to distribute such information would be to allow market data vendors to identify, develop, and sell such indicators, harnessing the power of the competitive marketplace to promote innovation. This will promote the dissemination of a variety of analytical insights—previously available only to investment banks, market makers, asset managers and other buy-side investors—to the general investing public.³⁴

This Proposal is based on industry feedback. Over the years, a number of vendors, as well as a few existing customers, have expressed an interest in creating indicators from PHOTO data that can be easily consumed by the general investing public. Phlx believes that it will be first to the market with an options data product that allows market data vendors to distribute market sentiment information. The fees charged for a license to distribute the Derived Data will be constrained by potential competition, as any exchange with an options trading product would be able to submit an immediately-effective fee filing to allow redistribution, most likely without needing to modify the underlying trading outline product in any way, thereby subjecting the proposed fee to market competition.

The Exchange proposes a fee of \$5,000 per month to allow the unlimited external distribution of Derived Data from PHOTO.

The Exchange expects up to 10 additional vendors to take advantage of this innovation over the course of the next 24 months. We do not have a precise estimate of the number of individuals expected to benefit, which will ultimately depend on the usefulness of the Derived Data products that reach the market. Having said that, we expect this to be a popular product that will benefit thousands of investors.

³⁴ The Exchange proposes to sell the license to distribute this information in the form of Derived Data, rather than distributing the underlying information, so that the general investing public can benefit from the interpretation of the underlying data that we expect vendors to provide. Although the Exchange expects that this product will have the greatest utility for the general investing public, it is possible that some firms may find a Derived Data product useful as well. As such, the Exchange is not inserting a requirement that distribution be limited only to the general investing public.

The Exchange proposes to license distribution of Derived Data for a fee of \$5,000 per month, which will be in addition to fees for the underlying data.³⁵

Fee Increases for End of Day, Intra-Day and Historical Data

The Exchange proposes to increase the fee for End of Day data from \$500 to \$750 per month, and the fee for Intra-Day data from \$1,500 to \$2,500. Fees for historical data are proposed to increase from \$400 to \$500 per month for the End of Day file, and from \$750 to \$1,000 per month for the Intra-Day file.

These changes are proposed as an adjustment to reflect the current market value of the product, based on a review of fees for substitute products for PHOTO, particularly those offered by Cboe and MIAX.³⁶ As explained above, PHOTO provides customers with the ability to create and test trading models and analytic strategies and build customized sentiment indicators using options transaction data. The value of PHOTO, and similar products, is determined in part by the number of underlying transactions reflected in the data, and in part by other factors such as the technical sophistication of the

product.³⁷ The Exchange believes that the proposed fees reflect the current market value of this product, based on a comparison to the fees charged by competitors, adjusted by the relative value of the competitor products.³⁸ If the Exchange is incorrect in its assessment of the marketplace, current and prospective customers will elect not to purchase PHOTO.

Because fees are being set at market rates, we do not expect to see significant changes in sales for the core PHOTO products due to these particular fee changes, although, for the reasons discussed below, we do expect the discount on historical data to attract between 5 and 10 new customers.³⁹

Discounts for 36 Months of Historical Data

PHOTO customers often purchase historical data with their subscription to create and test trading models and analytical strategies. To facilitate such testing and encourage new firms to purchase the product (and in particular to incentivize data vendors to develop new Derived Data products), the Exchange proposes an historical data discount for Current Distributors:⁴⁰

³⁵ For example, external distribution of data derived from the End of Day product will be \$750 per month, plus the \$5,000 per month fee.

³⁶ Cboe (C1) offers end of day data for \$600 per month, and intra-day data for \$2,000 per month. For historical data, 1–4 years are available for \$600/month, and 5+ years of data are available for \$300 per month. See Cboe Exchange, Inc. Fee Schedule (July 1, 2021) available at https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf. Cboe (C2) offers end of day data for \$500 per month, and Intra-Day data for \$1,000 per month. Historical data is available for \$400 for End of Day, and \$500 Intra-Day. See Cboe U.S. Options Fee Schedules (Cboe Options) (June 1, 2021) available at https://www.cboe.com/us/options/membership/fee_schedule/ctwo/. Cboe BZX offers end of day data for \$500, intra-day for \$1,500; end of day historical data is \$400 per month, and intra-day data is \$750 per month. See Cboe U.S. Options Fee Schedules (BZX Options) (June 1, 2021) available at https://www.cboe.com/us/options/membership/fee_schedule/bzx. Cboe EDGX end of day data is \$500 per month, Intra-Day data is \$1,000 per month; historical data is \$400 for end of day, and \$750 for intra-day. See Cboe U.S. Options Fee Schedules (EDGX Options) (June 1, 2021) available at https://www.cboe.com/us/options/membership/fee_schedule/edgx/. MIAX Options, MIAX Pearl and MIAX Emerald are \$600 per month for end of day, and \$2,000 per month for intra-day. See MIAX Options Exchange Fee Schedule (July 12, 2021), available at https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Options_Fee_Schedule_07122021.pdf; MIAX Pearl Options Exchange Fee Schedule (July 1, 2021), available at https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Options_Fee_Schedule_07012021.pdf; MIAX Emerald Options Exchange Fee Schedule (July 1, 2021), available at https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Emerald_Fee_Schedule_07012021.pdf.

³⁷ PHOTO was originally delivered via FTP files, but now is available through Report HQ, a technology that allows access to all Nasdaq reports, including PHOTO, via an “On-Demand” technology with secure user access that provides firms with more options to better manage their subscriptions. A description of Report HQ access is available here: <https://www.nasdaq.com/docs/NasdaqReportHQ.pdf>.

³⁸ The value of PHOTO has increased since the product was first established on September 1, 2010. See Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR-Phlx-2010-121). The same is true for the historical PHOTO data. See Securities Exchange Act Release No. 63351 (November 19, 2010), 75 FR 73140 (November 29, 2010) (SR-Phlx-2010-154).

³⁹ As a conforming change, the Exchange also proposes to replace the word “Subscriber” with “Distributor.” A “Distributor” of Nasdaq PHLX data is “any entity that receives a feed or data file of data directly from Nasdaq PHLX or indirectly through another entity and then distributes it either internally (within that entity) or externally (outside that entity).” See Options 7, Section 10. The term “Subscriber” is not specifically defined in the Phlx Options fee schedule, but is defined in the PSX Equity schedule as “any access that a distributor of the data entitlement package(s) provides to: (1) Access the information in the data entitlement package(s); or (2) communicate with the distributor so as to cause the distributor to access the information in the data entitlement package(s).” See Equity 7, PSX TotalView, Subsection (d). In light of these definitions, we believe that the term “Distributor” is a more apt term for purchasers of PHOTO information than the term “Subscriber.”

⁴⁰ A “Current Distributor” is any firm that purchases either the End of Day Product for the current month, or the Intra-Day Product for the current month in the same month that the 36 months of historical End of Day or Intra-Day data is ordered.

\$6,000 for the most recent 36 months⁴¹ of End of Day data (one-third of the \$18,000 for 36 months at the proposed rate of \$500 per month); and \$12,000 for the most recent 36 months of Intra-Day data (one-third of the \$36,000 for 36 months at the proposed rate of \$1,000 per month). Current Distributors would be able to purchase both End of Day and Intra-Day data for \$18,000. Data for any months outside of the 36-month period would be purchased at the standard rates.⁴²

The discount will depend on the type of subscription: A current purchaser of End of Day data would be eligible for the historical End of Day product at the reduced rate; a current purchaser of the Intra-Day product would be able to purchase the historical Intra-Day product at the reduced rate; and a purchaser of both the current End of Day and Intra-Day products would be entitled to purchase both types of history at the reduced rate.⁴³

This discount will allow any customer with either a new or ongoing subscription to take advantage of the discounted rate. For example, a customer that buys the End of Day product for the first time in October 2021 would also be able to purchase historical End of Day data for the period September 2018 through September 2021 (inclusive) at the discounted rate. Similarly, a customer with a longstanding End of Day subscription that is current in October 2021 would be able to purchase the historical End of Day data from September 2018 through September 2021 at the discounted rate. The same reasoning would apply to Intra-Day customers.⁴⁴

The proposed 36-month discount is based on customer feedback and our analysis of recent purchases. Customers have told us over the years that 36 months of historical data is optimal for

⁴¹ The most recent 36 months is measured based on the date of purchase of the 36 months of data by a Current Distributor.

⁴² As a conforming change, the phrase “Charge per calendar month Requested” is replaced with the word “Fee” because of the special monthly rates for Current Distributors.

⁴³ Historical data is linked to the current product because effective historical testing requires a comparison of similar products. Effective testing of the End of Day product, for example, requires End of Day historical data, and the same would hold true for Intra-Day data.

⁴⁴ A customer may use the proposed historical data discount more than once. For example, a Current Distributor that purchases 36 months of historical data at a discount, but later terminates that subscription, would be eligible to purchase another 36 months of historical data (based on the date of purchase) upon renewing that subscription. (Current Distributors that never terminate would have no need for a second purchase, as they would already possess the most recent months of historical data.)

testing. Although the median number of months for the purchase of historical data increased to 42 months over the past year, we determined that this was skewed by a large number of unusually large purchases, and decided to use the long-term average of 36 months as the most appropriate basis for the discount.

Any exchange that provides options trading statistics would be able to match the proposed discount for historical data through an immediately-effective fee filing with the Commission, thus subjecting the proposed fee change to competition.

We believe that the historical data discount will be attractive to our customers, and expect between 5 and 10 new distributors in the first year as a result.

Technical Change

The Exchange proposes to delete the footnote describing how historical data is charged as unnecessary.

Operative Date

The Exchange proposes the operative date to be October 1, 2021.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁴⁵ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁴⁶ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Equitable Allocation of Reasonable Dues, Fees and Other Charges

As the Commission and courts⁴⁷ have recognized, “[i]f competitive forces are

operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.”⁴⁸ Accordingly, “the existence of significant competition provides a substantial basis for finding that the terms of an exchange’s fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.”⁴⁹ The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, 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.”⁵⁰

PHOTO is in direct competition with 10 options trading products that serve as substitutes for PHOTO information.⁵¹ All of these products offer the same type of data content through end of day or intra-day reports, and in general differ only with respect to the amount of history available.⁵² A small amount of the information available on PHOTO is also available on the OPRA feed.⁵³

Purchase of PHOTO, like all market data products, is optional.⁵⁴ PHOTO is

(December 2, 2008), 73 FR 74770, 74,771 (December 9, 2008) (SR–NYSEArca–2006–21)).

⁴⁸ See Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR–NYSEArca–2006–21).

⁴⁹ See *id.*

⁵⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

⁵¹ These substitute products are: NOTO, ISE Trade Profile, GEMX Trade Profile data; open-close data from Cboe C1, C2, BZX, and EDGX; and Open Close Reports from MIAx Options, Pearl, and Emerald. The Exchange understands that similar products for BX Options and MRX will be forthcoming.

⁵² For example, Cboe offers history for their end of day data back through January 1990 while PHOTO End of Day history is only offered back through January 2009. Also, Cboe offers intra-day history back through Oct 2019 while PHOTO Intra-Day is offered through Jan 2009.

⁵³ The overlap is limited to open interest and total industry volume.

⁵⁴ Staff Guidance on SRO Filings Related to Fees states that “any discussion of alternatives should include a discussion of how regulatory requirements, particularly best execution obligations, Regulation NMS Rule 611 (the Order Protection Rule), and/or the Options Order Protection and Locked/Crossed Market Plan (Options Linkage Plan), as applicable, affect the competitive analysis.” See Division of Trading and Markets, U.S. Securities and Exchange Commission, “Staff Guidance on SRO Filings Related to Fees” (May 21, 2019), available at <https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees> (“Staff Guidance”). Given that PHOTO is an optional analytic product, other regulatory requirements are inapplicable.

designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

Customers can, and do, choose to forego the information from PHOTO or any of its competitor products when making a trade, as is evident from the relatively small number of current subscribers. As noted, a monthly average of only 26 customers over the past year subscribed to either the End of Day or Intra-Day products.⁵⁵

Each of the three proposed changes—allowing the external distribution of derived data, modifying fees to reflect current market value, and discounting historical data—is subject to competition, both separately and together. As a whole, the Proposals will expand and enhance that competition.

First, the proposal to allow the external distribution of derived data is subject to competition as discussed above, and also introduces a new category of market participant—market data vendors—into the equation. Under the current rulebook, PHOTO data is not available for redistribution, in either native form or through Derived Data.⁵⁶ This proposal will create a new market for the sale of Derived Data products to the general investing public. This is itself evidence of the competitive environment for PHOTO and its substitutes, as it is exactly the type of innovation one would expect to see in a competitive market. It will also spur further innovation by challenging market data vendors to create new and innovative Derived Data products. Any exchange that wishes to allow distribution of a Derived Data product based on options trading information would be able to do so with an immediately-effective fee filing similar to this Proposal, most likely without requiring any technological enhancement to the underlying product.

Allowing the redistribution of Derived Data, but not the underlying information, to the general investing public is an equitable allocation of reasonable dues, fees and other charges because it is the most efficient

⁵⁵ Staff Guidance, *Supra* n. 59, indicates that an SRO may estimate elasticity of demand for a product as part of the fee proposal. Such estimation is impossible in the case of PHOTO, which has not had a price change in nearly 10 years, and more generally is inapposite for any product subject to overall competition among exchange platforms.

⁵⁶ See Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR–Phlx–2010–121) (stating that “PHOTO is available only for internal use and distribution by subscribers.”).

⁴⁵ 15 U.S.C. 78f(b).

⁴⁶ 15 U.S.C. 78f(b)(4) and (5).

⁴⁷ The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010) upheld the Commission’s reliance upon competitive markets to set reasonable and equitably allocated fees for market data. “In fact, the legislative history indicates that the Congress intended that the market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed and that the SEC wield its regulatory power in those situations where competition may not be sufficient, such as in the creation of a consolidated transactional reporting system.” *NetCoalition I*, at 535 (quoting H.R. Rep. No. 94–229, at 92 (1975), as reprinted in 1975 U.S.C.C.A.N. 321, 323) (internal quotation marks omitted). The court agreed with the Commission’s conclusion that “Congress intended that competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.” *Id.* (quoting Securities Exchange Act Release No. 59039

mechanism for widespread delivery of market sentiment information. As explained above, the proposal is designed to promote the dissemination of a variety of analytical insights—previously available only to investment banks, market makers, asset managers and other buy-side investors—to the general investing public by creating an incentive for market data vendors to identify, develop, and sell such indicators. Ordinarily, neither exchanges nor vendors allow redistribution of analytic products—such products are typically designed solely for the use of direct customers, not for redistribution to the customers of customers in the manner of a data feed. Allowing the redistribution of Derived Data provides an incentive for vendors to innovate with new compelling and varied analytic products for the general investing public that will provide access to market sentiment insights currently available only to sophisticated investors.

Second, the proposed adjustments to PHOTO fees reflect the Exchange's assessment of the current marketplace, based on a review of fees for substitute products, particularly those offered by Cboe and MIAX.⁵⁷ As explained above, PHOTO provides customers with the ability to create and test trading models and analytic strategies and build customized sentiment indicators using

options transaction data. The value of PHOTO, and similar products, is determined in part by the number of underlying transactions reflected in the data, and in part the technical sophistication of the product.⁵⁸ The Exchange believes that the proposed fees reflect the current market value of this product, based on a comparison to the fees charged by competitors, adjusted by the relative value of the competitor products.⁵⁹ If the Exchange is incorrect in its assessment of the marketplace, current and prospective customers will elect not to purchase PHOTO.

Third, offering historical data at a discount is yet another example of how the competitive marketplace works to constrain prices. In order to effectively compete, the Exchange proposes to reduce the price of historical data to: (i) Encourage vendors to test the product for the first time and develop Derived Data products, and (ii) incentivize those categories of market participants that currently purchase the product—investment banks, market makers, asset managers and other buy-side investors—to test new trading models and analytical strategies. As explained above, the Exchange believes that this 36-month period is optimal for testing based on customer feedback and our analysis of recent purchases, and expects this new fee structure to be attractive for both old and new customers. Options exchanges that offer substitute products would be able to reduce the price of their historical data through an immediately-effective fee filing at any time in response.

For all of these reasons, each aspect of the proposal, separately and together, is subject to competition, and therefore provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility.

The Proposal Does Not Permit Unfair Discrimination

Nothing in the Proposal treats any category of market participant any

differently from any other category of market participant. On the contrary, the Proposal expands distribution of PHOTO information beyond investment banks, market makers, asset managers and other buy-side investors to market data vendors and the general investing public. Allowing the distribution of Derived Data to the general investing public will broaden the availability of such information while not treating any current recipient of the product differently in any way. The new fee structure, which modifies fees to reflect current market value and offers historical data at a discount, applies equally to all current and potential distributors. PHOTO is available to all market participants, including members and non-members, and all market participants receive the same information in the PHOTO data feed.

With respect to the specific fee changes, it is reasonable and not unfair discrimination to charge an external distributor of Derived Data a \$5,000 licensing fee. Vendors will ordinarily charge a fee to their downstream customers for this service, and, even if the vendor is not charging a specific fee for this particular service, Derived Data products from PHOTO will be part of a suite of offerings that generally promote sales. External distribution is fundamentally different than internal use, in that the former generates revenue from external sales while the latter does not. It is not unfair discrimination to charge a licensing fee for a product that generates downstream revenue.

Nor is it unfair discrimination to allow the redistribution of Derived Data, but not the underlying information, to the general investing public. As explained above, neither exchanges nor vendors ordinarily allow redistribution of analytic products—such products are typically designed solely for the use of direct customers, not for redistribution to the customers of customers in the manner of a data feed. Allowing the redistribution of Derived Data provides an incentive for vendors to innovate with new compelling and varied analytic products for the general investing public that will provide access to market sentiment insights currently available only to sophisticated investors. This proposal is therefore not unfair discrimination, but rather allows for more equitable access to market sentiment information to the general investing public.

It is also not unfair discrimination to provide a discount for 36 months of historical data to current distributors, but not former distributors or firms that have never purchased the product. Any firm would be able to become a current

⁵⁷ Cboe (C1) offers end of day data for \$600 per month, and intra-day data for \$2,000 per month. For historical data, 1–4 years are available for \$600/month, and 5+ years of data are available for \$300 per month. See Cboe Exchange, Inc. Fee Schedule (July 1, 2021) available at https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf. Cboe (C2) offers end of day data for \$500 per month, and Intra-Day data for \$1,000 per month. Historical data is available for \$400 for End of Day, and \$500 Intra-Day. See Cboe U.S. Options Fee Schedules (Cboe Options) (June 1, 2021) available at https://www.cboe.com/us/options/membership/fee_schedule/ctwo/. Cboe BZX offers end of day data for \$500, intra-day for \$1,500; end of day historical data is \$400 per month, and intra-day data is \$750 per month. See Cboe U.S. Options Fee Schedules (BZX Options) (June 1, 2021) available at https://www.cboe.com/us/options/membership/fee_schedule/bzx. Cboe EDGX end of day data is \$500 per month, Intra-Day data is \$1,000 per month; historical data is \$400 for end of day, and \$750 for intra-day. See Cboe U.S. Options Fee Schedules (EDGX Options) (June 1, 2021) available at https://www.cboe.com/us/options/membership/fee_schedule/edgx/. MIAX Options, MIAX Pearl and MIAX Emerald are \$600 per month for end of day, and \$2,000 per month for intra-day. See MIAX Options Exchange Fee Schedule (July 12, 2021), available at https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Options_Fee_Schedule_07122021.pdf; MIAX Pearl Options Exchange Fee Schedule (July 1, 2021), available at https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Options_Fee_Schedule_07012021.pdf; MIAX Emerald Options Exchange Fee Schedule (July 1, 2021), available at https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Emerald_Fee_Schedule_07012021.pdf.

⁵⁸ PHOTO was originally delivered via FTP files, but now is available through Report HQ, a technology that allows access to all Nasdaq reports, including PHOTO, via an “On-Demand” technology with secure user access that provides firms with more options to better manage their subscriptions. A description of Report HQ access is available here: <https://www.nasdaq.com/docs/NasdaqReportHQ.pdf>.

⁵⁹ The value of PHOTO has increased since the product was first established on September 1, 2010. See Securities Exchange Act Release No. 62887 (September 10, 2010), 75 FR 57092 (September 17, 2010) (SR-Phlx-2010-121). The same is true for the historical PHOTO data. See Securities Exchange Act Release No. 63351 (November 19, 2010), 75 FR 73140 (November 29, 2010) (SR-Phlx-2010-154).

distributor at any time by subscribing to the PHOTO service, and would be able to cancel the subscription at any time after receiving the 36 months of historical data for the proposed discounted fee. It is not unfair discrimination to limit the historical data discount to current distributors, as they are in the best position to benefit from the historical data, whereas firms that do not currently receive the service would have little use for the information.

For all of these reasons, the Proposal does not permit unfair discrimination.

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 operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intermarket Competition

As discussed in detail under Statutory Basis, PHOTO is subject to direct competition from the ten other options exchanges that offer substitutes to PHOTO. Moreover, purchase of PHOTO is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The Proposal is grounded in the Exchange's efforts to compete more effectively. The Exchange is proposing to broaden distribution of PHOTO information beyond investment banks, market makers, asset managers and other buy-side investors to market data vendors and the general investing public, and to provide a discount for distributors to test investment strategies and trading models, and develop market sentiment indicators. These changes will not cause any unnecessary or inappropriate burden on intermarket competition, but rather will promote competition by expanding the market for PHOTO data and encouraging new distributors to investigate the product. Other exchanges are, of course, free to match these changes or undertake other competitive responses, enhancing overall competition.

Intramarket Competition

The Proposal will not cause any unnecessary or inappropriate burden on intramarket competition. On the contrary, it will foster competition by expanding dissemination of data to vendors and the general investing public, and by encouraging more market participants to use PHOTO data to help inform their investments strategies and analytic models.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.⁶⁰

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2021-58 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-Phlx-2021-58. 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

⁶⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

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-Phlx-2021-58 and should be submitted on or before November 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶¹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-22569 Filed 10-15-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93289; File No. SR-CboeBZX-2021-066]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a Rule Regarding the Allowance of Off-Exchange Transactions by a Member Acting as Agent Otherwise Than on BZX in Accordance With Rule 19c-1 Under the Securities Exchange Act of 1934

October 12, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that, on

⁶¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

September 29, 2021, Cboe BZX Exchange, Inc. (the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ 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”) proposes to adopt a rule regarding the allowance of off-exchange transactions by a Member acting as agent otherwise than on BZX in accordance with Rule 19c-1 under the Securities Exchange Act of 1934 (the “Act”).⁵ 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 adopt a rule regarding off-exchange transactions by a Member acting as agent. Rule 19c-1 and Rule 19c-3 under the Act⁶ describe rule provisions that each national securities exchange must

include in its Rules regarding the ability of members to engage in transactions off an exchange. While the Exchange already incorporates the required provision in Rule 19c-3 under the Act into Rule 13.6, and its stated policies and practices are consistent with these provisions of the Act, the Exchange Rules do not currently include the provisions in Rule 19c-1 under the Act. Therefore, the proposed rule change adopts this provision in new Rule 13.6(a)⁷ in accordance with Rule 19c-1 under the Act. Specifically, proposed Rule 13.6(a) (in accordance with Rule 19c-1 under the Act) provides that no rule, stated policy, or practice of this Exchange shall prohibit or condition, or be construed to prohibit or condition, or otherwise limit, directly or indirectly, the ability of any Member acting as agent to effect any transaction otherwise than on this Exchange with another person (except when such Member also is acting as agent for such other person in such transaction) in any equity security listed on this Exchange or to which unlisted trading privileges on this Exchange have been extended.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁸ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ 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.

In particular, the Exchange believes proposed Rule 13.16(a) is consistent with the Act, because it adopts an Exchange Rule specifically required by Rule 19c-1 regarding off-exchange transactions for members’ agency transactions. The Exchange’s current Rule 13.6 and stated policies and procedures currently comply with

provisions governing off-exchange trading in Rule 19c-3 under the Act. The proposed rule change is designed to prevent fraudulent and manipulative practices, promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system as it will add transparency to the Exchange Rules by making it explicit in its Rules the provisions of Rule 19c-1 under the Act, as is required by all national exchanges.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended as a competitive trading tool, rather it makes explicit the provisions governing off-exchange trading by a Member acting as agent in Rule 19c-1 of the Act within the Exchange Rules, which were previously inadvertently excluded. The provisions regarding off-exchange trading by a Member acting as agent apply equally to all Members, and each national securities exchange is required to include the provision of Rule 19c-1 under the Act in its rules.

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

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 Act¹⁰ and Rule 19b-4(f)(6) thereunder.¹¹

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 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.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ See 17 CFR 240.19c-1.

⁶ See 17 CFR 240.19c-1 and § 240.19c-3.

⁷ The proposed rule change also updates the provision in current Rule 13.6 (which incorporate Rule 19c-3 under the Act) to be Rule 13.6(b).

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

A proposed rule change filed under Rule 19b-4(f)(6)¹² normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b-4(f)(6)(iii)¹³ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay for this filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will allow the Exchange to immediately update its rules to reflect the requirements of Rule 19c-1 of the Act.¹⁴ Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.¹⁵

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-CboeBZX-2021-066 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-2021-066. 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-CboeBZX-2021-066, and should be submitted on or before November 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-22576 Filed 10-15-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34397; 812-15260]

First Eagle Global Opportunities Fund, et al.

October 12, 2021.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from section 19(b) of the Act and rule 19b-1 under the Act to permit registered closed-end investment companies to

make periodic distributions of long-term capital gains more frequently than permitted by section 19(b) or rule 19b-1.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end management investment companies to pay as frequently as twelve times in any one taxable year in respect of its common stock and as often as specified by, or determined in accordance with the terms of, any preferred stock issued by the investment company subject to the terms and conditions stated in the application.

APPLICANTS: First Eagle Global Opportunities Fund, First Eagle Investment Management, LLC.

DATES: The application was filed on September 10, 2021.

HEARING OR NOTIFICATION OF HEARING:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 8, 2021, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090; Applicants, 1345 Avenue of the Americas, NY, NY 10105.

FOR FURTHER INFORMATION CONTACT: Lisa Reid Ragen, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and condition, please refer to Applicants' application, dated September 10, 2021, which may be obtained via the Commission's website by searching for the file number, using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551-8090.

¹² 17 CFR 240.19b-4(f)(6).

¹³ 17 CFR 240.19b-4(f)(6)(iii).

¹⁴ 17 CFR 240.19c-1.

¹⁵ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁶ 17 CFR 200.30-3(a)(12).

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-22548 Filed 10-15-21; 8:45 am]

BILLING CODE 8011-01-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2021-0018]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with the State or local law enforcement agency or jurisdiction (Source Jurisdiction).

DATES: Submit comments on or before November 17, 2021. The matching program will be applicable on April 10, 2022, or once a minimum of 30 days after publication of this notice has elapsed, whichever is later. The matching program will be in effect for a period of 18 months.

ADDRESSES: You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. [SSA-2021-0018] so that we may associate your comments with the correct regulation.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. **Internet:** We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at <http://www.regulations.gov>. Use the Search function to find docket number [SSA-2021-0018] and then submit your comments. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each submission manually. It may take up to a week for your comments to be viewable.

2. **Fax:** Fax comments to (410) 966-0869.

3. **Mail:** Matthew Ramsey, Executive Director, Office of Privacy and

Disclosure, Office of the General Counsel, Social Security Administration, G-401 WHR, 6401 Security Boulevard, Baltimore, MD 21235-6401, or emailing Matthew.Ramsey@ssa.gov. Comments are also available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT:

Interested parties may submit general questions about the matching program to Andrea Huseth, Division Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G-401 WHR, 6401 Security Boulevard, Baltimore, MD 21235-6401, at telephone: (410) 966-5855, or send an email to Andrea.Huseth@ssa.gov.

SUPPLEMENTARY INFORMATION: Under this matching program, SSA will conduct a matching program with Source Jurisdiction in accordance with the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, and the regulations and guidance promulgated thereunder, to identify individuals in the Source Jurisdiction who are (1) fleeing fugitive felons, parole violators, or probation violators, as defined by the Social Security Act (Act) and in accordance with the Martinez Settlement and the Clark Court Order, as defined below; and who are also (2) Supplemental Security Income (SSI) recipients, Retirement, Survivors and Disability Insurance (RSDI) beneficiaries, Special Veterans Benefit (SVB) beneficiaries; or representative payees for SSI recipients, RSDI beneficiaries, or SVB beneficiaries.

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Participating Agencies

SSA and Source Jurisdiction.

Authority for Conducting the Matching Program

The legal authority for the matching program conducted under this agreement are 1611(e)(4)(A)(i), 202(x)(1)(A)(iv), and 804(a)(2) of the Act (42 U.S.C. 1382(e)(4)(A)(i), 402(x)(1)(A)(iv), and 1004(a)(2)), which prohibit the payment of SSI, RSDI, or SVB benefits to an SSI recipient, RSDI beneficiary, or SVB beneficiary for any month during which such individual flees to avoid prosecution, or custody or confinement after conviction, under the applicable laws of the jurisdiction from

which the person flees, for a crime or attempt to commit a crime considered to be a felony under the laws of said jurisdiction, or in jurisdictions that do not define such crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year (regardless of the actual sentence imposed). As a result of a settlement of a nationwide class action in *Martinez v. Astrue*, No. 08-4735 (N.D. Cal. September 24, 2009) (Martinez Settlement), SSA's nonpayment of benefits under these sections of the Act is limited to individuals with certain flight- or escape-coded warrants. Sections 1611(e)(4)(A)(ii), 202(x)(1)(A)(v), and 804(a)(3) of the Act (42 U.S.C. 1382(e)(4)(A)(ii), 402(x)(1)(A)(v), and 1004(a)(3)), which prohibit payment of SSI, RSDI, or SVB benefits to a recipient/beneficiary who violates a condition of probation or parole imposed under Federal or state law. As a result of a nationwide class action in *Clark v. Astrue*, 06 Civ. 15521 (S.D. NY, April 13, 2012) (Clark Court Order), SSA's nonpayment of benefits under these sections of the Act cannot be based solely on the existence of parole or probation violation warrants. Sections 1631(a)(2)(B)(iii)(V), 205(j)(2)(C)(i)(V), and 807(d)(1)(E) of the Act (42 U.S.C. 383(a)(2)(B)(iii)(V), 405(j)(2)(C)(i)(V), 1007(d)(1)(E)), which prohibit SSA from using a person as a representative payee when such person is a person described in sections 1611(e)(4)(A), 202(x)(1)(A)(iv), or 804(a)(2) of the Act. The legal authority for SSA's disclosure of information to the Source Jurisdiction are 1106(a), 1611(e)(5), 1631(a)(2)(B)(xiv), 202(x)(3)(C), 205(j)(2)(B)(iii) and 807(b)(3) of the Act; the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 (5 U.S.C. 552a(b)(3)); and SSA's disclosure regulations promulgated at 20 CFR 401.150. The terms of the Clark Court Order and the Martinez Settlement do not restrict this disclosure authority in any manner.

Purpose(s)

The purpose of this agreement is to establish the terms, conditions, and safeguards under which SSA will conduct a matching program with Source Jurisdiction in accordance with the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 (5 U.S.C. 552a), and the regulations and guidance promulgated thereunder, to identify individuals in the Source Jurisdiction who are (1) fleeing fugitive felons, parole violators, or probation violators, as defined by the Act and in accordance

with the Martinez Settlement and the Clark Court Order, as defined below; and who are also (2) SSI recipients, RSDI beneficiaries, SVB beneficiaries; or representative payees for SSI recipients, RSDI beneficiaries, or SVB beneficiaries.

Categories of Individuals

The individuals whose information is involved in this matching program are individuals who receive SSI, RSDI, or SVB benefits, or individuals serving as representative payees for SSI recipients, RSDI beneficiaries, or SVB beneficiaries.

Categories of Records

The Source Jurisdiction will provide specific data elements for individuals as specified in Attachment A. SSA Data Elements Matched:

a. *SSR/SVB and MBR*: Individual's SSN and payment status.

b. *Master Files of SSN Holders and SSN Applications*: Individual's name, date of birth, SSN, and gender.

c. *Master Representative Payee File*: Individual's SSN and status as a representative payee.

Alphident Use: The purpose of using the Alphident file under this agreement is to locate an individual's SSN by name search. SSA will use the Alphident file when the Source Jurisdiction either fails to provide an SSN or provides an incorrect SSN for the named individual. The Alphident file allows SSA to locate the SSN by utilizing electronic data systems currently available.

SSA matches the name and date of birth data received from the Source Jurisdiction against the Alphident file. If both sets of data match only one record in SSA's file, SSA assumes that the SSN associated with the matched name and date of birth belongs to the person named by the Source Jurisdiction. SSA then treats the individual whose SSN was generated through the Alphident search in the same manner as those individuals whose SSNs provided by the Source Jurisdiction matched SSA's records. If the name of an individual matches with a single SSN in SSA's records, SSA assumes that the SSN associated with the matching record belongs to the individual in the Source Jurisdiction's records, even if the date of birth does not match. SSA then considers this a matched item.

System(s) of Records: Source Jurisdiction Records

The Source Jurisdiction will identify individuals who are fleeing fugitive felons, probation violators, or parole violators in its records originating from various databases.

The Source Jurisdiction will prepare and disclose its records electronically

(e.g., Government to Government Services Online) with clear identification of the record source including the record source name and where record source obtained the information.

SSA System of Records—SSA will match the following systems of records with the incoming Source Jurisdiction records to determine individuals who receive SSI, RSDI, or SVB benefits, or individuals serving as representative payees for SSI recipients, RSDI beneficiaries, or SVB beneficiaries:

a. Supplemental Security Income Record and Special Veterans Benefits (SSR/SVB), 60–0103, originally published at 71 FR 1830 on January 11, 2006 and updated on December 10, 2007, at 72 FR 69723, July 3, 2018 at 83 FR 31250–31251, and November 1, 2018 at 83 FR 54969;

b. Master Beneficiary Record (MBR), SSA/ORSIS 60–0090, originally published at 71 FR 1826 on January 11, 2006 and updated on December 10, 2007, at 72 FR 69723, and July 5, 2013 at 78 FR 40542, July 3, 2018 at 83 FR 31250–31251, and November 1, 2018 at 83 FR 54969;

c. Master Representative Payee File, SSA/NCC 60–0222, originally published on April 22, 2013 at 78 FR 23811, and updated on July 3, 2018 at 83 FR 31250–31251 and November 2, 2018 at 83 FR 55228; and,

d. Master Files of Social Security Number Holders and SSN Applications, SSA/OTSO 60–0058, originally published on December 29, 2010 at 75 FR 82121 and updated on July 5, 2013 at 78 FR 40542 and February 13, 2014 at 79 FR 8780, July 3, 2018 at 83 FR 31250–31251, and November 1, 2018 at 83 FR 54969. The Alphident file comes under this system of record.

[FR Doc. 2021–22631 Filed 10–15–21; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2021–0038]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with the Department of Defense, Defense Manpower Data Center (DoD/DMDC).

DATES: Submit comments on the proposed matching program on or

before November 17, 2021. The matching program will be applicable on November 18, 2021, or once a minimum of 30 days after publication of this notice has elapsed, whichever is later. The matching program will be in effect for a period of 18 months.

ADDRESSES: You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2021–0038 so that we may associate your comments with the correct regulation.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at <http://www.regulations.gov>. Use the *Search* function to find docket number SSA–2021–0038 and then submit your comments. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each submission manually. It may take up to a week for your comments to be viewable.

2. *Fax:* Fax comments to (410) 966–0869.

3. *Mail:* Matthew Ramsey, Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, or emailing Matthew.Ramsey@ssa.gov. Comments are also available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT:

Interested parties may submit general questions about the matching program to Andrea Huseth, Division Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, at telephone: (410) 966–5855, or send an email to Melissa.Feldhan@ssa.gov.

SUPPLEMENTARY INFORMATION: Under this matching program, DoD/DMDC will

disclose to SSA data that SSA will use to verify information provided by applicants, beneficiaries, and recipients of Supplemental Security Income (SSI) payments and Special Veterans Benefits (SVB). The SSI and SVB recipient/beneficiary provides information about eligibility and entitlement factors (e.g., income, resources, living arrangements).

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Participating Agencies

SSA and DoD/DMDC.

Authority for Conducting the Matching Program

This matching agreement between DoD/DMDC and SSA is executed pursuant to the Privacy Act of 1974, (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988, and otherwise; and the Office of Management and Budget Final Guidance interpreting those Acts.

Public Law (Pub. L.) 98–369, Deficit Reduction Act of 1984, requires agencies administering certain federally-assisted benefit programs to use certain information to ensure proper distribution of benefit payments (98 Stat. 494).

Section 1631(e)(1)(B) of the Act (42 U.S.C. 1383(e)(1)(B)) requires verification of Supplemental Security Income eligibility and benefit amounts with independent or collateral sources. This section of the Act provides that the “Commissioner of Social Security shall, as may be necessary, request and utilize information available pursuant to section 6103(l)(7) of the Internal Revenue Code of 1986” for purposes of federally-administered supplementary payments of the type described in section 1616(a) of the Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93–66).

The legal authority for the disclosure of SSA data under this agreement is section 1106 of the Act (42 U.S.C. 1306), section (b)(3) of the Privacy Act (5 U.S.C. 552a(b)(3)), and the regulations and guidance promulgated under these provisions.

Purpose(s)

This computer matching agreement (agreement) sets forth the terms, conditions, and safeguards under which the Department of Defense (DoD), Defense Manpower Data Center (DMDC) (DoD/DMDC) will disclose to the Social Security Administration (SSA) data that SSA will use to verify information

provided by applicants, beneficiaries, and recipients of Supplemental Security Income (SSI) payments and Special Veterans Benefits (SVB). The SSI and SVB recipient/beneficiary provides information about eligibility and entitlement factors (e.g., income, resources, living arrangements). SSA obtains additional information, as necessary, before making any determinations of eligibility, payments, entitlement or benefit amounts or adjustments thereto. Military retirement payments to SSI recipients and SVB beneficiaries include retired members, or their survivors, of the Uniformed Services, i.e., Army; Navy; Air Force; Marine Corps; Coast Guard; and Commissioned Corps of the National Oceanic and Atmospheric Administration. SSA will accomplish this task by computer matching with DoD/DMDC.

Categories of Individuals

The individuals whose information is involved in this matching program are applicants, beneficiaries, and recipients of Supplemental Security Income payments and Special Veterans Benefits.

Categories of Records

SSA will provide electronically to DoD/DMDC the following data elements in the finder file:

- Social Security number
- Name control

IRS will disclose to SSA the following:

- Payee Account Number,
- Payee Name and Mailing Address,
- Payee Taxpayer Identification Number (TIN),
- Payer Name and Address,
- Payer TIN, and
- Income Type and Amount.

System(s) of Records

SSA's SOR is the Supplemental Security Income Record and Special Veterans Benefit (SSR), 60–0103, last fully published at 71 **Federal Register** (FR) 1830 (January 11, 2006), and amended at 72 FR 69723 (December 10, 2007), 83 FR 31250–51 (July 3, 2018), and at 83 FR 54969 (November 1, 2018).

DoD/DMDC will disclose records from the following SOR: DMDC 01, entitled “Defense Manpower Data Center Data Base,” last published in full at 84 **Federal Register** (FR) 6383 (February 26, 2019), and amended at 84 FR 8698 (March 11, 2019), and 84 FR 15605 (April 16, 2019).

[FR Doc. 2021–22630 Filed 10–15–21; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 11561]

Bureau of Political-Military Affairs, Directorate of Defense Trade Controls: Notifications to the Congress of Proposed Commercial Export Licenses

ACTION: Notice.

SUMMARY: The Directorate of Defense Trade Controls and the Department of State give notice that the attached Notifications of Proposed Commercial Export Licenses were submitted to the Congress on the dates indicated.

DATES: As shown on each of the 26 letters.

FOR FURTHER INFORMATION CONTACT: Ms. Paula C. Harrison, Directorate of Defense Trade Controls (DDTC), Department of State at (202) 663–3310; or access the DDTC website at <https://www.pmdtcc.state.gov/ddtc> public and select “Contact DDTC,” then scroll down to “Contact the DDTC Response Team” and select “Email.” Please add this subject line to your message, “ATTN: Congressional Notification of Licenses.”

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act (22 U.S.C. 2776) requires that notifications to the Congress pursuant to sections 36(c) and 36(d) be published in the **Federal Register** in a timely manner. The following comprise recent such notifications and are published to give notice to the public.

April 2, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount 50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Qatar to support the F–15QA aircrew and maintenance training programs.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19–117.

April 16, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Czech Republic, Italy, South Africa, Switzerland, and the UK to support the integration, installation, operation, training, testing, maintenance, and repair of the CTS800-4N series gas turbine engines powering Leonardo Super Lynx and AW159 series helicopters.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-017.

May 12, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to Bangladesh of 7.62 x 39mm select fire/automatic rifles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-031.

May 5, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to India for AH-64E Apache helicopters and associated spare parts and support equipment.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-053.

April 30, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Belgium, Finland, and the UK to support the maintenance, repair, and overhaul of F100 engines for use with F-15 and F-16 aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-055.

January 5, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Italy, Taiwan and the UK to support the integration, installation, operation, training, testing, maintenance, and repair of systems supporting the Indigenous Defense Submarine Program.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-059.

April 2, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of M4 5.56mm automatic rifles and sound suppressors to Qatar.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-061.

April 2, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Canada, Germany, Spain and the UK to support the manufacture, overhaul, repair, modification, refurbishment, rework, inspection, quality assurance activities, and testing of landing gear for the F/A-18 A-D, F/A-18 E/F, E/A-18-G and derivative aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–064.
April 2, 2021
The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Canada, France and the UK to support the manufacture, overhaul, repair, modification, refurbishment, rework, inspection, quality assurance activities, and testing of landing gear for the F/A–18 A–D, F/A E/F, E/A–18–G and derivative aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–065.

May 12, 2021
The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the UK to support the production and delivery of the MQ–9B Protector UAS.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–068.

March 12, 2021
The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles,

including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Taiwan to support the integration, installation, operation, training, testing, maintenance, and repair of the 30/40mm MK44 Bushmaster Automatic Cannon System and associated Ammunition Handling System for the Clouded Leopard Vehicle Program.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–070.

April 12, 2021
The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Denmark and the Netherlands to support the design, development and manufacture of composite components and subassemblies for the F–35 Aircraft Center Fuselage.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–073.

March 17, 2021
The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense

services, to Taiwan to support the overhaul, upgrade, assembly, installation, operation, training, testing, logistics support, engineering services, organization and intermediate level of maintenance and repair of the Phalanx Block 1B Baseline 2 Close-In Weapon System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–075.

May 5, 2021
The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including defense services and technical data, to Israel for the installation, testing, maintenance, and repair of ASPRO–A (Trophy) anti-tank active protection systems for armored fighting vehicles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–076.

April 2, 2021
The Honorable Nancy Pelosi, *Speaker of the House of Representatives*.

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of 100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia and the Netherlands to support the manufacture of composite components and subassemblies of the F–35 Lightning II Aircraft.

The U.S. government is prepared to license the export of these items having taken into

account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–081.

March 17, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Sections 36(c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed amendment for the manufacture of significant military export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the Republic of Korea and Malaysia to support the manufacture of F414–GE–400 military engine parts and components.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–083.

May 5, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Israel to support weapons integration, flight test, and hardware delivery of Joint Direct Attack Munition variants and Small Diameter Bomb Increment I variants.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–084.

May 18, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Sections 36(c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the manufacture of significant military equipment abroad and the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the Republic of Korea to support the organization, intermediate, and depot level maintenance, repair, and overhaul of F100 aircraft engines.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–085.

May 5, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, please find enclosed a certification of proposed license amendment for the export of the defense articles, including technical data and defense services, in the amount of \$100,000,00 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Canada to support the remanufacture of existing Phalanx Close-In Weapon Systems to include overhaul, modification, system integration and installation, shipboard checkout, testing, maintenance, operation, and related training.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–089.

May 18, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Germany, Luxembourg, and the Netherlands to support the maintenance, repair and upgrade of Patriot Missile Round Assemblies, Patriot Missile Transmitters and Patriot test equipment.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–091.

April 30, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Thailand to support the installation, site preparation, test, integration, logistics, engineering, program management, spars, tool and test equipment, training, and warranty services for the AN/TPS–78 and AN/FPS–130 Radar Systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Naz Durakoglu,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–092.

May 18, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical

data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including hardware technical data and defense services, to the UK to support the manufacturing of parts and assemblies for the F-135 Engine Ice Protection System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 21-001.

April 29, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the UK to support the testing, development, evaluation and integration of LiON batteries for the Joint Strike Fighter Aircraft Program.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 21-006.

May 5, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to Estonia of 5.56 mm automatic rifles and sim-munition conversion kits.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though

unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 21-007.

May 5, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the Netherlands and the UK to support the manufacture, production, test, and inspection of wiring and fiber optic harnesses for the F-35 Joint Strike Fighter.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 21-013.

May 18, 2021

The Honorable Nancy Pelosi, *Speaker of the House of Representatives.*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of technical data and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the transfer technical data and defense services to India for the maintenance and sustainment of the P-8I Aircraft fleet and associated equipment.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Naz Durakoglu,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 21-016.

Paula Harrison,

Senior Management Analyst, Directorate of Defense Trade Controls, U.S. Department of State.

[FR Doc. 2021-22551 Filed 10-15-21; 8:45 am]

BILLING CODE 4710-25-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice of Surplus Property Release; Spokane International Airport, Spokane, Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release surplus property.

SUMMARY: Under FAA regulations, notice is being given that the FAA is considering a request from the City of Spokane, Washington and the County of Spokane, Washington, to waive the surplus property requirements for approximately 20 acres of airport property located at Spokane International Airport, in Spokane, Washington. The subject property is located in the southeast section of the airport within the Airport Business Park. This release will allow the City and the County to sell 1 parcel of airport property to King Beverage and to construct a distribution facility and light industrial use. There will be proceeds generated from the proposed release of this property for capital improvements at the airport. The City and County will receive not less than fair market value for the property and the revenue generated from the sale will be used for airport purposes. It has been determined through study that the subject parcel will not be needed for aeronautical purposes.

DATES: Comments are due within 30 days of the date of the publication of this notice in the **Federal Register**. Emailed comments can be provided to Ms. Mandi M. Lesauis, Program Specialist, Seattle Airports District Office, mandi.lesauis@faa.gov.

FOR FURTHER INFORMATION CONTACT: Mandi M. Lesauis, Program Specialist, Seattle Airports District Office, mandi.lesauis@faa.gov, (206) 231-4140.

Issued in Des Moines, Washington, on October 13, 2021.

Warren D. Ferrell,

Acting Manager, Seattle Airports District Office.

[FR Doc. 2021-22636 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Intent To Release Certain Properties From All Terms, Conditions, Reservations and Restrictions of a Quitclaim Deed Agreement Between Miami Dade Aviation Department and the Federal Aviation Administration for the Opa Locka Executive Airport, Opa Locka, FL**

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

ACTION: Request for public comment.

SUMMARY: The FAA hereby provides notice of intent to release 20.327 acres at the Opa Locka Executive Airport, Opa Locka, FL from the conditions, reservations, and restrictions as contained in a Quitclaim Deed agreement between the FAA and the Miami Dade Aviation Department, dated November 16, 1961. The subject property is located at the southwest corner of NW 37 Avenue and NW 151 Street and on the east side of the airport. The parcel is currently designated as aeronautical property. The property will be released of its federal obligations given the land is no longer required by the Miami Dade Aviation Department as aeronautical-use. There would be a positive fiscal impact to the County as the conversion of the use of this acreage from aeronautical use to non-aeronautical use will yield more revenue to the County. As such, Foundry Meek IV LLC would pay a non-aeronautical use land rent rate of \$0.86 per square foot, yielding approximately an additional \$555,677 for a total of \$838,390 in annual rent to the County, a 4X increase in revenue over the aeronautical rent.

DATES: Comments are due on or before November 17, 2021.

ADDRESSES: Documents are available for review at the Miami Dade Aviation Department, P.O. Box 025504 Miami, FL 33102 and the FAA Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819–9058. Written comments on the Sponsor's request must be delivered or mailed to: Pedro Blanco, Program Manager, Orlando Airports District Office, 8427 South Park Circle, Suite 524, Orlando, FL 32819–9058.

In addition, a copy of any comments submitted to the FAA must be mailed or delivered to Mr. Jose A. Ramos, Division Director Aviation Planning, Land-Use and Grants, Miami Dade Aviation Department, P.O. Box 025504 Miami, FL 33102.

FOR FURTHER INFORMATION CONTACT:

Pedro Blanco, Program Manager, Orlando Airports District Office, 8427 SouthPark Circle, Suite 524, Orlando, FL 32819–9058. Mr. Blanco can also be reached at 407–487–7230.

SUPPLEMENTARY INFORMATION: All monies received would go into the funds for the Miami Dade Aviation Department System of Airports to be disbursed for development and improvement projects. Future use of the subject parcel must comply with all Miami Dade Aviation Department zoning and land use regulations as established by the Miami Dade Aviation Department. Any proposed development of the subject parcel will require submittal of an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) for review by the Federal Aviation Administration.

Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Opa Locka Executive Airport and the FAA Airports District Office.

Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires the FAA to provide an opportunity for public notice and comment prior to the “waiver” or “modification” of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

Issued in Orlando, FL on October 13, 2021.

Rebecca Henry Harper,

Acting Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 2021–22637 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Notice of Release From Federal Surplus Property and Grant Assurance Obligations at Syracuse Hancock International Airport (SYR), Syracuse, New York**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport land.

SUMMARY: The FAA proposes to rule and invites public comment on the application for a release of approximately 8.80 acres of federally obligated airport property at Syracuse Hancock International Airport, Syracuse, New York, from both the Federal Surplus Property obligations contained in the March 21, 1977 Quitclaim Deed, and the Grant

Assurance obligations. This acreage is composed of portions of three parcels that were transferred from the United States of America to the City of Syracuse under the provisions of the Federal Property and Administrative Services Act of 1949 and the Surplus Property Act of 1944. The release will allow the airport to enter into a long-term non-aeronautical lease to sanction commercial development. The proposed use of land after the release will be compatible with the airport and will not interfere with the airport or its operation.

DATES: Comments must be received on or before November 17, 2021.

FOR FURTHER INFORMATION CONTACT:

Comments on this application may be submitted to Robert Costa, Federal Aviation Administration, New York Airports District Office via phone at (718) 995–5778 or at the email address Robert.Costa@faa.gov. Comments on this application may also be mailed or delivered to the FAA at the following address: Evelyn Martinez, Manager, Federal Aviation Administration, New York Airports District Office, Federal Register Comment, 1 Aviation Plaza, Jamaica, New York 11434.

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 106–181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds or grant agreements. The following is a brief overview of the request.

The City of Syracuse requested a release from surplus property and grant assurance obligations to allow a land-use change in use for other than aeronautical purposes of approximately 8.80 acres of airport property at Syracuse Hancock International Airport to enable mixed-use commercial development. Specifically, the release request seeks approval to allow for the permanent non-aeronautical use of the property, a long-term non-aeronautical lease to be entered into for the property; and the release of the 8.80 acres of property, transferred via the aforementioned Quitclaim Deed, from the National Emergency Use Provision (NEUP). The NEUP allows the United States of America the right to make use of the land during any national emergency as declared by the President or Congress. FAA approval of this request, with respect to the aforementioned 8.80 acres, is contingent on the Department of Defense's

concurrence that the 8.80 acres is no longer required for aeronautical purposes.

The airport will retain ownership of the 8.80 acres and will receive fair market value rent for the length of the agreement. The rental income will be devoted to airport operations and capital projects. The proposed use of the property will not interfere with the airport or its operation; and will thereby, serve the interests of civil aviation.

Issued in Jamaica, New York on October 12, 2021.

Evelyn Martinez,

Manager, New York Airports District Office.

[FR Doc. 2021-22557 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2021-2014]

Agency Information Collection

Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by December 17, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2021-2014 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Aimee Zhang, at Aimee.Zhang@dot.gov, Office of Safety Technologies, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Request for Federal Aid Reimbursement Eligibility of Safety Hardware Devices. The FHWA's longstanding policy is that all roadside safety hardware installed on the National Highway System (NHS) be crashworthy. To support this policy, the AASHTO/FHWA Joint Implementation Agreement for the Manual for Assessing Safety Hardware (MASH) was adopted. This agreement implemented AASHTO MASH as the criteria for determining crashworthiness of roadside safety hardware.

FHWA provides a service to States and industry by reviewing tests for roadside hardware, ensuring that they have been tested in accordance with MASH criterion, and issuing a federal aid eligibility letter for roadside hardware that meet review standards. An eligibility letter is not a requirement for roadside safety hardware to be determined eligible for Federal funding. Roadside safety hardware is eligible for Federal funding if it has been determined to be crash worthy by the user agency.

To issue eligibility letters for roadside safety hardware, the FHWA needs to collect and review crash test results and hardware information from the submitters.

Respondents: Approximately 125 submissions are received annually.

Frequency: 125 submissions annually.

Estimated Average Burden per Response: Averagely 16 hours per submission.

Estimated Total Annual Burden

Hours: Approximately 2000 hours annually.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: September 22, 2021.

Michael Howell,

Information Collection Officer.

[FR Doc. 2021-22651 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final State Agency Actions Under 23 U.S.C. 327 on the North-South Corridor U.S. Route 60 to Interstate 10 in Pinal County, AZ

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The FHWA, on behalf of the Arizona Department of Transportation (ADOT), is issuing this notice to announce actions taken by ADOT and other relevant Federal agencies that are final. The actions relate to the Tier 1 Final Environmental Impact Statement (FEIS) and Record of Decision (ROD)—for the proposed project North-South Corridor U.S. Route 60 to Interstate 10 in Pinal County, AZ. The actions grant licenses, permits, and approvals for the project.

DATES: By this notice, FHWA, on behalf of ADOT, 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 with authority on the highway project will be barred unless the claim is filed on or before March 17, 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: Mr. Steven Olmsted, NEPA Assignment Manager, Environment Planning, Arizona Department of Transportation, 205 S 17th Avenue, MD EM02, Phoenix, Arizona 85007; telephone: (480) 202-6050, email: solmsted@azdot.gov. The Arizona Department of Transportation normal business hours are 8:00 a.m. to 4:30 p.m. (Mountain Standard Time).

You may also contact: Mr. Paul O'Brien, Environmental Planning Administrator, Arizona Department of Transportation, 205 S 17th Avenue, MD EM02, Phoenix, Arizona 85007; telephone: (480) 356-2893, email: POBrien@azdot.gov.

SUPPLEMENTARY INFORMATION: Effective April 16, 2019, the FHWA assigned and

ADOT assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327 and a Memorandum of Understanding executed by FHWA and ADOT.

Notice is hereby given that ADOT and other relevant Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following project in the State of Arizona—North-South Corridor U.S. Route 60 to Interstate 10 in Pinal County, AZ. The actions by ADOT and other relevant Federal agencies and the laws under which such actions were taken, are described in the Tier 1 Draft EIS approved on September 6, 2019, Tier 1 FEIS approved within the ROD issued on August 6, 2021, and in other documents in the administrative record. The FEIS, ROD, and other project records are available by contacting ADOT at the addresses provided above. Project information is also available online at: <https://azdot.gov/planning/transportation-studies/north-south-corridor-study-proposed-new-transportation-route-pinal>.

This notice applies to all ADOT and other relevant 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. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air*: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. *Land*: Section 4(f) of the US Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. *Wetlands and Water Resources*: Land and Water Conservation Fund

(LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Water*: Clean Water Act 33 U.S.C. 1251–1387.

9. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: October 12, 2021.

Karla S. Petty,

Arizona Division Administrator, Phoenix, Arizona.

[FR Doc. 2021–22529 Filed 10–15–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Round Hill Pines Access Project Along U.S. Highway 50 in the State of Nevada

AGENCY: Federal Highway Administration (FHWA), Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other federal agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final. This final agency action relates to a proposed highway project, the relocation of the Round Hill Pines Resort access road and U.S. Highway 50 intersection, construction of a new access road to the Round Hill Pines Resort, and improvements to a 0.35-mile segment of U.S. Highway 50 near Zephyr Cove, Nevada. The FHWA's Finding of No Significant Impact (FONSI) provides details on the Selected Alternative for the proposed improvements.

DATES: By this notice, 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 17, 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:

Ryan Mathis, Project Manager, Federal Highway Administration, Central Federal Lands Highway Division, 12300 W. Dakota Avenue, Suite 380, Lakewood, Colorado 80228, Telephone (720) 963–3728, Email: ryan.mathis@dot.gov. Regular office hours are 8:00 a.m. to 5:00 p.m. (Mountain Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken a final agency action by issuing FONSI for the following highway project in the State of Nevada: Round Hill Pines Access Project near Zephyr Cove in Douglas County.

The project includes the relocation of the Round Hill Pines Resort access road and U.S. Highway 50 intersection just north from the existing location. The Round Hill Pines Resort is located within the United States Forest Service, Lake Tahoe Basin Management Unit. The Project will also include widening along U.S. Highway 50 at the relocated intersection to accommodate a median left turn bay and an acceleration lane. The median left turn bay would accommodate travelers who are headed northbound along U.S. Highway 50 and are turning across traffic to enter the Round Hill Pines Resort. U.S. Highway 50 within the project area would receive a pavement mill and overlay, lane striping, pavement markings, and a safety edge in addition to the relocated intersection widening. The Round Hill Pines Resort access road would be approximately 0.14-mile in length constructed on new alignment and would accommodate two travel lanes with safety shoulders.

The FHWA's action, related actions by other Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) approved on May 28, 2021, and the FONSI approved on October 1, 2021, and other documents in the project file. The EA and FONSI are available for review by contacting FHWA at the addresses provided above. In addition, these documents can be viewed and downloaded from the project website: <https://highways.dot.gov/federal-lands/>

projects/nv/round-hill-pines. 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 by not limited to:

1. *General*: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [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]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. *Wildlife*: Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712], Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].
5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. *Wetlands and Water Resources*: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Coastal Barrier Resources Act [16 U.S.C. 3501–3510]; Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(M, 133(b)(11))]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].
8. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].
9. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139 (l)(1).

Issued on: October 1, 2021.

Amy S. Fox,
Acting Division Director, Lakewood,
Colorado.

[FR Doc. 2021–22550 Filed 10–15–21; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Utah

AGENCY: Federal Highway Administration (FHWA), Department of Transportation, Utah Department of Transportation (UDOT).

ACTION: Notice of limitations on claims for judicial review of actions by UDOT and other Federal agencies.

SUMMARY: The FHWA, on behalf of UDOT, is issuing this notice to announce actions taken by UDOT that are final Federal agency actions. The final agency actions relate to a proposed highway project, improvements to Interstate 15 (I–15), from Milepost (MP) 257.3 to MP 259.9 in Springville City and Spanish Fork City, Utah County, State of Utah. Those actions grant licenses, permits and/or approvals for the project. The UDOT's Finding of No Significant Impact (FONSI) provides details on the Selected Alternative for the proposed improvements.

DATES: By this notice, FHWA, on behalf of UDOT, 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 17, 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: Elisa Albury, Environmental Program Manager, UDOT Environmental Services, P.O. Box 143600, Salt Lake City, UT 84114; (801)–965–4000; email: ecalbury@utah.gov. UDOT's normal business hours are 8 a.m. to 5 p.m. (Mountain Time Zone), Monday through Friday, except State and Federal holidays.

SUPPLEMENTARY INFORMATION: Effective January 17, 2017, FHWA assigned to UDOT certain responsibilities of FHWA for environmental review, consultation, and other actions required by applicable Federal environmental laws and regulations for highway projects in Utah, pursuant to 23 U.S.C. 327. Actions taken by UDOT on FHWA's behalf pursuant to 23 U.S.C. 327 constitute Federal agency actions for purposes of Federal law. Notice is hereby given that UDOT has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the I–15 Springville/Spanish Fork Interchange project in the State of Utah.

The project proposes to construct a new, single-point urban interchange on I–15 at 1600 South/2700 North to improve safety and reduce delay at the I–15 and Springville City 400 South interchange and on mainline I–15 within the study area. To accommodate the new interchange, the existing frontage roads will be realigned and auxiliary lanes will be constructed between the new interchange and US–6 to the south. Improvements to 1600 South/2700 North include widening the existing roadway to five lanes with 10-foot shoulders to provide for active transportation (a multiuse trail) and grade-separating the roadway over the planned combined Sharp/Tintic Railroad tracks to improve safety. The purpose of the project is to reduce delay at the I–15 and Springville City 400 South Interchange and on mainline I–15, to improve safety on I–15 and 1600 South/2700 North, and to provide for active transportation in the study area. The project is included in UDOT's adopted 2021–2026 State Transportation Improvement Plan (STIP) as project number 15153 and is scheduled for final design and right of way acquisition to begin in fiscal year 2021. The project is also included in the Mountainland Association of Governments 2019–2050 Regional Transportation Plan.

The actions by UDOT, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) approved on August 31, 2021, and the FONSI (Finding of No Significant Impact for Springville/Spanish Fork Interchange in Springville City and Spanish Fork City, Utah County, Utah, Project No. F–I15–6(239)259) approved on August 31, 2021, and other documents in the UDOT project records. The EA and FONSI are available for review by contacting UDOT at the address provided above. In addition, these documents can be viewed and downloaded from the project website at <http://www.udot.utah.gov/>

i15springvillespanishfork/. This notice applies to the EA, the FONSI, the NHPA Section 106 review, the Endangered Species Act determination, the Section 4(f) determinations, the noise review and noise abatement determination, and all other UDOT and federal agency decisions and other actions with respect to the project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to the following laws (including their implementing regulations):

1. *General*: National Environmental Policy Act [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128]; MAP–21, the Moving Ahead for Progress in the 21st Century Act [Pub. L. 112–141].

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]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712]; The Bald and Golden Eagle Protection Act [16 U.S.C. 668].

5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources*: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(M, 133(b)(11))]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Noise*: Federal-Aid Highway Act of 1970, Public Law 91–605 [84 Stat. 1713]; [23 U.S.C. 109(h) & (i)].

10. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593 Protection and

Enhancement of Cultural Resources; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139 (l)(1))

Issued on: October 10, 2021.

Ivan Marrero,

Division Administrator, Federal Highway Administration, Salt Lake City, Utah.

[FR Doc. 2021–22660 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2021–0020]

Agency Information Collection

Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by December 17, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2021–0020 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Danielle Betkey, 202–366–9417, or David Kopacz, 708–402–0840, Office of Safety, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Safety Performance Target Setting: State-of-the-Practice Report.

Background: Performance management is a critical element in roadway safety and is measured by the number of lives lost and serious injuries sustained on our Nation's roadways. The State's safety performance targets help to improve data, foster transparency and accountability, and allow safety progress to be tracked at the national and State level. States use the safety performance management framework to assist them in making progress toward improving road safety through the Highway Safety Improvement Program (HSIP), which requires a data-driven, strategic approach to improving highway safety on all public roads with a focus on performance. Per 23 CFR part 490 subpart B, States are required to set safety performance targets in the HSIP annual report. The performance measures are based on 5-year rolling averages and include the following (1) number of fatalities; (2) rate of fatalities; (3) number of serious injuries; (4) rate of serious injuries; and (5) number of non-motorized fatalities and serious injuries.

FHWA shares the vision that zero fatalities on our Nation's roadways is the only acceptable goal. The State's annual safety performance targets represent an important step in helping States work toward the ultimate goal of eliminating traffic deaths and serious injuries. The safety performance targets are interim performance levels that contribute toward the progress of the long-term goal of zero fatalities.

FHWA does not prescribe a methodology for States to set their annual safety performance targets. States have the flexibility to use the methodology they deem most appropriate. FHWA encourages States to review data sets and trends and consider factors that may affect targets. The safety performance targets should be data-driven, realistic, and attainable and should align with the performance management framework and legislative intent.

Since 2016 when 23 CFR part 490 went into effect, States have had the opportunity to go through several

rounds of safety performance target setting. States have now set safety performance targets for calendar years (CY) 2018 through 2022 and have been assessed on the safety performance targets for CY 2018 and 2019. As States have gained more experience with target setting over the last several years, FHWA is interested in getting a better understanding of the state of the practice as it relates to safety target setting. FHWA seeks to identify how States are setting targets; what methods States are using to set targets; how States are integrating target setting into planning and programming practices; and how States are modifying their safety program in response to meeting or not meeting safety performance targets. The research will focus on identifying current practices as well as identifying gaps and noteworthy practices.

Respondents: Approximately 104 participants, which would allow for up to two participants for each of the 50 States plus the District of Columbia and Puerto Rico.

Frequency: One-time collection.

Estimated Average Burden per Response: Approximately 60 minutes.

Estimated Total Annual Burden Hours: Approximately 104 hours for a one-time collection.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: October 13, 2021.

Michael Howell,

Information Collection Officer.

[FR Doc. 2021-22652 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2021-0016]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under Supplementary Information. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by December 17, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2021-0016 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Eddie Curtis, Office of Operations, HOP, (404) 780-0927 Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Traffic Signal Change and Clearance Interval Pooled Fund Study.

Background: The timing of yellow change and red clearance intervals are central to the safe transfer of right-of-way at signalized intersections. The current edition of the Manual of Uniform Traffic Control Devices for Streets and Highways[1] (MUTCD) requires a yellow change interval to

warn traffic of an impending change in right-of-way assignment at intersections with traffic control signals and requires that the duration of the yellow change interval be determined using engineering practices. While the MUTCD does not require a red clearance interval, it does require that the duration of the red clearance interval also be determined using engineering practices if such an interval is used. The MUTCD refers to the Institute of Transportation Engineers' (ITE) Manual of Traffic Signal Design or ITE's Traffic Control Devices Handbook as examples of engineering practices but does not require a specific engineering practice. Agencies have the flexibility to use these referenced documents, other engineering research or documents, or their own policies and procedures that are developed based on engineering practices. In March 2020, ITE published Guidelines for Determining Traffic Signal Change and Clearance Intervals, A Recommended Practice of the Institute of Transportation Engineers. A Transportation Pooled Fund Study has been established to study the implications of the published guidelines, evaluate the state of the practice and to conduct research to address knowledge gaps that contribute to uncertainty and a lack in uniformity in the documentation of methods applied to develop change and clearance intervals. There are no explicit requirements for State DOTs or local agencies responsible for the design and implementation of traffic signal change and clearance intervals to demonstrate how their transportation program develops and applies traffic signal change and clearance intervals. It is essential for FHWA to examine the methods and practices involved in the development of traffic signal change and clearance to establish the state of the practice, to aid in the identification of research gaps, and to support implementation of documentation to harmonize practices nationally.

Respondents: Approximately 410 participants, which would allow for up to 2 participants from each of the 50 State Departments of Transportation (DOT), plus the District of Columbia and Puerto Rico, and up to 4 responses from within the top 75 metropolitan areas.

Frequency: One-time collection.

Estimated Average Burden per Response: Approximately 15 minutes.

Estimated Total Annual Burden Hours: Approximately 103 hours for a one-time collection.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Ways for the FHWA to enhance the

quality, usefulness, and clarity of the collected information; and (2) ways that the burden could be minimized, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Michael Howell,

Information Collection Officer.

[FR Doc. 2021–22640 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0191]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Loomis Armored US, LLC

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of exemption.

SUMMARY: The FMCSA announces its decision to grant the request submitted by Loomis Armored US, LLC (Loomis) for a limited 5-year exemption to allow Loomis to weld shut the cab doors and add two new doors behind the cab of its armored vehicles. The Agency has determined that granting the exemption is likely to provide a level of safety equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: This exemption is effective October 18, 2021 and ending October 13, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to www.regulations.gov at any time or visit Dockets Operations, Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure

someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations. The on-line Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Loomis' Application for Exemption

Section 393.203(a) of the FMCSRs requires that (1) cab compartment doors or door parts used as an entrance or exit shall not be missing or broken; (2) doors shall not sag so that they cannot be properly opened or closed; and (3) no door shall be wired shut or otherwise secured in the closed position so that it cannot be readily opened.

Exception: When the vehicle is loaded with pipe or bar stock that blocks the door and the cab has a roof exit.

Loomis has applied for an exemption from section 393.203(a) to allow the cab doors on its specialized armored vehicles to be welded shut, given the addition of two new doors behind the cab. A copy of the application is included in the docket referenced at the beginning of this notice. In its application, Loomis states that it introduced a type of armored vehicle that allows a reduced number of

employees safely to handle cash and other valuables. The vehicles utilize a new proprietary security technology that required the installation of cab doors different from those provided by the original equipment manufacturer (OEM). In order to maintain the safety of Loomis personnel and valuable goods, as well as to enter and exit the vehicle, the cab doors were welded shut, and two new doors were installed behind the cab.

To enter the armored vehicles, the employee uses the newly installed trap compartment door. This door is equipped with biometric technology which is accessible only to authorized personnel. In case of a loss of power, the biometric technology has proprietary safety features and overrides that can be used to access the vehicle. To exit the vehicle, the employee uses the trap compartment door or the escape hatch door. Loomis states that it tested these vehicles to ensure operator security and determined that vehicle safety was not compromised. Loomis states that it trains employees on the use and operation of these armored vehicles. Loomis believes that welding shut the cab doors and adding two new doors behind the cab will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption, while allowing secure armored vehicle operations with reduced staff.

Comments

FMCSA published a notice of the application in the **Federal Register** on April 7, 2021 and asked for public comment (86 FR 18111). The Agency received comments from two individuals.

Both commenters stated that during a crash, it would be very difficult for first responders to access the personnel inside the armored vehicle if the cab doors are welded shut and the two new doors behind the cab are secured.

FMCSA Decision

The FMCSA has evaluated the Loomis exemption application and the comments received. The Agency believes that granting the temporary exemption to allow Loomis armored vehicles to weld shut the cab doors and add two new doors behind the cab is likely to provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Loomis requested an exemption from section 393.203(a) to allow it to weld shut the cab doors (*i.e.*, the door to the left of the driver's seat and the door to

the right of the front passenger's seat) and rely upon two high security doors behind the cab. Because of the nature of Loomis's business, this is done to provide higher security against attempted robberies and other offenses.

The new doors provide personnel with an ability to quickly exit the armored car with an "emergency escape hatch" to the rear of the driver's seat and a "messenger exterior door" to the rear of the front passenger seat. In addition, Loomis stated that it has evaluated the impact of the new doors and determined that neither vehicle safety nor operator security was compromised. Loomis stated that it trains employees in the use and operation of its armored vehicles.

FMCSA acknowledges the concern of commenters that during a crash it would be difficult for first responders to access the personnel inside the armored vehicle if the cab doors are welded shut and the entry door is secured. The Agency believes first responders would also face difficulties with standard doors, given that an armored vehicle is designed to protect the occupants and cash or other valuables from unauthorized entry. FMCSA believes that the doors to the rear of the cab provide an equivalent means of evacuating the vehicle and for first responders to provide assistance after a crash, with the understanding that the emergency response team would likely have the tools necessary to gain access in the event the occupants were incapacitated. Therefore, the Agency has determined that granting the exemption is likely to provide a level of safety equivalent to, or greater than, the level of safety achieved without the exemption.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning October 18, 2021 and ending October 13, 2026. During the temporary exemption period, approximately 500 Loomis armored vehicles will be allowed to weld shut the OEM doors given the addition of the emergency escape hatch to the rear of the driver's seat, and the messenger exterior door to the rear of the front passenger's seat. Specifically, the exemption will allow Loomis to weld shut the cab doors and install two new high security doors behind the cab.

The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Loomis armored vehicles fail to comply with the terms and conditions of the exemption; (2) the

exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that Loomis armored vehicles subject to this exemption are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Meera Joshi,
Deputy Administrator.

[FR Doc. 2021-22615 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2021-0098]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From EROAD, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of exemption.

SUMMARY: The FMCSA announces its decision to grant the application of EROAD, Inc. (EROAD) for a limited five-year exemption to allow its Dashcam device to be mounted lower in the windshield on commercial motor vehicles (CMV) than is currently permitted. The Agency has determined that lower placement of the EROAD Dashcam device would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

DATES: This exemption is effective October 18, 2021 and ending October 13, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, (202) 366-5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC, 20590-0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to www.regulations.gov at any time or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations. The online Federal document management system is available 24 hours a day, 365 days a year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

EROAD's Application for Exemption

EROAD applied for an exemption from 49 CFR 393.60(e)(1) to allow its Dashcam device to be mounted lower in the windshield than is currently permitted to optimize its functionality. A copy of the application is included in the docket referenced at the beginning of this notice.

In its application, EROAD states that the functionality of its Dashcam system includes the ability to provide performance or behavior management systems which continuously record video footage on a local storage device (SD Card) and send a video clip via the cellular network to the cloud when triggered by harsh driving events or upon manual driver request. EROAD notes that it piloted the devices' functionality and found that there was no obstruction to the driver's normal sightlines to the road ahead, highway signs and signals, or any mirrors.

The technology housing is approximately 76 mm (3 inches) tall by 122 mm (4.8 inches) wide, and will be mounted in the approximate center of the windshield with the bottom edge of the technology housing approximately 204 mm (approximately 8 inches) below the upper edge of the area swept by the windshield wipers. The device will be mounted outside the driver's normal sight lines to the road ahead, signs, signals and mirrors. This location will allow for optimal functionality of the safety features supported by the Dashcam system.

Without the proposed exemption, EROAD states that its clients (1) will not be able to install these devices in an optimal location to maximize their safety features, and (2) could be fined for violating current regulations. The exemption would apply to all CMVs equipped with EROAD's Dashcam system mounted on the windshield. EROAD believes that mounting the Dashcam device as described will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Comments

FMCSA published a notice of the application in the **Federal Register** on July 26, 2021 and asked for public comment (86 FR 40135). The Agency received one comment, from the American Trucking Associations (ATA). The ATA supported the exemption, noting that EROAD's Dashcam system is designed to provide fleet managers with important safety information to document collisions and near-collisions, and to further train drivers.

FMCSA Decision

FMCSA has evaluated the EROAD exemption application. The Dashcam device housing is approximately 3 inches tall and is mounted near the top of the center of the windshield, with the bottom of the technology housing located approximately 8 inches below the top of the area swept by the windshield wipers. The technology housing needs to be mounted in this location for optimal functionality of the Dashcam system. The desired functionality and the relative size of the device precludes mounting it (1) higher in the windshield, and (2) within 4 inches from the top of the area swept by the windshield wipers to comply with section 393.60(e)(1)(ii)(A).

The Agency believes that allowing placement of the Dashcam device lower than currently permitted by Agency regulations will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the information available, there is no indication that the Dashcam device would obstruct drivers' views of the roadway, highway signs and signals, and surrounding traffic; (2) generally, trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver and any impairment of available sight lines would be minimal; and (3) the mounting location where the bottom of the Dashcam device housing does not extend more than 8 inches below the upper edge of the area swept by the windshield wipers outside the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors, will be reasonable and enforceable at roadside. In addition, the Agency believes the use of the Dashcam system by fleets is likely to improve the overall level of safety for the motoring public.

This action is consistent with the following previously issued Agency actions permitting the placement of similarly-sized devices on CMVs outside the driver's sight lines to the road and highway signs and signals: Bendix Commercial Vehicle Systems, LLC 86 FR 17877 (April 6, 2021), Netradyne, Inc. 85 FR 82575 (Dec 18, 2020), J.J. Keller & Associates, Inc. 85 FR 75106 (November 24, 2020), Samsara Networks, Inc. 85 FR 68409 (Oct. 28, 2020), Nauto Inc. 85 FR 64220 (Oct. 9, 2020), Lytx Inc. 85 FR 30121 (May 21, 2020), and Navistar Inc. 84 FR 64952 (Nov. 25, 2019). FMCSA is unaware of any evidence showing that installation of other vehicle safety technologies mounted on the interior of the

windshield has resulted in any degradation in safety.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning October 18, 2021 and ending October 13, 2026. During the temporary exemption period, motor carriers are allowed to operate CMVs equipped with EROAD's Dashcam device in the approximate center of the top of the windshield where the bottom edge of the technology housing is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors. The exemption is valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating CMVs equipped with EROAD's Dashcam system are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Meera Joshi,

Deputy Administrator.

[FR Doc. 2021-22617 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2020–0224]

Controlled Substances and Alcohol Use and Testing: FirstGroup plc. Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; denial of application for exemption.

SUMMARY: FMCSA announces its decision to deny the FirstGroup plc. (FirstGroup) exemption request. FirstGroup sought an exemption on behalf of three of its subsidiaries, First Student, Inc., First Transit, Inc., and First Mile Square, which employ commercial driver's license (CDL) holders subject to drug and alcohol testing regulations. FirstGroup requested an exemption from the requirement that an employer must conduct a full query of FMCSA's Drug and Alcohol Clearinghouse (Clearinghouse) before employing a CDL holder to perform safety-sensitive functions. Under the requested exemption, in lieu of a full query, FirstGroup proposed conducting a limited pre-employment query of the Clearinghouse. If the limited query indicated that information about the driver exists in the Clearinghouse, FirstGroup proposed conducting a full query of the Clearinghouse, with the driver-applicant providing electronic consent in the Clearinghouse, as required. In addition, FirstGroup would conduct a second limited query within 30 to 35 days of the initial limited query and would conduct quarterly limited queries on all its CDL drivers during the first year of the exemption and semi-annual queries each year thereafter. FMCSA analyzed the exemption application and public comments, and determined that the application lacked evidence to show that the exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. Therefore, FMCSA denies FirstGroup's request for an exemption.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; 202–366–2722; MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:**I. Public Participation***Viewing Comments and Documents*

To view comments, go to www.regulations.gov, insert the docket number “FMCSA–2020–0224” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.”

To view documents mentioned in this notice as being available in the docket, go to www.regulations.gov, insert the docket number “FMCSA–2020–0224” in the keyword box, click “Search,” and choose the document to review.

If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)), with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (which may be up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background*Current Regulatory Requirements*

Under 49 CFR 382.701(a)(2) employers of CDL holders must not employ a driver subject to the testing requirements of 49 CFR part 382 to perform safety sensitive functions, without first conducting a pre-employment full query of the Clearinghouse. A full query allows the employer to see any information that exists about a driver in the Clearinghouse. An employer must obtain the driver's specific consent, provided electronically through the Clearinghouse, prior to the release of detailed information provided in response to the full query.

A limited query is permitted to satisfy the annual query requirement in 49 CFR 382.701(b)(1), which pertains to currently employed drivers. The limited query, conducted after obtaining the driver's general consent, will tell the employer whether information about the individual driver exists in the Clearinghouse, but will not release that information to the employer. General consent is obtained and retained outside the Clearinghouse and may be in written or electronic form. If the response to a limited query indicates there is information about the driver in the Clearinghouse, the employer must conduct a full query, after obtaining the driver's specific consent, within 24 hours, as required by 49 CFR 382.701(b)(3).

Further, as set forth in 49 CFR 382.701(c), the employer receives an alert from FMCSA if any new information is added to a driver's Clearinghouse record by another employer within the 30 days following the date of a full query.

Applicant's Request

FirstGroup is a passenger transportation provider in both North America and the United Kingdom employing more than 100,000 people across several companies. Their employees operate, manage, and maintain a combined fleet of 60,000 vehicles, including school buses. FirstGroup requested an exemption from the requirement that an employer must not employ a driver who is subject to drug and alcohol testing to perform safety-sensitive functions prior to conducting a full query of the Clearinghouse. FirstGroup has requested this exemption because it believes the rule is significantly slowing FirstGroup's ability to hire at the speed and level needed to keep pace with the demands of the contracted school and transit transportation industry.

FirstGroup argued that the exemption is also needed because the delays and administrative costs related to conducting a full query during its driver hiring process results in substantial increased costs to the company. FirstGroup further explained that obtaining consent from its newly hired drivers, as required by the Clearinghouse regulations, is challenging because the drivers are not familiar with the technology needed to navigate through the Clearinghouse to give electronic consent to FirstGroup.

IV. Method To Ensure an Equivalent or Greater Level of Safety

To ensure an equivalent level of safety, FirstGroup would conduct a limited query, in lieu of a full query, before one of the employers in its corporate family hires a driver. If the limited pre-employment query shows that information exists in the Clearinghouse about the driver, FirstGroup will then conduct a full query on the driver, with the driver-applicant providing consent in the Clearinghouse as required.

FirstGroup would conduct a second limited query within 30 to 35 days after the date the original limited pre-employment query was submitted. FirstGroup explained that this would allow the company to obtain and act on any new information added to the Clearinghouse since the first limited pre-employment query was made. FirstGroup would also conduct quarterly limited queries on all its CDL drivers for the first year of the exemption, and for years 2 through 5 it would conduct semi-annual limited queries on all its drivers.

FirstGroup indicated they would also look for opportunities to conduct additional reasonable suspicion training for supervisors throughout its network of 700 locations to further strengthen its drug and alcohol testing program and improve safety. A copy of FirstGroup's application for exemption is available for review in the docket for this notice.

V. Public Comments

On March 16, 2021, FMCSA published notice of this application and requested public comments (86 FR 14516). The Agency received five comments. Advocates for Highway and Auto Safety, Citizens for Reliable and Safe Highways, Parents Against Tired Truckers, The Trucking Alliance, and The Truck Safety Coalition (Advocates, *et al.*) submitted one joint comment opposing the exemption. Advocates, *et al.*, commented that "The current application would result in a needless threat to public safety by increasing the

likelihood that a driver with violations related to alcohol or drug use would be erroneously hired to transport school children. Further, the applicant has failed to provide FMCSA with the required analysis and supporting information necessitated by statute and thus, should be denied."

Advocates, *et al.*, added: "If the exemption was granted, FirstGroup would no longer receive an affirmative notice if the record of any of its candidates had changed within 30 days of the pre-employment inquiry. Instead, FirstGroup would rely on its three employees tasked with complying with the Clearinghouse requirements to conduct these subsequent inquiries of all 6,500 applicants each year in addition to the annual inquiries required of its approximately 35,000 Commercial Driver's License (CDL) operators. This would seem to place a far greater burden on its employees than simply complying with the current regulations and could very well result in a failure to identify candidates prohibited from operating a school bus due to prior violations."

Four individual commenters also opposed the FirstGroup request. One commenter Mr. Kennon Nilsen, stated, "School bus drivers should be held to the absolute highest standard when it comes to transporting children. This exemption should not be allowed under any circumstance. Speed of hiring and financial burden on a company should not be a consideration. As a 30 plus year CDL holder I fully understand the implications of a driver being hired who could have a history of drug and alcohol violations behind the wheel."

VI. FMCSA Safety Analysis and Decision

Employers who conduct a full query receive a notification from FMCSA, in real time, if another employer, or prospective employer, adds information to the Clearinghouse about that driver during the 30-day period immediately following the full query. (Limited queries do not trigger employer notifications.) FirstGroup, in order to compensate for not conducting a full query, would instead conduct periodic limited queries during a newly hired driver's first year of employment. However, the first periodic limited query would not occur until 30–35 days following the initial pre-employment limited query. Consequently, for the first 30–35 days of employment, FirstGroup would be unaware of any newly added information in the driver's Clearinghouse record. This knowledge gap poses an unacceptable safety risk, which does not exist when an employer

conducts a full query in accordance with 49 CFR 382.701(a). The Agency therefore finds that, under the conditions proposed by FirstGroup, limited pre-employment queries would not likely provide the same, or higher, level of safety as the current requirement that a full query be conducted prior to allowing a driver to perform safety sensitive functions. The application is therefore denied.

Meera Joshi,

Deputy Administrator.

[FR Doc. 2021–22614 Filed 10–15–21; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0099]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Forward Thinking Systems LLC

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of exemption.

SUMMARY: The FMCSA announces its decision to grant the application of Forward Thinking Systems LLC (FTS) for a limited five-year exemption to allow its FleetCam system, which is equipped with cameras, to be mounted lower in the windshield on commercial motor vehicles than is currently permitted. The Agency has determined that lower placement of the FleetCam device would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

DATES: This exemption is applicable October 18, 2021 and ending October 13, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to www.regulations.gov at any time or visit Room W12–140 on the ground level of

the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations. The online Federal document management system is available 24 hours a day, 365 days a year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

FTS's Application for Exemption

FTS applied for an exemption from 49 CFR 393.60(e)(1) to allow its FleetCam device to be mounted lower in the windshield than is currently permitted by the Agency's regulations to optimize the functionality of the technology system. A copy of the application is included in the docket referenced at the beginning of this notice.

In its application, FTS states that the functionality of the FleetCam device includes the ability to provide lane departure warning, forward collision warning, following distance warning, and video camera-based behavior management systems which can be streamed live to fleet managers. FTS notes that it piloted the devices'

functionality and found that there was no obstruction to the driver's normal sightlines to the road ahead, highway signs and signals, or any mirrors.

The technology housing is approximately 34 mm (1.33 inches) tall by 108 mm (4.25 inches) wide, and will be mounted in the approximate center of the windshield with the bottom edge of the technology housing approximately 204 mm (approximately 8 inches) below the upper edge of the area swept by the windshield wipers. The technology will be mounted outside the driver's normal sight lines to the road ahead, signs, signals and mirrors. This location will allow for optimal functionality of the safety features supported by the FleetCam device.

Without the proposed exemption, FTS states that its clients (1) will not be able to install these devices in an optimal location on the windshield to maximize the effectiveness of the FleetCam safety features, and (2) could be fined for violating current regulations. The exemption would apply to all CMVs equipped with FTS's FleetCam system mounted on the windshield. FTS believes that mounting the FTS's FleetCam system as described will likely maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Comments

FMCSA published a notice of the application in the **Federal Register** on July 14, 2021 and asked for public comment (86 FR 37205). The Agency received no comments on the exemption application.

FMCSA Decision

FMCSA has evaluated the FTS exemption application. The FleetCam device housing is approximately 1.33 inches tall and is mounted near the top of the center of the windshield, with the bottom of the housing located approximately 8 inches below the top of the area swept by the windshield wipers. The housing needs to be mounted in this location for optimal functionality of the FleetCam device. The desired functionality and the size of the system precludes mounting it (1) higher in the windshield, and (2) within 4 inches from the top of the area swept by the windshield wipers to comply with § 393.60(e)(1)(ii)(A).

The Agency believes that granting the temporary exemption to allow placement of the FleetCam device lower than currently permitted by Agency regulations will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved

without the exemption because (1) based on the information available, there is no indication that the FleetCam device would obstruct drivers' views of the roadway, highway signs and signals, and surrounding traffic; (2) generally, trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver and any impairment of available sight lines would be minimal; and (3) the mounting location where the bottom of the FleetCam device housing will not exceed 8 inches below the upper edge of the area swept by the windshield wipers outside the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors, will be reasonable and enforceable at roadside. In addition, the Agency believes the use of the FleetCam device by fleets is likely to improve the overall level of safety for the motoring public.

This action is consistent with the following previously issued Agency actions permitting the placement of similarly-sized devices on CMVs outside the driver's sight lines to the road, and highway signs and signals: Bendix Commercial Vehicle Systems, LLC 86 FR 17877 (April 6, 2021), Netradyn, Inc. 85 FR 82575 (Dec 18, 2020), J.J. Keller & Associates, Inc. 85 FR 75106 (November 24, 2020), Samsara Networks, Inc. 85 FR 68409 (Oct. 28, 2020), Nauto Inc. 85 FR 64220 (Oct. 9, 2020), Lytx Inc. 85 FR 30121 (May 21, 2020), and Navistar Inc. 84 FR 64952 (Nov. 25, 2019). FMCSA is unaware of any evidence showing that installation of other vehicle safety technologies mounted on the interior of the windshield has resulted in any degradation in safety.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning October 18, 2021 and ending October 13, 2026. During the temporary exemption period, motor carriers will be allowed to operate CMVs equipped with FTS's FleetCam device in the approximate center of the top of the windshield and such that the bottom edge of the technology housing is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors. The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms

and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating CMVs equipped with FTS's FleetCam device system are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Meera Joshi,
Deputy Administrator.

[FR Doc. 2021-22616 Filed 10-15-21; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket Number DOT-OST-2017-0043]

Agency Information Collection Activity: Notice of Request for Approval To Continue To Collect Information: Barrier Failure Reporting in Oil and Gas Operations on the Outer Continental Shelf

AGENCY: Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology (OST-R), U.S. Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, this notice announces the intention of BTS to request the Office of Management and Budget (OMB) to approve continuation of the following information collection:

Barrier Failure Reporting in Oil and Gas Operations on the Outer Continental Shelf (OCS). BTS has entered into a memorandum of understanding (MOU) with BSEE to expand the scope of SafeOCS to include an industry-wide repository of equipment failure data, analyze and aggregate information provided under this program, and publish reports that will provide BSEE, the industry, and all OCS stakeholders with essential information about failure types and modes of critical safety barriers for offshore operations related to well control and safety and pollution prevention.

DATES: Written comments should be submitted by December 17, 2021.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments by only one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically. Docket Number: DOT-OST-2017-0043.
- **Mail:** Docket Services, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery:** Deliver to mail address above between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

Identify all transmission with "Docket Number DOT-OST-2017-0043" at the beginning of each page of the document.

Instructions: All comments must include the agency name and docket number for this notice. Paper comments should be submitted in duplicate. The Docket Management Facility is open for examination and copying, at the above address from 9 a.m. to 5 p.m. EST, Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on Docket Number DOT-OST-2017-0043." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that all comments received, including any personal information, will be posted and will be publicly viewable, without change, at www.regulations.gov. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; pages 19477-78) or you may review the Privacy Act Statement at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Demetra V. Collia, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation, Office of Statistical and Economic Analysis, RTS-31, E36-302, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; Phone No. (202) 366-1610; Fax No. (202) 366-3383; email: demetra.collia@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., EST, Monday through Friday, except Federal holidays.

Data Confidentiality Provisions: The confidentiality of barrier failure information submitted to BTS is protected under the BTS confidentiality statute (49 U.S.C. 6307) and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA), Public Law 115-435, Title III, Foundations for Evidence-Based Policymaking Act of 2018.

In accordance with these confidentiality statutes, only statistical (aggregated) and non-identifying data will be made publicly available by BTS through its reports. BTS will not release to BSEE or any other public or private entity any information that might reveal the identity of individuals or organizations mentioned in failure notices or reports without explicit consent of the respondent and any other affected entities.

SUPPLEMENTARY INFORMATION: The data collection effort that is the subject of this notice addresses the collection of failure data as referenced in BSEE regulations at 30 CFR 250.730 (81 FR 25887, April 29, 2016) and 30 CFR 250.803 (81 FR 61834, September 7, 2016). BTS received permission to start the data collection under an emergency OMB control number on September 29, 2016. Subsequently, BTS received an OMB control number that expires November 30, 2021. Through this notice, BTS is requesting permission to continue this previously approved data collection. This information collection is necessary to aid BSEE, the oil and gas industry, and other stakeholders in identifying barrier failure trends and causes of critical safety barrier failure events.

I. The Data Collection

The Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35; as amended) and 5 CFR part 1320 require each Federal agency to obtain OMB approval to initiate an information collection activity. BTS is seeking OMB approval to continue the following BTS information collection activity:

Title: Barrier Failure Reporting in Oil and Gas Operations on the Outer Continental Shelf.

OMB Control Number: 2139–0046.

Type of Review: Approval of data collection. This information collection is limited to the establishment of BTS as an authorized repository for the previously approved BSEE information collections (OMB Control Number 1014–0028, expiration 01/31/2023, and OMB Control Number 1014–0003, expiration 01/31/2022) in order to ensure the confidentiality of submissions under CIPSEA.

Respondents: BTS has entered into a MOU with BSEE to facilitate the collection of information from respondents identified in the BSEE notices for OMB Control Number 1014–0028 and OMB Control Number 1014–0003. Responsibility for establishing the actual scope and burden for this collection resides with BSEE. This BTS information collection request does not create any additional burden for respondents. For the purposes of this collection BTS has identified BSEE as the sole respondent.

Number of Potential Responses: For the purposes of this collection BTS has identified BSEE as the sole respondent reporting to BTS at the annual frequency of one.

Estimated Time per Response: 60 minutes.

Frequency: Once.

Total Annual Burden: 1 hour.

Abstract: The Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018 (Pub. L. 115–435 Foundations for Evidence-Based Policymaking Act of 2018, Title III) can provide strong confidentiality protection for information acquired for statistical purposes under a pledge of confidentiality. CIPSEA Guidance from the Office of Management and Budget advises that a non-statistical agency or unit (BSEE) that wishes to acquire information with CIPSEA protection may consider entering into an agreement with a Federal statistical agency or unit (BTS). BTS and BSEE have determined that it is in the public interest to collect and process the barrier-related failure reports required by 30 CFR 250.730 and the Safety and Pollution Prevention Equipment (SPPE), failure reports required by 30 CFR 250.803, or any other data deemed necessary to administer BSEE's safety program pertaining to barrier failures under a pledge of confidentiality for statistical purposes only. BTS has agreed through an MOU with BSEE to undertake the information collection identified in the BSEE notice for OMB Control Number 1014–0028 and the

BSEE notice for OMB Control Number 1014–0003 in order to ensure the confidentiality of submissions under CIPSEA. Since this information collection is limited to the establishment of BTS as an authorized repository for the previously approved information collection (OMB Control Number 1014–0028, expiration for Well Control Equipment (WCE) is 01/31/2023 and OMB Control Number 1014–0003, expiration for Safety and Pollution Prevention Equipment (SPPE) is 01/31/2022), this information collections request does not create any additional burden for respondents.

II. Background

In July 2016, new BSEE regulations became effective which require, in part, the reporting of barrier-related failure event and analysis information (see 81 FR 25887) and reporting of failure event and analysis information of safety and pollution prevention equipment (see 81 FR 61834). BSEE requested and BTS agreed to expand the scope of SafeOCS to include reports of equipment failure mandated by BSEE regulations (see 81 FR 25887). Both BTS and BSEE agree that reports on equipment failures are considered a type of precursor safety information and can be included in SafeOCS to provide a means of identifying industry-wide data trends on barrier failures or potential for barrier failures. This data collection will provide parties in the oil and gas industry a trusted means to report sensitive proprietary and safety information related to equipment failures and to foster trust in the confidential collection, handling, and storage of the raw data. BTS will use the data collected to establish a comprehensive source of barrier-related failure data for statistical purposes. With input from subject matter experts, BTS will process and analyze information on equipment failures, and publish results of such analyses in public reports. Such reports will provide BSEE, the industry, and all OCS stakeholders with essential information about failure types and modes of critical safety barriers for offshore operations related to well control and production safety systems.

BTS will continue to collect failure notices, failure analysis reports, and design change/modified procedures reports as described in 30 CFR 250.730 and 30 CFR 250.803 submitted by industry operators, their contractors, original equipment manufacturers, and others employed in the oil and gas industry; develop an analytical database using the reported data and other pertinent information; conduct

statistical analyses and develop public reports; and protect the confidentiality of notices and reports in accordance with BTS' own statute and CIPSEA. Accordingly, only statistical and non-sensitive information will be made available through BTS' publications and reports. Those publications and reports will potentially provide the industry, BSEE, other OCS stakeholders, and the public with valuable information regarding precursors to safety risks and contribute to research and development of intervention programs aimed at preventing accidents and fatalities in the OCS.

Respondents who report equipment failures will be asked to fill out a form and submit pertinent supplemental information as described in 30 CFR 250.730, 30 CFR 250.803 and cited industry standards. Respondents will be asked to submit the report electronically to BTS, and provide information such as: (1) Name and contact information; (2) time and location of the failure event; (3) a short description of the failure event and operating conditions that existed at the time of the event; (4) contributing factors to the event; (5) results of an investigation or safety analysis report; (6) any design or procedural changes as a result of the reported equipment failure; and (7) any other information that might be useful in determining ways to prevent such failures from occurring.

III. Request for Public Comment

BTS requests comments on any aspects of this information collection request, including: (1) Ways to enhance the quality, usefulness, and clarity of the collected information; and (2) ways to minimize the collection burden without reducing the quality of the information collected, including additional use of automated collection techniques or other forms of information technology.

Demetra V. Collia,

Director, Office of Safety Data and Analysis, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation.

[FR Doc. 2021–22279 Filed 10–15–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Electronic Tax Administration Advisory Committee Meeting

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Notice of meeting.

SUMMARY: The Electronic Tax Administration Advisory Committee (ETAAC) will hold a public meeting.

DATES: The meeting will be held on Wednesday, November 3, 2021, from 3:00 to 4:00 p.m. Eastern Daylight Time.

ADDRESSES: The meeting will be held virtually via Zoom.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Parman, Office of National Public Liaison, at (202) 317-6247, or send an email to publicliaison@irs.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a public meeting of the ETAAC will be held on Wednesday, November 3, 2021, to discuss topics that may be recommended for inclusion in a future report of the Committee.

The meeting will be held from 3:00 to 4:00 p.m. Eastern Daylight Time. It will take place via Zoom.

To register and receive the meeting link, members of the public may contact Mr. Sean Parman by calling 202-317-6247 or sending an email to PublicLiaison@irs.gov.

The ETAAC was established under statute to provide continuing advice to the IRS regarding the IRS organizational strategy for electronic tax administration. The Committee discusses issues pertaining to electronic tax administration, including the prevention of identity theft and refund fraud. It supports the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC members convey the public's perceptions of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs and procedures, and suggest improvements.

Time permitting, prior to the close of the meeting, interested persons may make oral statements germane to the Committee's work. Anyone wishing to make an oral statement should contact Mr. Sean Parman at PublicLiaison@irs.gov and include the written text or an outline of the proposed comments. In addition, members of the public may submit written statements by sending to: PublicLiaison@irs.gov.

Dated: October 13, 2021.

John A. Lipold,

Designated Federal Officer, Electronic Tax Administration Advisory Committee.

[FR Doc. 2021-22658 Filed 10-15-21; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Debt Management Advisory Committee Meeting**

Notice is hereby given, pursuant to 5 U.S.C. App. 2, § 10(a)(2), that a meeting will take place via conference call on November 2, 2021 at 9:00 a.m. of the following debt management advisory committee: *Treasury Borrowing Advisory Committee*.

At this meeting, the Treasury is seeking advice from the Committee on topics related to the economy, financial markets, Treasury financing, and debt management. Following the working session, the Committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, § 10(d) and Public Law 103-202, § 202(c)(1)(B) (31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, § 10(d) and vested in me by Treasury Department Order No. 101-05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the making of recommendations of the Committee to the Secretary, pursuant to Public Law 103-202, § 202(c)(1)(B). Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, § 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

The Office of Debt Management is responsible for maintaining records of debt management advisory committee

meetings and for providing annual reports setting forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Fred Pietrangeli, Director for Office of Debt Management (202) 622-1876.

Dated: October 6, 2021.

Frederick E. Pietrangeli,

Director for Office of Debt Management.

[FR Doc. 2021-22659 Filed 10-15-21; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF VETERANS AFFAIRS**West Los Angeles VA Medical Center Veterans Programs Enhancement Act of 1998; Master Plan 2022 Draft**

AGENCY: Department of Veterans Affairs.

ACTION: Notice of availability; request for comments.

SUMMARY: This **Federal Register** Notice announces the availability of the Master Plan 2022 draft for public comment. The Master Plan 2022 draft is an update to the Draft Master Plan (DMP) which contemplated that West Los Angeles (WLA) Department of Veterans Affairs (VA) would periodically review, reevaluate, and update the DMP every three to five years. As various elements of the DMP are implemented and the needs of the WLA Campus and the Veterans population it serves change, the plan will evolve and be revised accordingly. This iteration is Master Plan 2022, the first update to the DMP. The DMP and the Master Plan 2022 are created in accordance with the West Los Angeles Leasing Act of 2016.

DATES: Comments must be received on or before December 17, 2021.

ADDRESSES: Written comments may be submitted through <http://www.Regulations.gov>. Comments should indicate that they are submitted in response to "Notice: Master Plan 2022." All comments received will also be available for public viewing, inspection, or copies at <http://www.Regulations.gov>. Copies of Master Plan 2022 draft will be available at the following locations:

- Los Angeles City Hall, 200 N Spring Street, Los Angeles, CA 90012, (213) 473-3231
- Donald Bruce Kaufman: Brentwood Branch Library, 11820 San Vicente Boulevard, Los Angeles, CA 90049, (310) 575-8273

- West Los Angeles Regional Library, 11360 Santa Monica Boulevard, Los Angeles, CA 90025, (310) 575-8323
- Westwood Branch Library, 1246 Glendon Avenue, Los Angeles, CA 90024, (310) 474-1739
- VA Greater Los Angeles Healthcare System (GLAHS) WLA Medical Center: 11301 Wilshire Boulevard, Los Angeles, CA 90073, Building 500/ Room 6429K

The Draft Master Plan itself, completed in 2016, will be available for viewing at this website: Veterans Affairs Greater Los Angeles Healthcare System Draft Master Plan (westladraftmasterplan.org).

FOR FURTHER INFORMATION CONTACT: For specific questions related to comment collection, please contact Mr. Alan Trinh, Chief, Office of Strategic, Facility & Master Planning at 310-478-3711 x46931.

SUPPLEMENTARY INFORMATION: The WLA Campus master planning initiative was launched in 2015 with significant participation and collaboration on concepts from various stakeholders including: Veterans Service Organizations, Veterans, former plaintiffs of the lawsuit, local community entities and individuals, charitable and philanthropic entities, elected officials, state and local authorities, and many other stakeholders. More than 1,000 public comments were received on the preliminary draft. The Secretary of VA (SECVA) adopted the DMP in January 2016, sealing VA's commitment to the "framework" expressed in the DMP.

In keeping with VA's goals to reach as many Veterans as possible and to ensure that those Veterans receive the services that they need the most, VA has decided to make Master Plan 2022 draft, the most recent update to the Draft Master Plan, available for viewing at <https://www.westladraftmasterplan.org> and invite members of the public and other interested parties to review the updated Master Plan and to comment on it.

This update that is being made available for public comment, Master Plan 2022 draft, will move from the draft and framework concepts to: (1) Solidify accomplishments to date, (2) explain the committed path for a community plan, and (3) provide the path forward identifying strategic options.

After the public comment period for this notice has closed, VA will make any necessary adjustments to the Master Plan 2022 draft for submission to Secretary McDonough.

Authority: Public Law 114-226, as amended by Public Law 115-251.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on October 12, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

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

[FR Doc. 2021-22642 Filed 10-15-21; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0171]

Agency Information Collection Activity Under OMB Review: Application for Individualized Tutorial Assistance

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 and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. 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. 2900-0171."

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. 2900-0171" in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Section 903 of Public Law 96-342, and the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

Title: Application for Individualized Tutorial Assistance, VA Form 22-1990t. **OMB Control Number:** 2900-0171.

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the information collected to determine eligibility and payment for tutorial assistance. Without the information on this form, VA would be unable to determine the applicant's eligibility for tutorial assistance.

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 144 on July 30, 2021, pages 41160 and 41161.

Affected Public: Individuals or Households.

Estimated Annual Burden: 2,571 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 5,143.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021-22625 Filed 10-15-21; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-NEW]

Agency Information Collection Activity Under OMB Review: 35% Exemption Request From 85/15 Reporting Requirement

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 and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. 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–NEW.

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–NEW” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Title 38 United States Code (U.S.C.) 3680A(d) and 38 Code of Federal Regulations (CFR) 21.4201.

Title: 35% Exemption Request from 85/15 Reporting Requirement, VA Form 22–10216.

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: The Department of Veterans Affairs (VA) is authorized to pay education benefits to Veterans and other eligible persons pursuing approved programs of education under chapters 30, 31, 32, 33, and 35 of title 38, U.S.C., and chapter 1606 of title 10, U.S.C.

As part of the benefits authorization process, Code of Federal Regulations (CFR) Title 38 § 21.4201 places

restrictions on enrollment based on the percentage of students receiving financial support in any approved program. Except as otherwise provided by regulation, VA shall not approve an enrollment in any course for an eligible Veteran, not already enrolled, for any period during which more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees or other charges paid for them by the educational institution or by VA under title 38, U.S.C., or under title 10, U.S.C. This is known as the 85/15 Rule and is applicable to Institutions of Higher Learning (IHLs) and Non-College Degree postsecondary schools (NCDs).

The requirements apply to all courses, not otherwise exempt or waived, offered by all educational institutions, regardless of whether the institution is degree-granting, proprietary profit, proprietary nonprofit, eleemosynary, public and/or tax-supported. These schools are required to submit information necessary to determine if their programs of training are approved for the payment of VA educational assistance. This specified information is submitted either to VA or to the State Approving Agency (SAA) having jurisdiction over that school.

This regulation includes a provision that permits an exemption from routine reporting if this data for schools that

assert the number of VA beneficiary students in all programs approved for GI Bill never exceeds 35% of the total enrollment at the educational institution. If approved, such schools must still monitor and collect the data, but are exempt from routinely reporting it to VA.

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—No. 145 on August 2, 2021, pages 41536–41537.

Affected Public: Individuals or Households.

Estimated Annual Burden: 500 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 1,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–22623 Filed 10–15–21; 8:45 am]

BILLING CODE 8320–01–P

Reader Aids

Federal Register

Vol. 86, No. 198

Monday, October 18, 2021

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

Laws **741-6000**

Presidential Documents

Executive orders and proclamations **741-6000**

The United States Government Manual **741-6000**

Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: www.govinfo.gov.

Federal Register information and research tools, including Public Inspection List and electronic text are located at: www.federalregister.gov.

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, OCTOBER

54339-54586.....	1
54587-54800.....	4
54801-55468.....	5
55469-55684.....	6
55685-56180.....	7
56181-56644.....	8
56645-56830.....	12
56831-57002.....	13
57003-57320.....	14
57321-57524.....	15
57525-57748.....	18

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

1402.....57529

3 CFR

Proclamations

10266.....55443

10267.....55445

10268.....55447

10269.....55449

10270.....55451

10271.....55455

10272.....55459

10273.....55461

10274.....55463

10275.....55469

10276.....55471

10277.....55473

10278.....56181

10279.....57003

10280.....57005

10281.....57007

10282.....57009

10283.....57307

10284.....57309

10285.....57321

10286.....57335

10287.....57349

Executive Orders

11287 (amended by

14048).....55465

12382 (amended by

14048).....55465

13231 (amended by

14048).....55465

13265 (amended by

14048).....55465

13889 (superseded in

part by 14048).....55465

14048).....55465

14049.....57313

Administrative Orders

Presidential

Determinations:

No. 2022-1 of Oct. 8,

2021.....57525

No. 2022-2 of Oct. 8,

2021.....57527

Notices:

Notice of October 6,

2021.....56829

Notice of October 12,

2021.....57319

5 CFR

532.....57355

849.....57011

890.....55980

6 CFR

5.....55475

27.....57532

Proposed Rules:

5.....55528

7 CFR

210.....57544

220.....57544

226.....57544

870.....54339

966.....57356

1427.....54339

1728.....57015

1755.....57015

4280.....54587

Proposed Rules:

984.....56840

8 CFR

270.....57532

274a.....57532

280.....57532

Proposed Rules:

208.....57611

235.....57611

1003.....57611

1208.....57611

1235.....57611

10 CFR

52.....56645

72.....54341, 54801, 55685

110.....55476

429.....56608, 56790

430.....56608, 56790

1704.....57549

Proposed Rules:

72.....54410

429.....54412

430.....57378

431.....54412

12 CFR

614.....54347

615.....54347

620.....54347

628.....54347

Proposed Rules:

1002.....56356

14 CFR

13.....54514

25.....54588

39.....54801, 54803, 55479,

55685, 56831, 56833, 57022,

57025, 57027, 57030, 57033,

57550, 57552, 57555, 57558,

57560, 57564, 57567, 57569,

57571, 57574, 57577, 57579

71.....54361, 54362, 54590,

54600, 54602, 55483, 55688

91.....55485

97.....54604, 54606, 56835,

56837

Proposed Rules:

39.....54663, 55538, 55542,

55545, 55747, 55749, 56217,

56220, 56225, 56227, 56229,
56232, 56658, 56660, 56840,
57078, 57081
71 55752, 55754, 56234,
56662, 56843, 56845, 57083
73 57611

15 CFR

290 56183
732 54807
734 54807
736 54807
738 54807
740 54807
742 54814
744 54807
748 54807
750 54807
770 54807
772 54807
774 54807, 55492
1500 55494

16 CFR

1 54819

17 CFR

232 55689
239 55689
Proposed Rules:
232 57478
240 57478
249 57478
270 57478
274 57478

18 CFR

389 54610

19 CFR

4 57532

21 CFR

16 55224
73 55494, 56183
860 54826
878 56195
1100 54300
1107 55224, 55300
1114 55300

22

41 55692

24 CFR

247 55693
880 55693
882 55693
884 55693
966 55693

Proposed Rules:

203 54876
206 54876

25 CFR

90 54364

26 CFR

1 54367
54 55756
Proposed Rules:
54 55980

28 CFR

2 56645
16 54368
Proposed Rules:
523 57612
541 57612

29 CFR

1400 54851
1915 54611
2510 55980
2590 55980

Proposed Rules:

2550 57272

32 CFR

323 54371
507 54615

33 CFR

27 57532
100 54620, 55702, 56205
117 54851
165 54371, 54622, 56205,
56206, 57358, 57581
334 56208
Proposed Rules:
100 54879
334 56236

34 CFR**Proposed Rules:**

Ch. II 54881, 54883
Ch. VI 54666

37 CFR

1 57035
6 55498

38 CFR

3 56213, 57583
17 56646
36 56213
Proposed Rules:
1 55547
3 57084
8 56846
21 57084, 57094

39 CFR**Proposed Rules:**

3050 55548
3055 57385

40 CFR

9 55116, 55704
51 57585
52 54373, 54375, 54377,
54379, 54624, 54626, 54628,
55501, 56838, 57058, 57585,

57586
70 54379
84 55116
180 56652, 56653
262 54381
264 54381
265 54381
716 54386
721 55704

Proposed Rules:

52 54887, 56848, 57388
82 55549
271 54894
372 57614
721 56664
1502 55757
1507 55757
1508 55757

41 CFR

300–90 54630
300–74 54630
Appendix E to Ch.
301 54630

Proposed Rules:

51 56679
52 56679
53 56679
54 56679

42 CFR

51c 54390
59 56146
412 54631

43 CFR

3000 54636

45 CFR

147 55980
149 55980
670 54396
1304 55509

47 CFR

1 54852
25 54396
27 57369
54 55515
63 54396
64 54871
73 54396, 54852
74 54852

Proposed Rules:

52 57390
54 57097
64 54897, 57390
73 54416, 54417

48 CFR

503 55516
511 55516
512 55516
513 55516
514 55516
515 55516
517 55516

519 55516
522 55516
523 55516
527 55516
528 55516
529 55516
532 55516
536 55516
537 55516
538 55516
539 55516
541 55516
542 55516
543 55516
546 55516
549 55516
552 55516, 57372
570 55516
802 54402
852 54402, 54405
853 54402
871 54405
1502 55708
1512 55708
1513 55708
1516 55708
1532 55708
1539 55708
1552 55708

Proposed Rules:

Ch. 1 57404
2 55769
19 55769
52 55769
332 57102
352 57102

49 CFR

Ch. III 57060
382 55718
383 55718
384 55718
390 55718
392 55718
801 54641
1503 57532

50 CFR

10 54642
17 57373, 57588
622 54657, 54871, 54872
635 54659, 54873
648 54875, 56657, 57376
660 54407, 55525
665 55743

Proposed Rules:

17 55775, 57104
21 54667
217 56857
300 55560, 55790
622 57629
648 54903
679 55560
680 55560

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at <https://www.archives.gov/federal-register/laws>.

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.

S. 1301/P.L. 117-50

To provide for the publication by the Secretary of Health

and Human Services of physical activity recommendations for Americans. (Oct. 14, 2021; 135 Stat. 407)

Last List October 14, 2021

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly

enacted public laws. To subscribe, go to <https://listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1>

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service.

PENS cannot respond to specific inquiries sent to this address.